

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
January 19, 2010
MAG Offices, Cholla Room
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Councilwoman Peggy Neely, Chair
Mayor Thomas L. Schoaf, Litchfield Park,
Vice Chair
Mayor Hugh Hallman, Tempe, Treasurer

* Mayor Marie Lopez Rogers, Avondale
Mayor James M. Cavanaugh, Goodyear
* Mayor Scott Smith, Mesa
Mayor Jim Lane, Scottsdale

* Not present

Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Vice Chair Thomas Schoaf at 12:07 p.m. Vice Chair Schoaf noted that Chair Neely would be joining the meeting shortly. He stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Vice Chair Schoaf noted that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards and stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Vice Chair Schoaf noted that no public comment cards had been received.

3. Consent Agenda

Vice Chair Schoaf noted that 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. There were no public comment cards received.

Vice Chair Schoaf requested a motion to approve the consent agenda. Mayor Hallman moved to approve items #3A through #3D. Mayor Lane seconded the motion and the motion carried unanimously.

3A. Approval of the November 23, 2009, Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the November 23, 2009, Executive Committee meeting minutes.

3B. On-Call Consulting Services Selection for Intersection and Freeway Data Collection and Analysis

The Regional Council Executive Committee, by consent, approved the list of on-call consultants for the area of Expertise A (Intersection Traffic Data Collection and Analysis): CivTech, Lee Engineering, Midwestern Software Solution, Quality Traffic Data, Traffic Research and Analysis, United Civil Group and Y.S. Mantri Associate; and for Area of Expertise B (Aerial Photography Survey on Freeway Level of Service and Intersection Queue Length): Skycomp and United Civil Group, for the MAG Intersection and Freeway Data Collection and Analysis, for a total amount not to exceed \$350,000. The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget includes \$350,000 for on-call consulting services for intersection and freeway data collection and analysis. The purpose of the project is to facilitate numerous dataset updates to support transportation planning needs. Eight proposals were received in response to a request for qualifications that was advertised on October 15, 2009, for technical assistance in two areas of expertise. On December 3, 2009, a multi-agency evaluation team reviewed the Statements of Qualifications (SOQs) and unanimously recommended to MAG approval of the list of on-call consultants: Area of Expertise A (Intersection Traffic Data Collection and Analysis): CivTech, Lee Engineering, Midwestern Software Solution, Quality Traffic Data, Traffic Research and Analysis, United Civil Group and Y.S. Mantri Associate; Area of Expertise B (Aerial Photography Survey on Freeway Level of Service and Intersection Queue Length): Skycomp and United Civil Group. On January 13, 2010, the MAG Management Committee recommended approval of the recommendation of the multi-agency evaluation team.

3C. Consultant Selection for the Central Phoenix Transportation Framework Study

The Regional Council Executive Committee, by consent, approved that Wilson & Company be selected to conduct Phase I of the Central Phoenix Transportation Framework Study for an amount not to exceed \$600,000. The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council, includes \$600,000 to conduct Phase I of the Central Phoenix Transportation Framework Study. This is a multi-year/multi-phase project for a study area bounded by Loop 101 on the North, East, and West, and the Gila River Indian Community on the South. A Request for Proposals was advertised on October 21, 2009, and four proposals were received in response. A multi-agency evaluation team reviewed the proposals and recommended to MAG the selection of Wilson & Company to conduct the study. On January 13, 2010, the MAG Management Committee recommended approval of the recommendation of the multi-agency evaluation team.

3D. Request for Transit Planner Position to Be Added to the FY 2010 MAG Unified Planning Work Program and Annual Budget

The Regional Council Executive Committee, by consent, approved adding a Transit Planner/Programmer II/III to the FY 2010 MAG Unified Planning Work Program and Annual Budget. Since the approval of the FY 2010 Unified Planning Work Program in May 2009, the

workload for transportation programming has greatly increased. The American Recovery and Reinvestment Act (ARRA) has increased the workload, and it appears that a second round of ARRA funding will be enacted. Along with this responsibility, MAG has assumed responsibility for programming federal transit funds. To meet this increased workload, MAG is requesting that a transit planner/programmer II/III be added to the FY 2010 MAG Unified Planning Work Program and Annual Budget.

4. Reconsideration of MAG Committee Chair and Vice Chair Appointments for the Water Quality Advisory Committee

Dennis Smith, MAG Executive Director, stated that the MAG Regional Council Executive Committee approved appointments of new chairs and vice chairs on November 23, 2009, with the condition that if names were received to achieve jurisdictional equity for the chair and vice chair of the Water Quality Advisory Committee, the appointments would be reconsidered. Mr. Smith noted that MAG staff received additional letters of interest for chair and vice chair appointments on the Water Quality Advisory Committee. He advised that the name of Chris Ochs, submitted by the City of Glendale for the chair position, had been withdrawn.

Chair Neely arrived at the meeting and thanked Mr. Smith for his report. She asked members if they had questions. Hearing none, she called for a motion. Mayor Lane moved approval of the appointment of David McNeil, Tempe, as chair and David Iwanski, Goodyear, as vice chair for the Water Quality Advisory Committee with the term ending January 30, 2011. Vice Chair Schoaf seconded. With no further discussion, the vote on the motion passed unanimously.

5. Potential Use of Social Media Outreach at MAG

Mr. Smith introduced Matt Culbertson, an intern from Arizona State University, who would be giving the report on this agenda item. Mr. Smith noted that the Executive Committee had given the MAG Executive Director the authority to hire interns, and the interns that MAG has hired in the Transportation, Communications, and Human Services Divisions have made a difference.

Mr. Culbertson stated that his report regarded the possibility for implementing social media as another tool in the MAG communications toolbox. He commented that the Pew Foundation cites that the majority of Americans are influenced by social media, and he noted that there has been explosive growth on sites such as YouTube, Facebook, and Twitter. Mr. Culbertson stated that many organizations, such as the White House, the FBI, NASA, cities, towns, universities, libraries, and local law enforcement, utilize these sites.

Mr. Culbertson stated that these media sites are free to join and there is a high rate of return on the amount of investment: just staff hours to build the platform and post messages. He stated that these sites engage populations not reached by traditional media.

Mr. Culbertson stated that the drawback to social media sites if best practices are not followed include viruses and hackers. However, the MAG Communications Division will coordinate with the MAG Information Technology Division to address security risks. Mr. Culbertson advised that MAG will consult with other agencies to establish guidelines and solicit input to ensure a successful social media campaign.

Mr. Culbertson stated that MAG staff is recommending starting with Twitter to increase public awareness and understanding of MAG, to engage hard-to-reach populations, and drive traffic to the MAG Web site. He noted the sites used by other Councils of Governments and Metropolitan Planning Organizations, and when surveyed, most of the feedback was positive. Mr. Culbertson stated that seven peer agencies using social media reported no bad experiences, such as hacking or cyber bullying.

Mr. Culbertson stated that possible steps to implementing social media at MAG include starting with a Twitter account and gradually progressing to other platforms such as YouTube, Facebook, etc.

Chair Neely thanked Mr. Culbertson for his report, and she commented that he had done an outstanding job on his presentation. Chair Neely indicated her support for implementing social media at MAG beginning with Twitter. She asked members if they had questions.

Mayor Hallman asked how useful Twitter would be to Metro in Oregon, when it has 740 followers but zero activity. Mr. Culbertson replied that although their account has been idle, it is continuing to gain followers; when they do start to broaden their platform, they will have followers in place. Mayor Hallman asked how much Metro had expended. Mr. Culbertson replied that he was not sure of the amount spent. Mayor Hallman asked how Metro was successful in signing up 750 people to receive nothing. Mr. Culbertson replied that he believed that people signed up in anticipation of the communications that would be sent and he thought this was accomplished by word of mouth.

Mayor Hallman commented on cyber bullying - the downside of social media. He stated that politicians experience intense efforts put forth on social media sites. Mayor Hallman remarked that if Proposition 400 or Transit 2000 had taken place in the age of social media, there could have been different outcomes, and cited the efforts by Dave Thompson to spend millions of dollars toward defeating Proposition 400. Mayor Hallman commented that not only is it easier to get out positive messages, but also negative attacks and opposition. He asked how MAG would handle that. Mr. Culbertson replied that some people experiencing negative comments such as Mayor Hallman described have found success by disabling comments, while still joining the conversation.

Mayor Lane asked if there were legal restrictions on what MAG could promote through social media. Mr. Culbertson replied that he had not heard of any legal troubles experienced by any agency that he surveyed. He added that during his research he found social media would be handled in the same way that other MAG communication vehicles are handled.

Mayor Lane asked for clarification of political campaigns. Mr. Smith replied that the same restrictions that apply to MAG regarding political campaigns also apply to MAG on social media sites. He explained that MAG could provide information on things such as legislation, but could not promote or encourage people to vote for it.

Chair Neely stated that considering Mayor Hallman's and Mayor Lane's comments, the next step would be designing how MAG intends to utilize Twitter. She stated that short communications

on such things as balancing the Proposition 400 budget could be sent via Twitter, which then directs people to MAG for more information. Chair Neely stated that guidelines on how to utilize social media are needed. Mr. Smith asked for clarification: staff would draft guidelines and bring them to the next Executive Committee meeting before a launch. Assent by the Executive Committee was noted.

Mayor Cavanaugh stated that the City of Goodyear proscribes usage on city-owned computers and asked if they were the only city that did this. Mr. Culbertson replied that blocking certain content and having guidelines are somewhat common for a government agency to have in place. Mr. Smith stated that staff could get back to the Committee with an answer.

Mayor Lane stated that he thought that Facebook holds more promise to be more interactive with the community on issues: a more professional and specific information tool, whereas Twitter is a brief blurb that requires redirection to something more substantial to be interactive.

Chair Neely stated that she looked forward to the dialogue next month.

6. Transportation Roles and Responsibilities Update

Eric Anderson, MAG Transportation Director, began his report by saying that with regular direction from the MAG Executive Committee, a staff Working Group with representatives from MAG, the City of Phoenix, the Regional Public Transportation Authority (RPTA), and Valley Metro Rail (METRO) has been meeting for the past several months to examine the regional transit programming and planning roles performed by the four agencies.

Mr. Anderson stated that MAG staff has prepared a recommendation regarding transportation roles and responsibilities among the agencies for consideration by the Executive Committee. Mr. Anderson clarified three overall observations. First, each agency has highly competent, skilled staff. This is not about competency; this is regarding where the function should be located. Mr. Anderson stated that a number of comments were made that, “We have done this function for a number of years,” however, throughout this exercise, the group worked to determine where the function should be housed. Mr. Anderson advised that he could explore the recommendations in more detail.

Mr. Anderson moved on to the second observation, that there is not one singular best practice in the nation. They found on the project development side, in the alternatives analysis (which is a required FTA document), there are different models in the country. Some MPOs do alternatives analyses and hand off the remainder of the project to the transit agency. Some MPOs do all of the project development, including final design, manage the project and turn it over to the transit agency. Some transit agencies do the alternatives analyses and turn over the project for implementation.

Mr. Anderson clarified the third observation 3. There are a number of organizational issues between RPTA and METRO, which may best be handled between those agencies. MAG can weigh in, but their organizational issues are not under the purview of MAG.

Mr. Anderson then addressed the seven recommendations for consideration. Recommendation #1, “MAG is responsible for transit system planning activities for the region, including the transit component of the Regional Transportation Plan, transit corridor studies, transit system studies and subregional studies. In some instances, MAG may determine to have a transit operator conduct a specific sub-regional or corridor study (Prior to the identification of project funding).”

Mr. Anderson stated that transit system planning must take place at MAG. Mr. Anderson commented that this is a critical piece that MAG has full integration of all the modes. He noted that the Working Group recommended that transit corridor, system, and subregional studies be conducted at MAG.

Mr. Anderson addressed Recommendation #2, “For projects that require a federal Alternatives Analysis process, recommendations concerning alignment, technology, and project budget will be reviewed and approved through the MAG committee process, in lieu of the METRO and RPTA committee processes; draft Design Concept Reports (DCR) and other major project scoping documents will be reviewed and approved for concurrence through the MAG committee process, in addition to any other agency approvals; MAG will join the operating agency and affected jurisdictions as a member of the Project Management Team for project planning studies; and MAG will provide oversight and quality control over the use of the MAG Travel Demand Model.”

Mr. Anderson stated that for projects that require a federal Alternatives Analysis process, recommendations concerning alignment, technology, and project budget will be reviewed and approved through the MAG committee process. Mr. Anderson stated that currently, if METRO does an alternatives analysis, the approval goes through the METRO and RPTA Boards before coming to MAG. He indicated that staff think these analyses have implications for the Regional Transportation Plan (RTP) and should come before MAG to ensure the findings line up with the RTP.

Mayor Hallman asked for clarification if alternatives analyses would continue to go through both the METRO and RPTA Boards or none. Mr. Anderson replied that it would come to neither of the METRO and RPTA Boards for action; alternatives analyses would come to MAG for action.

Mayor Hallman asked if action would be taken by the METRO and RPTA Boards after MAG took action. Mr. Anderson replied that the item could be on the METRO and RPTA Boards’ agendas, however, they prefer that those boards not take action because with interlocking boards, it would be difficult if a jurisdiction’s member on one board weighed in with a different recommendation than its member on another board.

Mayor Lane referenced Recommendation #1, which notes that MAG is responsible for transit systems. He asked for clarification if this is a restatement of an existing condition or a change. Mr. Anderson replied that this is a recommendation that MAG is responsible for transit system planning activities. Under federal legislation, MAG is responsible for long-range planning for all transportation modes, including transit. Mayor Lane commented that this was a statement of a condition that exists and he asked for clarification for what was being recommended. Mr. Anderson replied that the Arizona State Statutes include a provision that the RPTA Board has the responsibility for long-range planning for public transportation modes. He noted that

Recommendation #1 would also involve Recommendation #6 to make changes to state statutes and reaffirming the federal legislation.

Mayor Hallman commented that the confusion is whether the federal guidelines are preempted by state law, which in this case, put another agency in a higher position. Mr. Anderson stated that modal integration is important and it is difficult to achieve without having the ultimate responsibility. Mayor Hallman stated that this is not really a restatement of the current condition, but a statement of the desired condition and the need to fix state law.

Mr. Anderson addressed Recommendation #3, "RPTA and METRO consider opportunities to consolidate project development functions between the two agencies. It is understood that implementing this recommendation would be at the discretion of the RPTA and METRO boards." Mr. Anderson noted that there are some elements that could be done by one group and there is some duplication of effort.

Mayor Lane asked if there were any recommendations to guide RPTA and METRO. Mr. Anderson replied that he believed there had been discussions on project development activities and he thought Mr. Boggs would probably address that in his comments during the meeting.

Mr. Smith stated that MAG has very little control, except for the money it sends to each agency. He indicated he thought MAG needs to hear from their boards. Mr. Smith stated that this is not the only consolidation possible; there is duplication of effort with communications and IT departments. Mr. Smith stated that MAG is trying to prepare for the performance audit and show some progress has been made.

Mr. Anderson continued with Recommendation #4, "Regional sustainability issues should be coordinated at MAG, and that project/facility specific sustainability initiatives should be managed by METRO and RPTA;" and #5, "Regional Transit Oriented Development planning issues should be coordinated at MAG, and that project/facility specific sustainability initiatives should be managed by METRO and RPTA." Mr. Anderson stated that it is probably better for MAG to coordinate regional sustainability and Regional Transit Oriented Development planning issues at MAG rather than three agencies doing the same thing.

Mr. Anderson addressed Recommendation #6, "Research and provide recommendations for changes in the Arizona statutes that may be required to implement the recommendations and to clarify the roles and responsibilities to the MAG Executive Committee in February 2010." He stated that this is to align the Arizona Revised Statutes with the recommendation.

Mr. Anderson continued with Recommendation #7, "MAG staff will report on progress made in implementing the recommended changes and provide any modifications or additional recommendations to the MAG Executive Committee in June 2010." He stated that staff is moving cautiously, but there are a lot of activities going on.

Chair Neely commented that they did not get all the direction they hoped to get. She asked if we have enough dialogue to move to the next step or do the other organizations believe they have gone as far as they are willing to go. Mr. Anderson replied that there were opportunities later. He said that it is difficult for staff to weigh in on policy or organizational changes that affect

multiple agencies. Mr. Anderson stated that staff could recommend changes to MAG functions, but the recommendations could look different if they pertained to only one agency. Mr. Anderson stated that moving forward these recommendations makes sense to all three agencies, and beyond them are the policy issues that need a higher level of discussion.

Chair Neely asked if these recommendations would address concerns in regard to the audit. Mr. Smith replied that the programming change already approved by the Regional Council has made a big difference. He reported that it is favorable that the Transit Committee held its first meeting and discussed \$100 million in funds that need to be programmed, and this is a significant change that could be reported to the auditor. Mr. Smith added that approval of the seven recommendations will also show that MAG is working on the issues. He added that the new Director of METRO is on board today and we need to weigh in on his vision for his agency. Mr. Smith commented that he thought great progress had been made.

Chair Neely asked members if they would like Dave Boggs, Executive Director of RPTA, to address concerns.

Mayor Hallman said that he remained committed that the first step should be a METRO/RPTA merger and he conceded on separating how the money is spent so Phoenix retains bigger input on rail issues, to save money and coordinate better. Mayor Hallman stated that all of this would roll up into MAG so the rail, roadway, and bus transportation system works seamlessly. He stated that the record needs to reflect how we got there. There is a local role and its impact is important to acknowledge. For example, MAG is not seeking to pull the alternatives analysis into one place, and there is always work going on at the local level. The example on page four of additional staff recommendations might not be correct regarding two agencies involved in a study. Mayor Hallman asked if RPTA and METRO were involved in a study on Scottsdale Road and Rural Road. Mr. Anderson replied that there are two alternatives analyses being done on Scottsdale Road and Rural Road.

Mr. Boggs then addressed the Committee. He said that the Committee had asked the agencies to get together and do a better job on regional transit planning. Mr. Boggs stated that they are supportive of MAG's recommendations from a staff standpoint. He stated that the subcommittee worked well together, and he envisioned there should not be a problem with resolving a few issues before June. Mr. Boggs stated that his concern was timing because the RPTA Board does not meet until January 21. He said that as staff, they support this, but any consolidation of regional planning activities or legislation would require coordination through the RPTA Board, which has some of those responsibilities.

Chair Neely asked Mr. Boggs to clarify his last statement. Mr. Boggs stated that a lot of the legislation is RPTA-related and Mr. Smith indicated that legislative recommendations would be brought back to the Executive Committee in February. He was noting that it would be helpful to coordinate the legislative recommendations so there is agreement among the agencies. Mr. Boggs stated that he felt that both responsibilities and legislation require that the RPTA Board be involved. He noted that this is on the Board's January 21 agenda for information and discussion. Mr. Boggs stated that any recommendations from the MAG Executive Committee and MAG Regional Council would be run past the RPTA Board.

Chair Neely asked Mr. Boggs if the RPTA Board could take action January 21 after Executive Committee action to put MAG and RPTA in sync before the January 27 Regional Council meeting. Mr. Boggs replied that there were a few issues raised at the RPTA Transit Management Committee meeting last week and they would like another shot at it, however, it depends on what the RPTA Board decides on January 21. Mr. Boggs stated that another possibility is for the Board to discuss it through the committee process in February.

Chair Neely asked Mr. Boggs what his recommendation was to the RPTA Board. Mr. Boggs replied that he will convey that staff supports the consolidation of regional planning activities as noted in Mr. Anderson's report. He commented that he thought the legislation would come back for review. Mr. Boggs suggested that a joint powers agreement to handle planning activities could be drafted right away, given the audit situation. He added that the agreement could be in place in 30-45 days, before the auditor begins work. Mr. Boggs stated that it is an interim solution that gets us in a better position to any issue that arises with the audit.

Mayor Hallman asked the implications of holding action until next month, after a joint powers agreement and legislation are drafted. He expressed concern that delays will be faced at the Legislature even if there is agreement among the agencies. Mayor Hallman commented that having METRO and RPTA in full agreement is important, since there is a perception that power and authority are being moved away from them. He remarked that he could abide a 30-day delay if the joint powers agreement would be in place by then and legislation could be drafted by the next Executive Committee meeting. METRO and RPTA could process this through their Boards and have the approvals back to MAG so everything could be approved by the Regional Council February.

Mr. Smith stated that he had received an email from Jerome Wiggins inquiring about the memorandum of understanding, and Mr. Smith advised that he thought it could be ready in February. Mr. Smith stated that MAG cannot sign a joint powers agreement because it is not a governmental agency, however, a memorandum of understanding serves the same purpose. Mr. Smith stated that bill folders are already being opened, and he thought the easiest way could be a technical corrections bill.

Chair Neely commented that she would like to have faith that this could happen, but in other issues it seems the agencies can drag things out for months. Chair Neely stated that she would like the Executive Committee to take action and action could be delayed at Regional Council if something productive was done at the RPTA Board meeting on January 21.

Mr. Smith stated that staff could ensure that the memorandum of understanding could include the specifics desired by RPTA.

Mayor Hallman moved approval of the seven staff recommendations for the consolidation and clarification of transit planning and programming roles and responsibilities, pending the addition of the local role in the memorandum, that the recommendation be referred to the Regional Council for its next meeting, but withheld to the February meeting if staff determines that significant progress has been made by RPTA Board on the memorandum of understanding to incorporate the recommended Regional Council action. Vice Chair Schoaf seconded. Mayor Hallman amended the motion to include consultation with the Chief Executive Officer of METRO regarding the

changes. Vice Chair Schoaf, as second, agreed with the amendment. With no further discussion, the vote on the motion passed unanimously.

Chair Neely stated that she looked forward to seeing the memorandum of understanding as soon as possible. She noted that she would speak with Councilman Johnson.

7. Discussion of the Development of the Fiscal Year 2011 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough, MAG Fiscal Services Manager, stated that each January, development commences on the Unified Planning Work Program and Annual Budget. She stated that in 2005, a minimum amount of \$350 per member agency for MAG Dues and Assessments was established, however, they were reduced 50 percent in the FY 2010 budget, which brought some agencies under the minimum. Ms. Kimbrough explained the materials included in the agenda packet: Attachment A: With the minimum dues and assessments applied, and Attachment B: Without the minimum dues and assessments applied. She advised that applying the minimum dues and assessments increases the dues a total of \$655 for four members: the Town of Carefree, the Fort McDowell Yavapai Nation, the Town of Gila Bend, and the Gila River Indian Community. Ms. Kimbrough stated that this was on the agenda for information and input.

Chair Neely asked if there were any questions.

Mayor Hallman asked how the four affected agencies felt about the \$350 minimum. Mr. Smith replied that MAG had not contacted them yet, but had done some research. He stated that the Town of Gila Bend, for example, pays dues of \$2,200 to the League of Arizona Cities and Towns, and pays \$65 to MAG. Mr. Smith commented that at some point the amount to be a member of MAG needs to be a respectable amount.

Ms. Kimbrough noted that when the minimum amount was discussed in 2005, the \$350 minimum was established to cover the cost of meals and producing materials.

Mayor Lane asked for clarification of the reason the dues and assessments were below the minimum. Mr. Smith replied that the dues and assessments were reduced by 50 percent in the FY 2010 due to economic conditions. He noted that it sounded good last year, but upon reflection, the amount paid by some agencies was ridiculously small. Mr. Smith noted that one street sweeper received by the Fort McDowell Yavapai Nation cost about \$200,000.

Mayor Lane stated that the League supports itself through membership fees, and for MAG membership fees are supplemental. He commented that constituents pay for MAG indirectly through taxes.

Chair Neely commented that the postage costs alone probably exceed \$65.

Mayor Hallman commented that it cost more to discuss the issue than the amount of money in question. He suggested that the Regional Council be consulted. Mr. Smith stated that staff would contact the four agencies and report back next month.

8. Lawsuit Filed by the Arizona Center for Law in the Public Interest for PM-10

On December 2, 2009, the Arizona Center for Law in the Public Interest filed a lawsuit in the U.S. District Court for the District of Arizona against the Environmental Protection Agency (EPA) for failure to take action on the MAG Five Percent Plan for PM-10. The plan was submitted to EPA by the federal deadline of December 31, 2007. According to the complaint, EPA should have taken action to approve or disapprove the plan by June 30, 2009 under the Clean Air Act. The Center is requesting that the Court order EPA to: immediately begin rulemaking to approve or disapprove in whole or in part, the Five Percent Plan; publish in the Federal Register a proposed rule approving or disapproving the Five Percent Plan within one month; and publish and promulgate a final rule approving or disapproving the Five Percent Plan in the Federal Register within three months. The Committee will also be briefed on potential riverbed restoration that may provide a more permanent solution.

Dennis Smith noted that the Executive Committee may vote to recess the meeting and go into executive session to discuss and consult with MAG's attorney for legal advice regarding pending litigation filed by the Arizona Center for Law in the Public Interest for PM-10 against the Environmental Protection Agency (EPA), and the effect or potential effect on transportation issues. The authority for such an executive session is A.R.S. § 38-431.03(A)(3) and (4).

Fredda Bisman, MAG General Counsel, stated that the reason for the Executive Session is to provide legal advice regarding the lawsuit filed by the Arizona Center for Law in the Public Interest filed against the EPA. She stated that Lindy Bauer provides public updates in public meetings, however, because discussion in public could have implications to MAG programs and be to the detriment of the public, this item is posted for a possible executive session. Ms. Bisman advised that the open meeting law recognizes these concerns and she added that holding an executive session is very limited exception for legal advice and to discuss litigation.

Mayor Cavanaugh moved to recess the meeting to conduct an executive session to discuss and consult with MAG's attorney for legal advice regarding pending litigation filed by the Arizona Center for Law in the Public Interest for PM-10 against the Environmental Protection Agency (EPA), and the effect or potential effect on transportation issues. Mayor Lane seconded, and the motion passed unanimously. The Executive Committee meeting recessed at 12:58 p.m.

The Executive Committee meeting reconvened at 1:25 p.m.

Mayor Hallman stated that there is a need to widen the coverage with additional monitors west of the 43rd Avenue monitor. He moved to amend the FY 2010 MAG Unified Planning Work Program and Annual Budget to provide \$75,235 to the Maricopa County Air Quality Department to cover the cost of establishing five temporary monitors upwind of the West 43rd Avenue monitor site and \$4,000 to the Arizona Department of Environmental Quality for the recalibration of Dusttrak monitors as part of a Data Collection Plan to Evaluate and Identify Sources and Unique Geographic and Meteorological Conditions Contributing to Exceedances of the PM-10 Standard at the West 43rd Avenue Monitor, if necessary. Mayor Cavanaugh seconded, and the motion passed unanimously.

9. Review of MAG FY 2010 Goals and Results and Discussion of Proposed Draft FY 2011 Goals/Work Emphasis Areas

Each year as part of the Executive Director's evaluation, current year (FY 2010), goals/work emphasis areas and results are presented. In addition, the proposed goal/work emphasis areas for FY 2011 are presented for input.

10. Executive Director's Annual Performance Evaluation

The employment agreement entered into with the MAG Executive Director in January 2003 provided that the Executive Committee conduct an annual performance review in consultation with the Regional Council.

Agenda items #9 and #10 were addressed together.

Chair Neely stated that the goals and work emphasis areas discussion leads into the review of the Executive Director's performance. She suggested holding these two items for another 60 days in order to have a better understanding of management staff pay levels.

Mayor Cavanaugh said that this is a challenging time when budgets, staffs and salaries are being reduced and it would be easy to say to not give an increase in salary to Mr. Smith, however, this might not be fair to Mr. Smith. He moved to delay for 60 days discussion of the review of MAG FY 2010 goals and results, discussion of proposed draft FY 2011 goals/work emphasis areas, and the Executive Director's annual performance evaluation and come back with a salary survey to improve the value of the Committee's deliberation.

Mayor Hallman suggested amending the motion to consider in 60 days with an independent salary survey having been conducted.

Mayor Cavanaugh, as maker of the motion, agreed with the change to the motion. Mayor Hallman seconded.

Vice Chair Schoaf noted that the spreadsheet did not calculate correctly, and he volunteered to fix it. It was noted that Becky Kimbrough would correct the error in the spreadsheet.

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

11. Request for Future Agenda Items

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

Mr. Smith noted that the Executive Committee was invited to have lunch and attend a joint public meeting with the State Transportation Board on March 19, 2010. Staff was requested to email the details to the committee.

12. Adjournment

Mayor Hallman moved to adjourn the Executive Committee meeting. Mayor Lane seconded the motion and it carried unanimously. There being no further business, the Executive Committee adjourned at 1:30 p.m.

Chair

Secretary