

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

December 6, 1999  
MAG Offices  
302 North 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Neil Giuliano, Tempe, Chairman  
Mayor Skip Rimsza, Phoenix, Vice Chairman  
Mayor Jay Tibshraeny, Chandler

Mayor Elaine Scruggs, Glendale  
Mayor John Keegan, Peoria

\* Not present

1. Call to Order

The Executive Committee meeting was called to order by Chairman Neil Giuliano at 12:10 p.m.

2. Approval of November 16, 1999 Executive Committee Meeting Minutes

Mayor Skip Rimsza moved, Mayor Jay Tibshraeny seconded and it was unanimously carried to approve the November 16, 1999 Executive Committee meeting minutes.

3. EPA Approvability Problem with the MAG 1999 Serious Area Particulate Plan for PM-10

Lindy Bauer stated that on November 9, 1999, the Environmental Protection Agency (EPA) notified MAG by telephone and Governor Hull by letter that there was an approvability problem with the MAG 1999 Serious Area Particulate Plan for PM-10. If the plan cannot be approved by March 2, 2000, the first sanction will be imposed which involves two to one off-sets for major industrial sources. Ms. Bauer indicated that if the plan is not corrected by September 2, 2000, the second sanction will be imposed which involves the loss of federal highway funds. She said that the EPA stated that they had issues with the plan: the expected 90 percent compliance by Maricopa County for the County's Fugitive Dust Control Rule 310, a lack of a strategy for paving unpaved roads and lack of measures to control dust on unpaved roads. She stated that the the 90 percent compliance level was agreed upon at the December 22, 1997 meeting of the PM-10 Subcommittee of the Governor's Air Quality Task Force. Ms. Bauer mentioned that enforcement of the Rule 310 has been decreasing since 1997. Ms. Bauer stated that although more than \$350 million in projects have been submitted, the EPA has indicated that the region has \$40 million of uncommitted CMAQ funds.

Ms. Bauer commented that the EPA said that four months is needed to review the Plan prior to their approval. She said that to avoid the March 2, 2000 sanction, the Plan would have to be submitted by November 2, a week before the letter was written on November 9.

Ms. Bauer stated that discussions are ongoing with the EPA on possible solutions. She stated that these projects were considered by the Transportation Review Committee on November 23, 1999. The TRC recommended that CMAQ funds be approved as follows: \$5.4 million for paving principal dirt roads in the County; \$5.4 million for paving the remaining dirt roads in the County with 130 average daily trips or greater; \$5.4 million for paving additional dirt roads, with MAG members to submit project proposals to MAG by December 2, 1999 and MAG staff to investigate options for additional funding of this category; and \$5.7 million for the purchase of approximately 48 PM-10 Efficient Street Sweepers. This recommendation was made with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations. Ms. Bauer stated that on November 30, 1999, following the TRC meeting, Maricopa County revised their project cost estimates from \$10.8 million to \$7.85 million to reflect only paving costs for the projects. Mr. Bourey indicated that the County would pick up right of way costs.

Ms. Bauer summarized the County's plan. She said the plan includes hiring 14 FTE's by April 2000, hiring an attorney for Rule 310, increasing training and educational efforts for inspectors, and new enforcement measures. She indicated that the Board of Supervisors is expected to take action on this plan on December 15, 1999. Ms. Bauer stated that in addition to the Executive Committee meeting today, this issue was considered at a special Management Committee meeting held that morning, and will be considered by the TRC on December 7, and the Regional Council on December 8, 1999. She noted handed out a letter from the Governor requesting an expedited review of the Plan by the EPA.

Mayor Rimsza asked the EPA's main point of concern. Mr. Bourey replied that the EPA is concerned with enforcement of Rule 310, in addition to the dust problem on paved and unpaved roads not being addressed. Mayor Rimsza indicated that the City of Phoenix had paved their dirt roads and purchased street sweepers. Norris Nordvold stated that traditional sweepers were purchased, since vacuum technology was not available at that time. He indicated that 82 miles of dirt roads in Phoenix had been paved. Mayor Rimsza asked where the money would be spent since Phoenix and Glendale have completed their paving projects. Ms. Bauer replied that much of the money would be used in unincorporated areas of the County. Mr. Bourey commented that these projects were not eligible for funding when Phoenix paved its roads. Mayor Rimsza stated that since discretionary funds are being used, the jurisdictions that used their own funds for paving projects should be given preferential treatment for project rankings. Mr. Bourey commented that it was possible to include alley paving. Mayor Keegan commented on the allocation process for the street sweepers. Ms. Bauer replied that the process for selection will be opened up.

Mayor Scruggs commented on the street vacuum equipment testing program that was envisioned a few years prior. Ms. Bauer stated that MAG will be conducting a street sweeper study. She indicated that a list of certified street sweepers was received from South Coast Air Quality Management District. Ms. Bauer indicated that a draft RFP for purchase of the sweepers has been prepared for review by the cities.

Mayor Rimsza commented on the enforcement efforts for construction trucks. He indicated that the sand and rocks deposited onto paved roads by these trucks is a big problem. Mayor Rimsza

noted that Maricopa County has taken only five enforcement actions in 1999. He asked if the possible sanctions will be the impetus for the County to start enforcement. Mr. Bourey stated that the TRC motion included the wording, “with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations.” Mayor Rimsza asked if a model city ordinance could be drafted to empower the cities to enforce, in the event that the County enforcement efforts are unsatisfactory. Mr. Bourey indicated that if County enforcement is ineffective, the cities may have to enforce.

Jeff Martin stated that the City of Mesa drafted their own dust control ordinance because of unsatisfactory County enforcement. He commented on an upcoming meeting with Representative Carolyn Allen on Tuesday. Mr. Martin noted that the County needs to be able to sanction administratively. Mayor Rimsza commented that we need to find a way to cite violators and enforce regulations. Mr. Martin indicated that the City of Mesa talks to violators to address correcting their problems. He said their system works on a complaint basis. Mayor Rimsza stated that a formalized procedure needs to be drafted. He commented that if things are worked out between a city and a violator, no citations are issued to show enforcement. Mayor Keegan noted that documentation of enforcement is desired by the EPA. Mayor Scruggs stated that local level enforcement is important and could be managed from within. Mayor Rimsza requested that staff prepare a short presentation on the model Mesa ordinance for the Regional Council meeting. He indicated that this would help the Regional Council get an idea of options and may assist in gaining the cooperation of the County and the State. Mayor Scruggs stated that the City of Glendale has a model dust ordinance that she would send over.

Mayor Rimsza moved to recommend that CMAQ funds be approved as follows: \$5.4 million for paving principal dirt roads in the County; \$5.4 million for paving the remaining dirt roads in the County with 130 average daily trips or greater; \$5.4 million for paving additional dirt roads, with MAG members to submit project proposals to MAG by December 2, 1999 and MAG staff to investigate options for additional funding of this category; and \$5.7 million for the purchase of approximately 48 PM-10 Efficient Street Sweepers, using the revised Maricopa County project cost estimates from \$10.8 million to \$7.85 million to reflect only paving costs for the projects, with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations. Also, to those local agencies with recent local expenditures on paving and street sweeper equipment, that they receive consideration for the expenditures. Mayor Rimsza commented that he made this motion to make the City Council feel better about their expenditure of \$6 million for paving and sweepers. Mayor Keegan seconded, and the motion unanimously carried.

#### 4. Valley Vision 2025 Update

Chairman Giuliano stated that the meeting with the GPL to firm up GPL’s participation has not yet been scheduled. Mayor Tibshraeny asked the expenditures so far. Mr. Bourey replied that no additional expenditures for consultants will be made without commitment from the private sector. He stated that the draft goals would be discussed at the Regional Council Retreat in January.

5. Discussion of General Membership Issues

Mr. Bourey stated that membership issues will be discussed at the Regional Council Retreat. He mentioned that the draft agenda has been streamlined. Mr. Bourey stated that a survey of similar Regional Councils is being completed and the report would be sent out this week. He said the Management Committee would also discuss membership at their Retreat on December 10. Mr. Bourey stated that the MAG attorney has reviewed the By-Laws and possible revision of the By-Laws would be discussed.

Mayor Rimsza requested discussion of the transit issue being tied to roadway construction and the sales tax extension statewide. He indicated that the City of Phoenix had conducted a successful telephone transit survey, and received 15,000 responses.

Mayor Scruggs asked if the By-Laws would be reviewed to include the additional County and Department of Transportation members as voting members, as referred to in her letter,. Mayor Keegan commented that ½ to ¾ of those in unincorporated areas of the County are in Sun City and Sun City West. Mayor Scruggs stated that the second Maricopa County representative on the State Transportation Board would be Mayor Gant from Wickenburg. Mayor Scruggs stated that the By-Laws say they will be members of the Regional Council.

Mayor Rimsza stated that he could not support adding two ADOT voting members to the Regional Council. He commented that the current number of members is unmanageable. Mayor Rimsza indicated that the City of Phoenix, representing 1.2 million people, has only one vote and adding more members would further dilute the balance. Mayor Keegan asked for clarification of Mayor Rimsza's statement of non-support for adding the two new members, since he previously agreed to add Apache Junction as members. Mayor Rimsza replied that he voted to add them only as non-voting members. He stated that receiving additional input is good. Mayor Scruggs noted that CTOC is a member because of the law. She indicated that clarification is needed on these two representatives. Chairman Giuliano stated that a history of members could be discussed. Mr. Bourey stated that ISTEPA required including a citizen representative, unless grandfathered. He stated that MAG chose to include CTOC.

Mayor Scruggs stated that the Chairman of the Board of Supervisors changes each year, whereas the State Board member serves for six years. She indicated that the short term of the Supervisors could present problems. Mayor Rimsza commented that the State Board feels that they represent all areas. Mayor Scruggs expressed that she is very focused on the Transportation Board member. Mayor Tibshraeny asked what would be added with the addition of a State Board member. Mayor Scruggs replied that balance is the goal. Mayor Keegan suggested the possibility of an at large member.

Chairman Giuliano requested that staff draft a grid of non-municipal agencies and who they represent. He suggested the possibility that the Board of Supervisors be requested to serve a 2-3 year term on the Regional Council. Chairman Giuliano requested that the 2 new seats be discussed at the Retreat. If there is good participation at the Retreat with a positive outcome, this issue could be presented on the Regional Council agenda. Mr. Bourey stated that this issue would be on the January 2000 Executive Committee agenda.

Mayor Rimsza stated that the Regional Council may want to delay any action until after the Governor's Task Force makes its recommendation. He indicated that the Board may be restructured. Mayor Rimsza expressed concern over problems caused by restructuring and stated that the focus should be on results. Mayor Scruggs commented that the addition of a second Board member could be beneficial.

Mayor Keegan asked Mayor Rimsza for clarification of his opposition to changing the voting structure, when he has previously expressed his agreement to allow membership to others. Mayor Rimsza replied that he believes that cities with elected officials could be added as non-voting members. He stated that his concern is with adding voting members and changing the voting structure. Mayor Rimsza commented that non-voting members would not cause a problem. Chairman Giuliano indicated that this issue requires examination and requested staff to outline topics of discussion. Mr. Bourey stated that this needs resolution since the new Board member begins in January. Dennis Smith commented that the Legislature decided that MAG should add CTOC. He indicated that they may tell us to add the Board member also. Mr. Smith stated that it would be better to take this step on our own. Mayor Scruggs stated that she agreed with Mr. Smith to include the new member without being legislated. She commented that MAG is a discussion point with the Task Force.

Mayor Tibshraeny stated that the transit tax election needs to be discussed. He noted that the outcome affects everyone.

Mayor Scruggs asked the process for items to be included on the Executive Committee agenda. Mayor Giuliano replied that items are put on the agenda by request.

There being no further business, the meeting was adjourned at 1:10 p.m.

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Chairman

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Secretary