

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
April 15, 2019
MAG Offices, Cottonwood
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Gail Barney, Queen Creek, Chair Mayor Jerry Weiers, Glendale, Treasurer
Mayor Mark Mitchell, Tempe, Vice Chair * Mayor John Giles, Mesa
Mayor Jackie Meck, Buckeye, Past Chair # Mayor Kenneth Weise

* Not Present

Participated by video or telephone conference call

1. Call to Order

Chair Gail Barney called a meeting of the Executive Committee to order at 12:06 p.m. Mayor Kenn Weise joined the meeting by telephone conference call.

2. Call to the Audience

Instructions for Call to the Audience were read. No public comment cards were received.

3. Approval of the Consent Agenda

Chair Barney stated that agenda items 3A through 3G were on the consent agenda for approval. He gave an update on items approved at the Management Committee meeting. Chair Barney asked if any member of the committee would like to remove any item for discussion or would like a presentation on the consent items. No requests were made.

Mayor Jerry Weiers moved to approve the consent items 3A through 3G. Mayor Mark Mitchell seconded the motion and the motion carried unanimously. Mayor Kenneth Weise voted in favor of the motion via teleconference.

3A. Approval of the March 18, 2019, Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the March 18, 2019, Executive Committee Meeting Minutes.

3B. FY 2019 Strategic Transportation Safety Plan Update Consultant Selection

The Regional Council Executive Committee, by consent, approved the selection of Greenlight Traffic Engineering, LLC, to develop the MAG FY 2019 Strategic Transportation Safety Plan update. If negotiations with Greenlight Traffic Engineering, LLC are not successful, that MAG pursue negotiations with its second choice, Y2K, LLC.

The MAG 2019 Work Program identified a project to develop the MAG Strategic Transportation Safety Plan (STSP), as a comprehensive update to the previous STSP approved by MAG in 2015. The new STSP will articulate a vision, goals, and strategies for transportation safety. The recommendations from the STSP will include a strategy to fund safety improvements within the current Regional Transportation Plan (RTP). In addition, safety is anticipated to be a cornerstone in the development of the next RTP and proposed extension of Proposition 400. As such, the STSP will demonstrate the benefits of comprehensive safety considerations to the regional multimodal transportation network. The STSP also will be closely coordinated with the Arizona Strategic Traffic Safety Plan (AZSTSP) currently being developed.

A request for proposals was announced on January 25, 2019, for selecting a qualified consultant to develop the STSP. Three qualifying proposals were received. A proposal evaluation panel consisting of regional safety stakeholders and MAG staff reviewed the proposals. The evaluation panel recommends the team led by Greenlight Traffic Engineering, LLC for developing the STSP. The budget available for this project is \$300,000.

3C. Amendment to the FY 2019 MAG Unified Planning Work Program and Annual Budget to add the Gila River Indian Community Transit Feasibility Study Update for \$125,000

The Regional Council Executive Committee, by consent, approved the amendment of the FY 2019 MAG Unified Planning Work Program and Annual Budget to add \$125,000 for the Gila River Indian Community Transit Feasibility Study Update.

In November 2018, the Gila River Indian Community requested MAG submit a grant application on its behalf for Federal Transit Administration (FTA) Section 5305(e) planning funds to conduct an update to its Transit Feasibility Study to determine the viability of improving the existing transit services and evaluate service expansion within the Community. ADOT has notified MAG that it has awarded \$100,000 in FTA Section 5305(e) planning funds requiring a local match of \$25,000.

3D. Amendment to the FY 2019 MAG Unified Planning Work Program and Annual Budget to rename the Interstate 10/Papago Freeway Tunnel Traffic Operations Study

The Regional Council Executive Committee, by consent, approved of an amendment to the Fiscal Year 2019 Unified Planning Work Program and Annual Budget to change the name of the Interstate 10/Papago Freeway Tunnel Traffic Operations Study to the Interstate 10: Papago Tunnel to the Interstate 10/Interstate 17 System Interchange Corridor Study.

The Fiscal Year (FY) 2019 Unified Planning Work Program and Annual Budget contains an Interstate 10/Papago Freeway Tunnel Traffic Operations Study. MAG staff is requesting an amendment to the FY 2019 Unified Planning Work Program and Annual Budget to change the name of the study to the Interstate 10: Papago Tunnel to the Interstate 10/Interstate 17 System Interchange Corridor Study. The name change better reflects the limits of the project and scope.

3E. Acceptance of Grant Award from the National Economic Partnerships Program

The Regional Council Executive Committee, by consent, approved of an amendment to the FY 2019 Unified Planning Work Program and Annual Budget to include the \$250,000 grant from the National Economic Partnerships Program for the purpose of implementing the Value Analysis Impact project. The Fiscal Year (FY) 2019 Unified Planning Work Program and Annual Budget contains an Interstate 10/Papago Freeway Tunnel Traffic Operations Study. MAG staff is requesting an amendment to the FY 2019 Unified Planning Work Program and Annual Budget to change the name of the study to the Interstate 10: Papago Tunnel to the Interstate 10/Interstate 17 System Interchange Corridor Study. The name change better reflects the limits of the project and scope.

On August 27, 2018, MAG submitted a grant application on behalf of partners throughout the Arizona Sun Corridor to the Federal Highway Administration for the National Economic Partnerships Program. The application requested \$250,000

to support the implementation of Value Impact Analysis (VIA). The goal of the one-year project is to develop a tool that will assess the value of transportation investments and impact of these investments on the economy. On March 11, 2019, MAG was notified that the grant award had been approved by the National Economic Partnerships Program. The purpose of this agenda item is to accept the grant and amend the FY 2019 MAG Unified Planning Work Program and Annual Budget to include this grant award of \$250,000.

The \$250,000 in grant funding will support one or more consultants that will be competitively procured. MAG will provide \$32,500 in cash and in-kind contributions as match for the grant. Pima Association of Governments will provide \$17,500 in in-kind contributions to meet the required \$50,000 in match funding to receive the grant. Sun Corridor Metropolitan Planning Organization is also a key partner on the project.

3F. Approval to Enter into an Agreement with Read On Arizona to Provide Mapping and Analytical Support for Early Learning Projects and to Amend the FY 2019 MAG Unified Planning Work Program and Annual Budget to Accept Funding

The Regional Council Executive Committee, by consent, approved entering into an agreement and to accept up to \$45,000 per year for five years from Read On Arizona, and approval of the budget amendment to the FY 2019 MAG Unified Planning Work Program and Annual Budget to add this funding for an increase to the overall budget of \$45,000.

MAG staff has been providing technical support to Read On Arizona for the development of MapLIT, an early literacy mapping and analytics tool. In the past, this effort has been funded through grants to the Regional Community Partners. MAGIC has been approached by Read On Arizona and their partners to enhance the current tools and also develop a Parent Engagement tool for Arizona with potential funding for up to five years. Due to access to datasets and the development of current tools, MAG staff is uniquely positioned to conduct the work that is important for the State. Staff is requesting approval to enter into an agreement with Read On Arizona and their partners to accept up to \$45,000 per year for five years for development and enhancement of GIS datasets, tools, and analytics, and approval to amend the FY 2019 MAG Unified Planning Work Program and Annual Budget to add this funding for an increase to the overall budget of \$45,000.

3G. Request for Reallocation of Capital Funds to Upgrade MAG Meeting Rooms

The Regional Council Executive Committee, by consent, approved the amendment of the FY 2019 MAG Unified Planning Work Program to reallocate \$135,000 in capital carry forward funds for audio and video upgrades to the MAG Chaparral and Cottonwood meeting rooms.

On May 25, 2018, the FY 2019 Unified Planning Work Program and Annual Budget was approved by the MAG Regional Council, which included \$200,000 in capital carry forward that is not going to be spent this fiscal year. MAG staff is requesting reallocation of \$135,000 of these funds for audio and video upgrades to the MAG Chaparral and Cottonwood meeting rooms to replace aging and end-of-life equipment to better support MAG meetings. The existing equipment is scheduled for replacement in the coming fiscal year, but MAG would benefit from immediate replacement.

4. FY 2020/2021 Unified Planning Work Program & Annual Budget Update

MAG Accountant Arminta Syed discussed MAG Accountant Arminta Syed gave a brief update on the progress of the FY 2020/2021 Unified Planning Work Program (UPWP) and Annual Budget. Ms. Syed indicated she has presented the budget progress to the MAG policy committees incrementally since January. She noted that today, her presentation would focus on the development of the draft document to date, which is now approximately 75 percent complete. Over the course of the next month, MAG staff would work to finalize the remaining 25 percent of the document. Previous portions of the documents were presented at the Executive Committee meetings from January through March.

Ms. Syed stated there is a second draft of the project budget as well as the narrative style sections in the agenda packet. She gave committee members a quick overview of the project budget. For FY 2020, MAG has a total project budget of \$41 million and a project budget of \$33 million for FY 2021. Ms. Syed commented that MAG's largest funding source is federal funding. This includes approximately \$30 million in FY 2020 and \$23 million in FY 2021. Ms. Syed shared that the different categories of federal funding that make up those totals are comparable to prior years. The largest allocation of funds will go to MAG's Transportation Division that is working towards an extension of Proposition 400. She briefly highlighted additional information about the budget, which is detailed in the agenda packet.

Ms. Syed next discussed the remaining 25 percent of the budget that includes personnel costs. She noted MAG is proposing a 3.5 percent performance based

salary increase be included in each fiscal year of the program. MAG believes that retaining key staff is essential to providing a high quality level of work. MAG employees undergo a performance evaluation every June, and based on their performance throughout the course of the year, they are given a salary increase if one is approved in the budget. Ms. Syed indicated MAG is requesting five new staff positions over the two-year budget period. A recent organization wide restructuring effort uncovered a few gaps that MAG would like to fill with the new positions. Two positions are requested for supporting divisions, including an IT Support Analyst and a Human Resources Analyst. Three positions are requested for the Transportation Division related to an extension of Proposition 400, including an engineer to assist with transportation safety planning, and engineer and planner to assist the planning and programming group.

Ms. Syed noted a final draft document would be presented for approval in May. She added that the final draft would include any comments received at the Intermodal Planning Group meeting that was held April 11.

There were no comments or questions from the Committee.

5. Policy and Technical Amendments to MAG Committees and Related Processes

MAG Policy and Government Relations Director Nathan Pryor briefed the Committee on a number of policy and technical changes staff has compiled for consideration. Among these are opportunities for committee composition/representation changes, technical amendment(s) to the MAG By-Laws, conforming changes to the MAG Policies and Procedures, as warranted, and others. Mr. Pryor commented he would be looking for direction from membership on how staff should proceed.

Mr. Pryor discussed an issue related to weighted voting procedures. He advised that staff have conducted tests of the voting procedures, going through various hypothetical situations and found that there is no procedure in the By-Laws disallowing a majority of abstention for a weighted vote. Mr. Pryor stated staff does not see a majority of membership abstaining as a good practice, because the intent of a weighted vote is to reach a resolution. Staff would like to have clarity in the By-Laws that a majority abstention for a weighted vote would not be allowed.

Chair Barney asked if a majority could be a one city majority or a majority of the Regional Council. Mr. Pryor said it would be a majority of members present at the

meeting. Chair Barney asked if there would be a vote on this change to the By-Laws. Mr. Pryor answered yes.

Mr. Pryor stated that the next proposed change is related to at-large vacancies on the Executive Committee. Currently, MAG Policies and Procedures state if there is less than six months left in a term when a vacancy occurs, that the Executive Committee should wait until the Nominating Committee meets in May to advance a slate of officers for consideration. However, MAG By-Laws state that the vacancy should be addressed at the next Regional Council meeting. He commented this is an instance where there is inconsistency between the By-Laws and the Policies and Procedures. Staff recommends using the language in the By-Laws to address the vacancy at the next Regional Council meeting.

Mayor Barney commented that in some cases, membership is aware that there will be a vacancy in advance, as in the case of an election, but sometimes there is no advance notice and it may be difficult to fill the vacancy at the next meeting. Mr. Pryor stated staff would consider his concerns and outline some options at the next meeting of the Executive Committee.

Mayor Weise agreed that getting a new member on the agenda for the next meeting of the Regional Council would be difficult. He then asked if the Chair were to resign tomorrow and the next person in line fills that position, would the ascension of the seats follow what has happened recently, or if staff was proposing a change in the process. Mr. Pryor stated he planned to address the ascension of officers next.

Mr. Pryor moved on to discuss the ascension of officers and said that the By-Laws are silent on the issue of ascension; however, the process is outlined in the Policies and Procedures. This is a case where the Policies and Procedures are clearer than the By-laws. Staff recommends amending the By-Laws to reflect the ascension process in the Policies and Procedures. Chair Barney indicated the members of the Executive Committee would agree to that change.

Mr. Pryor briefed the Committee on committee composition amendments for consideration. He explained that the MAG Economic Development Committee currently has no Native American seat. Recently, the Gila River Indian Community began holding what is designated as an East Valley seat on the Committee. Staff sees an opportunity to add a Native American seat rather than have one of the Native Nation's occupy an East or West Valley seat.

Mayor Weise stated that there should be a larger discussion of this issue by the Regional Council. He added the Council needs to resolve the issue of north, south, east and west. Mayor Weise commented there are entities like Gila River Indian Community that could go into south, east or west; Cave Creek and Carefree that could be north or east; and the City of Maricopa that could be south or east. He noted he is fine with the change to the EDC composition that staff is proposing today, but wanted to put his comments on the record.

Mr. Pryor stated that staff could develop more options and bring them back to the Committee for consideration. He thanked membership for their input.

Mr. Pryor next brought up possible changes to the 9-1-1 Oversight Team. The Team's charge is to help develop the budget that is submitted to the State and a 9-1-1 assessment that goes to the MAG member agencies, as well as to consider any policy or technical issues that may arise. He noted the Team was created in the 1980s with nine members, including Mesa Fire, Glendale Fire, Maricopa County Sheriff's Office, Peoria Police, Phoenix Fire, Phoenix Police, Scottsdale Police, Tempe Police, and Tolleson Fire. As staff researched this composition, there was uncertainty as to how these nine members were originally prescribed to the Team. He said that staff sees an opportunity to open up the 9-1-1 Oversight Team membership to all of the MAG member agencies.

Chair Barney stated there was agreement on the 9-1-1 Oversight Team issue from membership.

The last item Mr. Pryor discussed was the composition of the MAG Executive Committee. He stated there has been internal conversation about considering having a standing seat for the Central City representative. He indicated that there has been a practice to have the City of Phoenix on the Committee, and federal law mentions the central city as being related to the roles and responsibilities of the metropolitan planning organization. Mr. Pryor asked for the Committee's consideration to update the MAG By-Laws to give Phoenix a designated seat on the Committee, which is in line with the current practice.

Mayor Mitchell stated he thought Phoenix already had a designated seat on the Committee and asked for clarification that this update would formalize the practice. Mr. Pryor answered that was correct.

Mayor Weiers added that MAG needs to clarify that Phoenix must be a member of the Regional Council before they have a designated seat on the Executive Committee.

Mr. Anderson stated that Mayor Weiers brought up a good point. He said he would like to think that Phoenix would always be a MAG member, but this designation could be written in such a way that if the Central City is a member of MAG, then the Central City shall have a seat on the Committee.

Chair Barney added that the By-Laws should be written to say that whichever city is designated as the Transit Authority has a seat on the Executive Committee. Mr. Anderson commented that staff could work on that language to ensure that any member of the Committee is also a member of MAG.

Mr. Pryor said another ongoing topic of conversation has to do with leadership opportunities on the Executive Committee. He stated the Regional Council created a Leadership Participation Subcommittee that considered alternatives and options related to how to address providing leadership opportunities on the Committee. Mr. Pryor added that Chair Barney wanted to further address this issue and said staff stands ready to assist.

Chair Barney explained he wanted to address the need to expand the Committee from seven to nine members. He stated a larger Committee would reflect a growing region and suggested adding two additional at-large members.

Mayor Mitchell asked if these additional at-large members would come from Maricopa County. Chair Barney clarified that the additional members could be any member of the Regional Council. He used Florence, Apache Junction, Native nations, and Maricopa as examples of membership.

Mayor Weiers asked if these at-large members would have equal voting privileges. Chair Barney said Regional Council members have voting privileges and these new at-large positions would be full members of the Executive Committee. Mayor Weiers stated he would need time to think about Chair Barney's suggestion. Chair Barney clarified that there may be times when these new members could not vote because they are limited from voting on any decision regarding Proposition 400 funding or an extension of Proposition 400.

Mayor Mitchell commented that Chair Barney's proposal would mean there would be members on the Executive Committee who do not represent Maricopa County taking action on items that affect the County.

Chair Barney mentioned that he found the biggest disadvantage to having additional members is it would take longer for at-large members to become MAG Chair.

Mayor Weise commented that the composition of the Executive Committee is a matter of fairness. He noted there are already different member agencies that sit on the various MAG committees with voting privileges. Mayor Weise added that these members are able to vote on transportation, federal funding, and the direction of MAG. He explained that he has a difficult time with organizations that are not located in Maricopa County or may be partially located in Maricopa County voting on issues that are voter funded and voter approved spending. An example of those issues are Proposition 400 and the extension of Proposition 400. Mayor Weise reiterated that this issue should be part of a larger discussion to talk about north, south, east and west. He stated that there was not enough information presented today to help him in making an informed decision. Mayor Weise added he would like to hear from more people on the Committee.

Chair Barney thanked the Committee for their comments. He said he wanted to hear the Committee's recommendations and ideas on this issue.

Mayor Meck recalled that there were Leadership Participation Subcommittee meetings about the balance of the Executive Committee. The City of Maricopa and Florence are two current MAG members located outside of Maricopa County. He noted the concern was for if additional members like Casa Grande or Eloy wanted to join MAG. Mayor Meck asked where MAG draws the line. He stated he believes Regional Council set aside money that was supposed to be in legislation this year for the extension of Proposition 400. He asked that if the northern part of Pinal County is involved in that discussion does any of that money go there instead of staying in Maricopa County. Mayor Meck commented that he has a cautious approach to adding other areas outside of Maricopa County, particularly as the region moves toward the extension of Proposition 400.

Chair Barney commented that MAG has already added these areas into the organization.

Mayor Meck said he understood that, but said it is a different situation when you are talking about them becoming officers of the organization.

Mr. Anderson stated that staff could take the comments from this discussion back and produce several scenarios with the pros and cons of the different compositions of the Executive Committee. He noted that current practice is that Pinal County members of MAG do not vote on Proposition 400 matters. Presumably, that also would extend to discussions about a Proposition 400 extension. Members of MAG that are in the Pinal County Area are entitled to vote on all matters coming before any meetings of its membership except those that are exclusive to the Maricopa County Boundary defined by State Law or through a planning designation by a Governor's Executive Order, including but not limited to the Transportation Excise Tax enacted by Maricopa County, Section 208 Water Quality Management Planning, and Solid Waste Management Planning.

Chair Barney asked if the member agencies outside of Maricopa County were not allowed to participate in the discussion of those issues mentioned by Mr. Anderson, or if they were not allowed to vote on those issues. Mr. Anderson answered that he would have to check to see how those guidelines are worded in MAG documentation. Chair Barney stated that he could see these members in an arbitrator's position, rather than as participants in the discussion. He added that these agencies from Pima County are full members and to say they cannot serve on the Executive Committee is not fair.

Mayor Mitchell stated that the potential for having a committee chair who could not vote on the main MAG priorities is an issue. He added that the Committee would have someone from outside Maricopa County who would have the potential to become the MAG chair based on ascension, with that individual abstaining from a majority of the MAG policies and processes that the MAG Executive Committee takes action on for Maricopa County.

Chair Barney said he understood Mayor Mitchell's comment and thanked him for his input.

Mayor Mitchell added that this individual's vote also could be a tiebreaker. Chair Barney noted these were good discussion points, and added this subject may be something the full Regional Council needs to discuss.

6. Legislative Update

There was no legislative update.

7. Annual Performance Review of the MAG Executive Director

Mayor Mitchell made a motion to recess the meeting to conduct an executive session to discuss the MAG Executive Director's performance evaluation. A.R.S. 38-431.03(A)(1). Mayor Meck seconded the motion and the meeting went into Executive Session at 12:43 p.m.

8. Possible Action on the Annual Performance Review of the MAG Executive Director

Chair Barney reconvened the regular session at 1:18 p.m. and the Executive Committee took action on the Annual Performance Review of the MAG Executive Director. He stated that the Executive Committee would like Mr. Anderson to receive copies of the evaluation surveys submitted. Chair Barney commented that there were many positive comments submitted and said he appreciated everyone who took the time to answer the survey.

Mayor Mitchell stated that he had read the information provided to the Committee in the surveys, and recognized Mr. Anderson's history and institutional knowledge of the agency. He made a motion to amend paragraphs 4.1 and 4.2 of the Executive Director's Employment Agreement (effective date April 9, 2018) to (1) provide the Executive Director with a 7.5 percent increase to his annual salary (paragraph 4.1) putting him in line with the prior compensation of the past Executive Director, and (2) to provide the Executive Director the option of directing the premium utilized to fund his annual Life Insurance benefit (paragraph 4.2), currently estimated to be in the amount of \$7,168.83, instead into the Executive Director's Section 457 Retirement Account. Mayor Meck seconded the motion and the motion carried unanimously. Mayor Weise voted in favor of the motion via teleconference.

Chair Barney suggested that for the next Performance Review, the Executive Committee prepare some goals for Mr. Anderson to work toward achieving. He added that the Regional Council could come up with a list of goals, or Mr. Anderson could submit goals to be approved by the Committee. Chair Barney thanked Mr. Anderson for the work he has done for MAG.

9. Request for Future Agenda Items

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

10. Comments from the Committee

Chair Barney asked if there were any comments from the committee. There were none.

Adjournment

With no further business, Chair Barney called for a motion to adjourn the meeting. The meeting was adjourned at 1:22 p.m.

Secretary

Chair