

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE

August 14, 2017

MAG Offices, Ironwood Room  
302 N. 1<sup>st</sup> Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Jackie Meck, Buckeye, Chair	Mayor Mark Mitchell, Tempe
Mayor Gail Barney, Queen Creek, Vice Chair	Mayor Greg Stanton, Phoenix, Past Chair
Mayor Lana Mook, El Mirage, Treasurer	Mayor Jerry Weiers, Glendale
Mayor John Giles, Mesa	

\* Not present

# Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Jackie Meck at 12:01 p.m. He welcomed new member Mayor John Giles to the meeting.

2. Pledge of Allegiance

3. Call to the Audience

Chair Meck 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 Meck 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 Meck gave the committee an update on consent items. He said that the Management Committee met and recommended support of item 4B and recommended approval of item 4C. Chair Meck requested a motion to approve the consent agenda. Vice Chair Gail Barney moved to approve consent items 4A through 4F. Mayor Lana Mook seconded the motion and the motion carried unanimously.

4A. Approval of the June 19, 2017, Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the June 19, 2017, Executive

Committee meeting minutes.

4B. Federal Fiscal Year 2017 Grants for Buses and Bus Facilities Infrastructure Investment Program Notice of Funding Opportunity

The Regional Council Executive Committee, by consent, gave its support for the submission of a grant proposal seeking approximately \$8.9 million in Federal Transit Administration 5339(b) bus replacement funding.

On July 12, 2017, the Federal Transit Administration released a notice of funding opportunity for approximately \$226.5 million in Federal Fiscal Year (FFY) 2017 funds under Grants for Buses and Bus Facilities Infrastructure Investment Program. Funds will be awarded competitively to assist in the financing of capital projects to replace, rehabilitate, purchase or lease buses and related equipment, and to rehabilitate, purchase, construct or lease bus-related facilities. Proposals must be submitted by August 25, 2017. Support for the submission of a grant proposal seeking approximately \$8.9 million in Federal Transit Administration 5339(b) bus replacement funding was recommended by the MAG Transit Committee on July 18, 2017, the MAG Transportation Review Committee on July 27, 2017 and the MAG Management Committee on August 9, 2017.

4C. Project Changes - Amendment and Administrative Modification to the FY 2018-2022 MAG Transportation Improvement Program, 2040 MAG Regional Transportation Plan, FY 2017 Transit Program of Projects, and FY 2018 Arterial Life Cycle Program, as Appropriate

The Regional Council Executive Committee, by consent, approved the amendments and administrative modifications to the Fiscal Year (FY) 2018-2022 MAG Transportation Improvement Program (TIP), FY 2018 Arterial Life Cycle Program, FY 2017 Transit Program of Projects, and 2040 MAG Regional Transportation Plan as included in the attached tables. Additionally, to approve of the necessary project advancements, deferrals, modifications, and inclusion of detailed TIP listings for previously approved priority ordered projects related to apportioned Federal FY 2017 funding that are needed to balance the FY 2017 Obligation Authority or utilize FY 2017 Federal Transit Administration allocations based on the forthcoming final Obligation Authority distributions from the Arizona Department of Transportation and/or notifications by the region's transit Designated/Direct Recipient, supported by funding notices from the Federal Highway Administration and Federal Transit Administration.

The Fiscal Year (FY) 2018-2022 MAG Transportation Improvement Program (TIP), FY 2018 Arterial Life Cycle Program, and 2040 Regional Transportation Plan (RTP) were approved by the MAG Regional Council on June 28, 2017. Since then, additional changes and modifications have been requested by member agencies. Project changes include finalizing the Transit Program of Projects with Federal FY 2017 apportionments, inclusion of Section 5310 and 5311 projects awarded by the Arizona Department of Transportation, and other general project changes. The MAG Transit Committee took action on transit related projects on July 18, 2017. On July 27, 2017, the MAG Transportation Review Committee recommended approval of the

requested project changes. On August 9, 2017, the MAG Management Committee recommended approval of the requested project changes.

4D. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2018-2022 MAG Transportation Improvement Program and 2040 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Section 5311-funded transit 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. On August 9, 2017, this item was heard by the MAG Management Committee for consultation.

4E. Appointment of MAG Street Committee Vice Chair

The Regional Council Executive Committee, by consent, approved the appointment of Maria Deeb, City of Mesa, as the Vice Chair of the MAG Street Committee.

The MAG Committee Operating Policies and Procedures state that in the event of a vacancy in the Chair position, the Vice Chair becomes Chair for the unexpired term of the previous Chair, and a new Vice Chair is appointed by the Executive Committee to complete the remainder of the Vice Chair's term. On May 9, 2017, Mr. Chris Hauser, City of El Mirage, vacated the position as Chair of the MAG Street Committee, and Mr. Kini Knudson, City of Phoenix, ascended to Chair. Incoming Chair Knudson will serve out the remainder of Chair Hauser's tenure, which is due to expire on December 31, 2017, and will have the option to serve one additional two-year term through December 31, 2019.

On May 24, 2017, MAG staff sent a notice to the MAG Management Committee, the MAG Street Committee, and the Intergovernmental Representatives to solicit letters of interest for the Vice Chair position of the MAG Street Committee.

4F. Appointment of MAG Water Quality Advisory Committee Vice Chair

The Regional Council Executive Committee, by consent, approved the appointment of Michael Weber, City of Peoria, as the MAG Water Quality Advisory Committee Vice Chair.

The MAG Committee Operating Policies and Procedures state that in the event of a vacancy in the Chair position, the Vice Chair becomes Chair for the unexpired term of the previous Chair, and a new Vice Chair is appointed by the Executive Committee to complete the remainder of the Vice Chair's term. On June 30, 2017, Mr. Greg Homol resigned from his position at the Town of Queen Creek and relinquished his position as MAG Water Quality Advisory Committee Chair. The current Vice Chair, Mr. Terry Lowe, City of Surprise, will ascend to the Chair position. Incoming Chair Lowe will serve out the remainder of Chair Homol's tenure, which is due to expire on December 31, 2017, and will have the option to serve one additional

two-year term through December 31, 2019.

On June 30, 2017, MAG staff sent a notice to the MAG Management Committee, the MAG Water Quality Advisory Committee, and the Intergovernmental Representatives to solicit letters of interest for the Vice Chair position of the MAG Water Quality Advisory Committee.

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

Chair Meck said he would hear Agenda Item 8 first for scheduling purposes. Attorney Sam Coffman said that it would be appropriate for his comments regarding the legal claims related to the 9-1-1 system to be heard in Executive Session. Mr. Coffman said he would be reporting on the status of the litigation and providing legal advice. Mayor Stanton made a motion to go into Executive Session. Mayor Mook seconded the motion and the motion carried unanimously. The committee went into Executive Session at 12:04 p.m.

5. Appointments of the MAG Economic Development Committee Member Agency Positions

The Executive Committee reconvened the meeting at 12:33 p.m. to discuss Agenda Item 5, appointments of the MAG Economic Development Committee member agency positions. MAG Regional Program Manager Denise McClafferty said the EDC includes 20 MAG member agency positions that have one-year terms, with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council. Ms. McClafferty gave the committee some background on the structure of the EDC, due to the prescribed seats, such as the Regional Council Chair and Vice Chair. She said that appointments of the EDC member agency positions occur each year in August, following the Regional Council annual meeting in June.

Ms. McClafferty said that on June 29, 2017, a memorandum was sent to the MAG Regional Council members soliciting letters of interest for the member agency positions. She stated that 21 letters of interest were received for 20 positions. Ms. McClafferty said that since that time, MAG staff has spoken to representatives from the cities of Goodyear and Surprise. She explained that the options the Executive Committee have are to move the entire slate to the Regional Council, including both Goodyear and Surprise, or make a decision today on which of these cities will have a representative on the EDC.

Chair Meck asked if there were any questions or comments from the committee. Mayor Jerry Weiers said he placed a phone call to Goodyear Councilmember Joanne Osborne to ask her about her future plans to run for higher office, but did not reach her. Mayor Weiers said he then contacted Councilmember Osborne's husband and her husband informed him that his wife would be running for the legislature. Mayor Weiers said if Councilmember Osborne won a legislative seat, she would not qualify for this position, and if she did not win, she still would not be in a position to sit on the EDC. He said he is not sure why the committee would entertain her name for an EDC seat under the circumstances. Mayor John Giles asked if the committee anticipates that once the West Valley mayors are back in town and are able to speak, they will be able to resolve this situation. Mayor Weiers said that with Councilmember Osborne, there

should not be a debate if she is running for the legislature. He stated she could potentially only serve for three or four months. Mayor Giles asked if it was an option to send the entire slate of candidates to the Regional Council meeting with the anticipation that this issue would be resolved before then. Chair Meck said that Councilmember Osborne came to his office to tell him she would be running for a seat in the Arizona House of Representatives. He said if she did become a member of the EDC, and then won election to the House, that would necessitate her resignation from the EDC. Chair Meck said he feels the Executive Committee should make a decision today on which representative will move forward.

Mayor Giles asked Chair Meck if he had a conversation with Councilmember Osborne about running for a seat in the state legislature, and if she acknowledged her future political ambition would be an issue. Chair Meck said that specific issue was not discussed. Mayor Mitchell asked if she has officially announced. Mayor Weiers said that Councilmember Osborne told him that she has completed paperwork to run for higher office and her husband told him she would absolutely be running. Vice Chair Barney said he agreed with Mayor Weiers' position.

Mayor Stanton asked if the motion would be that the committee is picking one or the other city representative. He said that if someone is running for the state legislature and will only be able to serve for a short period of time, it would make sense not to select that person. Mayor Giles said that if the officials from the West Valley are comfortable that the committee is not slighting Councilmember Osborne by not selecting her, than he is comfortable with this decision. Mayor Weiers said he knows the Osbornes and has done business with them, but is looking for consistency in the EDC. Chair Meck said he also knew the Osbornes and did business with them as well. He stated that either candidate would do a good job representing their respective city on the EDC. Chair Meck said he is concerned about consistency that when a person is selected to serve on a committee, that they remain a part of the committee. Mayor Weiers made a motion to recommend City of Surprise Councilmember Roland Winters to be a member of the EDC and to recommend approval of the Member Agency Representatives Table, including the City of Surprise. Vice Chair Barney seconded the motion and the motion and carried unanimously.

#### 6. Update on Consultant Services for the Shopping and Tourism Initiative

MAG Government Relations Manager Nathan Pryor said he would be joined by Capitol Strategies' Stephen Bloch who attended the meeting in person, and former Congressman Jim Kolbe who joined via teleconference, to provide an update on legislative efforts to pass the Shopping and Tourism Initiative, also known as the Border Crossing Card (BCC) Statewide Expansion.

Mr. Bloch said there is draft legislative language for the initiative and that there should be language in final form by the end of this week. He stated Capitol Strategies has identified two possible legislative vehicles to attach the legislation. Mr. Bloch said one is House Resolution (H.R.) 1813, the Border Wall Funding Bill of 2017, which among other things, seeks to enhance commercial traffic at the border as well as increase security and goes through the committee of one of our champions of this issue. He commented that the bad news is it is the

Border Bill so it will be controversial for other reasons, and Capitol Strategies is not sure how much movement the bill will get this year. The second possibility is H.R. 244, the Consolidated Appropriations Act of 2017. Mr. Bloch said he has the language for the initiative, good support from key people within the Arizona Delegation, and preliminary support from the chair of the full committee on the Senate side. He noted that the markup for the Appropriations Bill is expected in the last week in September.

Congressman Kolbe said the problem is finding any legislation in Congress that will pass this year. He stated Congress has a debt ceiling and budget to pass, as well as taxes and healthcare reform. Congressman Kolbe said since the Border Crossing Zone was never written into law and was done through an Executive Order, Capitol Strategies is looking into whether it might use report language to help spur U.S. Customs and Border Protection (CBP) to make the change, which might not require legislative language.

Mr. Pryor said that the language being proposed is for a five-year pilot program for Arizona, and there is some interest in rolling this out eventually as a four border state strategy. He explained that the initial thought when this effort began was to have it as a pilot program and that has been picked up in this legislative discussion. Mr. Dennis Smith said one of the supporters for the initiative is the Chair of the Homeland Security Committee so that is good news. Mr. Bloch said the Chair is preliminarily supportive and Capitol Strategies has been working with committee staff. He said it also has the support of Senator John McCain's office. Mr. Bloch said on the House side, the initiative has general support from the delegation, including from Representative Martha McSally who chairs the House Committee on Homeland Security Subcommittee on Border and Maritime Security. He noted there is good bipartisan support from the delegation for the Border Crossing Card expansion.

Mayor Lana Mook asked Capitol Strategies if any other border state has this similar legislation. Congressman Kolbe said initially, the Border Crossing Card covered 25 miles in all four border states, but when he was in Congress, he got it changed to 75 miles in Arizona through Executive Action to allow visitors to come as far as Tucson. Subsequently, in the last three years, New Mexico had its law changed to 55 miles so visitors could get to Las Cruces. Texas and California have not changed their BCC limit and it remains at 25 miles. He said Capitol Strategies is looking at a pilot program to change the BCC limit to cover the entire state of Arizona. Congressman Kolbe said CBP officials would like to see the law uniform across all four states. He commented that there does not seem to be interest from the other states in pushing this forward at this time and he is not sure why.

Mayor Giles asked for information on who from the Arizona Delegation is not supporting this effort. Mr. Bloch said that language has not been formally introduced, but the initiative does not yet have the support of Congressman David Schweikert, Congressman Paul Gosar and Senator Jeff Flake. He added that these members have not opposed the effort, but have not indicated support. Mr. Bloch said Capitol Strategies has been responsive to all the questions that have been raised. He noted that questions have been about security issues. Mr. Bloch explained that the CBP has testified on record more than once saying that the BCC actually increases security, and that these are the most vetted visitors coming to the U.S. from Mexico. He added that the

most recent expansion of the Border Crossing Card, from 25 to 55 miles in New Mexico, was done without controversy.

Mr. Smith said that in earlier briefings with Mr. Bloch he was told that Capitol Strategies would not be able to get a letter from Homeland Security and CBP and so would be posing a series of questions for them to answer, which would in effect say it is a smart move to do this. Congressman Kolbe said that he has asked Senator McCain's office to pose a series of questions to the agencies. He stated that McCain's office has not gotten the answers back and that Capitol Strategies will continue to follow up with them. Congressman Kolbe added that a letter of endorsement from the Trump Administration is highly unlikely considering its views on immigration.

#### 7. Update on Air Quality Legislative Efforts

Mr. Pryor and Capitol Strategies were joined by MAG Environmental Director Lindy Bauer to give the committee an update on air quality legislative efforts. Mr. Pryor said there has been a decision from the United States Court of Appeals for the Ninth Circuit against early implementation of contingency measures regarding air quality plans. He stated that MAG sees this as being inconsistent in terms of its application nationwide and said MAG is looking for some consistency from the Environmental Protection Agency (EPA). Mr. Pryor said the decision has been appealed to the Supreme Court, but has not yet been taken up by the court. He noted the case is being monitored and in the meantime, Capitol Strategies and MAG are pursuing a legislative fix to this issue.

Mr. Bloch said Capitol Strategies is working through members of the Arizona Delegation to generate support from EPA for this effort. He stated he could report that there is general support from the EPA at this point. Mr. Bloch said the effort will face some of the same challenges that exist with passing the BCC extension, which is identifying a vehicle that will make it out of Congress. He commented that the Capitol Strategies team is not optimistic that any bill will pass this year.

Mr. Bloch said this air quality draft legislation seems to have the Administration's support as well as other bipartisan support, so if a vehicle is found we are looking at this moving forward. Mr. Smith said that Capitol Strategies may want to mention who they think could champion this legislation. Mr. Bloch stated that so far there is interest from two members including Jeff Flake in the Senate and Congressman Andy Biggs in the House. He noted that Capitol Strategies has also talked to Congressman Paul Gosar's office because he is the Chair of the Western Caucus. Mr. Bloch said the team has spoken to Congressman Kyrsten Sinema's office, and there is interest there as well. He mentioned there are a few other members of the Delegation they believe will also be supportive of this legislation.

Ms. Bauer said the bill Mr. Bloch was referring to is H.R. 806, Ozone Standards Implementation Act of 2017, which passed the House. She stated it started out as an ozone implementation bill for the new tougher ozone standard. Ms. Bauer said MAG noticed that in regards to contingency measures, the bill would exempt areas that are extreme for ozone, so that

would be California, as an example. She noted that we do not know what will happen when it goes to the Senate. Mr. Smith stated that MAG always thought Arizona would have the support of California in its efforts, but if that state is given a “get out of jail free” card, then they will not be assisting Arizona in this effort.

Mr. Bloch said when this effort began, the team immediately approached the California Delegation and members of the South Coast Air Quality District, San Joaquin Valley Air Pollution Control District and others and found that they were not particularly interested in joining Arizona in a coalition to get the change done legislatively. He said they are aware now that California was focusing on getting its own legislative carve out. Mr. Bloch said the team believes the carve out will be controversial on the Senate side and that there were four Democrats on the House side who supported it. He stated the key will be the support of California senators including Senator Dianne Feinstein who is among the most influential senators and members of Congress. Mr. Bloch said if Senator Feinstein does not support it, he does not see H. R. 806 passing. He noted that Capitol Strategies does not want to attach MAG’s effort to this if it is not going anywhere.

The committee did not have any questions or comments.

9. Legislative Updates

Mr. Pryor said members of the committee may have seen internally lit arterial intersection signs on our roads that utilize Clearview font. He said that implementation of the font for signs has improved readability, particularly at night, with a 16 percent improvement from the previous font. Mr. Pryor said that MAG has been supportive of the use of Clearview font for our region’s road signs.

Mr. Pryor explained that in January 2016, the Federal Highway Administration (FHWA) deauthorized the use of Clearview font and said there is uncertainty as to why this happened. He noted that by the end of 2016, the FHWA issued a request for more information about the use of the font. In April 2017, Congressman Sam Johnson from Texas introduced H.R. 2029, the SIGN Act, requiring that the FHWA issue a final rule to approve the use of Clearview font, which would effectively reinstate the use of the font. Mr. Pryor said there is matching legislation on the Senate side that Congressman Johnson is pushing for. He commented that in addition to the legislative conversation, there has been direct conversation with the FHWA from the congressional offices to reinstate the font.

Mr. Pryor stated that MAG has offered a letter of support for this legislation and has been in contact with Congressman Johnson’s staff, as well as a working group from the Texas Department of Transportation to discuss data and why the use of Clearview font makes sense. Mr. Pryor commented that MAG will continue to track the legislation and bring back updates to the committee.

Mr. Smith stated that back in 2006, MAG was getting ready to put \$400,000 into the street signs. He explained that FHWA would not let MAG use money for these signs and so MAG

swapped money with the City of Phoenix, which allowed for 15 MAG member agencies, including the county, to install the signs. Mr. Smith stated that studies have found that street signs with the Clearview font give an additional 80 feet of visibility. He said MAG knows where the senior population lives in the Valley and that these signs should not be taken down. Mr. Smith noted that MAG staff went to Arizona State University Polytechnic campus and used its simulator, which proved that Clearview font works to improve visibility. He commented that he believes Texas Congressman Johnson saw the results of MAG's studies in the public record and contacted MAG. Mr. Smith said the signs are a safety issue and MAG appreciates the Chair's letter of support in this effort. He encouraged the committee and MAG lobbyists to support this effort.

Mayor Mook asked what is the reason that the FHWA does not want MAG to spend money on signs with the Clearview font. Mr. Smith said he heard that there could be a copyright or licensing issue. He stated that after the order to deauthorize the font, the FHWA started hearing from Arizona, Texas and Virginia saying they want to keep the signs in place. There were no further questions.

10. Request for Future Agenda Items

There were no requests.

11. Comments from the Committee

There were no comments from the committee.

Adjournment

There being no further business, the Executive Committee adjourned at 1:04 p.m.

---

Chair

---

Secretary