

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL GOVERNANCE TASK FORCE MEETING**

July 5, 2001
MAG Office, [Saguaro](#) Room
Phoenix, Arizona

MEMBERS ATTENDING

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| Mayor Skip Rimsza, Phoenix, Chairman | Mayor Keno Hawker, Mesa |
| Mayor Ron Drake, Avondale | Tom Martinsen, Paradise Valley |
| Mayor Roy Delgado, El Mirage | Mayor Wendy Feldman-Kerr, Queen Creek |
| Ed Beasley, Glendale | Jan Dolan, Scottsdale |
| Stephen Cleveland, Goodyear | Bill Pupo, Surprise |
| Mayor J. Woodfin Thomas, Litchfield Park | |

*Not present.

1. Call to Order

The meeting of the Regional Governance Task Force was called to order by Acting Chairman Keno Hawker at 11:40 a.m.

2. Approval of June 18, 2001 Meeting Minutes

Jan Dolan moved to approve June 18, 2001 meeting minutes. Bill Pupo seconded, and the motion carried unanimously. Chairman Rimsza joined the meeting.

3. Consultant Introduction and Discussion of Governance Issues

James M. Bourey introduced John Parr, the consultant that will be present at the Task Force meeting to facilitate the discussion regarding the governance issues. Mr. Parr provided members with information on his background. Mr. Parr stated that he has a law degree, although he has not worked as a lawyer, and is based in Denver. His career includes work with environmental governance issues. Mr. Parr and a team formed the Center for Regional and Neighborhood Action, a non-profit organization that assists communities develop regional focus. He commented that communities are only as strong as their neighborhoods. Mr. Parr stated that the Center staffs the Metro Mayor's Caucus in the Denver area. The Caucus provides policy support to the mayors. Mr. Parr stated that he has assisted Councils of Government in Illinois and Kansas City. Mr. Parr explained that when the Colorado State Legislature could not agree on growth legislation, the Caucus and Denver Regional Council of Governments drafted the Mile High Compact. The groups will be reconvening in the near future to discuss Mile High Compact II. Chairman Rimsza asked if there were any questions.

Mayor Hawker asked about connectivity with the Joint Agency Negotiating Team on Consolidation (JANTOC) report and MAG governance issues. Mr. Parr explained the effort that took place in San Diego. Mayor Hawker asked who would be on the consulting team. Mr. Parr replied that he would be providing the consulting services by evaluating the Task Force recommendations. Mayor Hawker

asked about the extent of his business travel. Mr. Parr explained that the majority of his out of state travel is for one event meetings. He stated that he would facilitate and provide information of interest from other parts of the country.

4. Formation of Advisory Group

Mr. Bourey stated that at the June 18, 2001 meeting, Chairman Rimsza requested that names for the Advisory Committee be submitted to him for consideration. He handed out a list of the potential members. Mr. Bourey stated that he has personally contacted the 16 people on the list. He stated that meetings would be held on July 10, July 23 and August 1, 2001. Mr. Bourey stated that Supervisor Jan Brewer had to decline due to scheduling conflicts. Chairman Rimsza asked members that if they had additional suggestions, to let him know as soon as possible, due to the short time frame.

Tom Martinsen expressed his interest that a lobbyist serve on the Advisory Committee. Chairman Rimsza stated that city lobbyists would be present at the meetings. He noted that no one had submitted the name of a lobbyist. Mayor Thomas stated that the names he submitted were for broadening participation in MAG, including membership. Mayor Delgado submitted the name of Don Bush. Chairman Rimsza stated that if Task Force members had any changes to the list, to let him know.

5. MAG Historical Timeline and Summary

Mr. Bourey stated that the Task Force requested that a summary be prepared from a historical perspective regarding MAG governance issues. He stated that Dennis Smith, MAG staff, would review the timeline that was included in the agenda packet. Mr. Smith explained that MAG was formed as a Council of Governments in 1967. In 1973, MAG designated as a Metropolitan Planning Organization (MPO) by the Governor under the provisions of the Federal Highway Act. As an MPO, MAG develops a 5-year Transportation Improvement Program and a 20-year Long Range Transportation Plan.

Mr. Smith stated that in 1985, the Regional Council drove the effort for the successful passage of Proposition 300, which authorized a half cent sales tax in Maricopa County to fund the MAG Freeway Program. He indicated that initially, the Governor and the Legislature were not supporters of the Proposition. Mr. Smith noted that Proposition 300 also established RPTA. Mr. Smith stated that in 1986, a serious downturn in housing starts and real estate markets caused expected sales tax revenues for the Regional Freeway Program to decline.

Mr. Smith stated that in 1991, weighted voting was approved for the Management Committee and Regional Council. He explained that votes are taken on a one city one vote basis unless a weighted vote is requested. For a weighted vote to pass, the vote requires a majority of those present and it must represent a majority of the population of the member agencies voting.

Mr. Smith stated that in 1992, following a performance audit of the Regional Freeway Program, the Legislature passed a law authorizing MAG to set freeway priorities, approve cost changes and to issue an annual report on the freeway program. He noted that at the time, there was no individual budget for each freeway segment. ADOT is required to develop a life cycle program for the program.

Mr. Smith stated that in November 1994, Governor Symington announced cut backs to the Regional Freeway Program because of the shortfall in revenue. These cut backs eliminated the Estrella, Grand Avenue and Paradise Freeways. Portions of the Red Mountain and San Tan Freeways were not funded and that the South Mountain Parkway would need to be privatized. Mr. Smith stated that in 1996, Eric Anderson completed an analysis that found more revenue and put the Red Mountain, the San Tan, some of the South Mountain, Grand Avenue and the Estrella, back in the Program.

Mr. Smith stated that in 1996, the Regional Council Subcommittee made recommendations that separated MAG from the League and re-engineered the policy process, which were approved by the Regional Council.

Mr. Bourey stated that when he became Executive Director in 1997, MAG staff was relocated into offices apart from the League of Arizona Cities and Towns. The MAG Transportation and Planning Office is relocated from Maricopa County to the combined MAG staff.

Mr. Bourey stated that TEA-21 legislation clarified that a cooperative revenue estimate needed to be developed by the State, the MPO and transit operators. This led to an effort in 1999 for “fair share” allocation of state transportation funds and accelerated completion of the Regional Freeway System from 2014 to 2007. Mr. Bourey commented that the mayors were very supportive on the acceleration. Mr. Bourey stated that the effort among MAG, ADOT and RPTA to cooperatively develop the Program has been very successful.

Mr. Bourey stated that in 1999, the Legislature repealed the authority for any future countywide half cent sales tax for transit/transportation in Maricopa County. He stated that recently, the Regional Council provided Apache Junction a seat at the table for the Regional Council and Management Committee meetings and an additional ADOT Board member a vote on the Regional Council.

Mr. Cleveland stated that an annual update of this information could benefit Management Committee and Regional Council members. He noted that the word “audit” needs to be put on the map. A key item to include in the summary would be a description of weighted voting. Mr. Cleveland stated that a similar summary of other MAG programs would be useful to have available when advancement of these programs is needed. Chairman Rimsza commented that visuals assist in a quick education.

Mr. Beasley commented that a portion of the community was cut off by the program cuts made by Governor Symington. He indicated that this action could have been divisive to the region, but MAG worked through the issues. Mr. Beasley suggested setting up a strategy that shows how MAG makes decisions.

6. Review of the Structure of Metropolitan Planning Organizations

Mr. Bourey provided an overview of the Metropolitan Planning Organizations (MPO) structure. He displayed maps of the MAG member agencies, the six regional planning districts in Arizona, MPOs, Transportation Management Areas (TMAs), and the MAG non-attainment area. Mr. Bourey provided an historical overview of the MPO roles and responsibilities. As part of the Federal Highway Act of 1962, Congress included language that required urban areas with a population of 50,000 or greater to implement a transportation planning process in order to remain eligible for federal transportation funds. Since this planning process was to be comprehensive, continuous, and cooperative in nature, it was called the 3C planning process. Mr. Bourey stated that in 1965, to address the 3C planning

process in the Maricopa region, the Valley Area Traffic and Transportation Area Study was formed. Mr. Bourey stated that in 1967, MAG was incorporated as a Council of Governments. After MAG was formed, the Valley Area Traffic and Transportation Study was merged into MAG.

Mr. Bourey stated that in 1973, through the provisions of the Federal Transportation Act, MAG was designated by the Governor as a Metropolitan Planning Organization. In this capacity, MAG developed a 5-year transportation improvement program and a 20-year long range transportation plan. During this time, MAG received approximately \$10 million per year for local transportation projects.

Mr. Bourey stated that the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation was passed in 1991. Newly formed MPOs after ISTEA were required to have modal representatives on their policy board. Metropolitan Planning Organizations formed prior to enactment were grandfathered in the legislation and were encouraged to broaden their policy committee membership to representatives of major transportation modes. As an MPO under ISTEA, MAG received approximately \$40 million per year to allocate to transportation projects.

Mr. Bourey stated that the Transportation Equity Act for the 21st Century (TEA-21) was signed into law in June 1998. A major clarification under TEA-21 was that a cooperative revenue estimate needed to be worked out between the state, MPO and transit operators. He explained that prior to TEA-21, the State largely determined how the federal funds, allocated to the State, would be spent and provided a list of projects for this region to the MPO. The implementation of these provisions in Arizona resulted in ADOT, MAG and the RPTA cooperatively programming approximately \$230 million per year for this region.

Mr. Bourey stated that ISTEA legislation provided that MPOs formed after December 18, 1991, would be by agreement of the Governor, and units of general purpose local governments representing 75 percent of the affected metropolitan population, including the central city or cities defined by the Bureau of the Census, or in accordance with procedures established by applicable State or local law. He noted that redesignation of an MPO would require the same agreement.

Chairman Rimsza stated that regionally significant projects, regardless of funding source, need to be put in the TIP by MAG in order to be constructed.

Mr. Cleveland commented on examination of the MAG process from the consultant's viewpoint. Decisions appear to be constantly evolving and it would be interesting to see how it compares with other regions. Mr. Cleveland commented on how MAG would differ if newly formed by today's standards. Mr. Smith stated that modal representation has been added to the Transportation Review Committee. Mr. Bourey referred to page 3 of the MPO History Report that was included in the agenda packet. He stated that the report reads, "The voting membership of an MPO policy body designated/redesignated subsequent to December 18, 1991, and serving a Transportation Management Area (over 200,000 in population), must include representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation, e.g., transit operators, sponsors of major local airports, maritime ports, rail operators etc., and appropriate state officials." Mr. Cleveland commented on showing what additional slots would be needed to be fully compliant with requirements of a new MPO. Mr. Smith brought up the fact that MAG has held freight forums to receive input from that transportation mode. He commented that MAG does not have a transit committee, but that function is provided by RPTA.

Mayor Thomas asked for clarification of the Newly Created MPO section, where it states, “officials of agencies that administer or operate major modes or systems of transportation.” Chairman Rimsza replied that the Chair of the Aviation Advisory Board would be an example of this official. Mr. Cleveland stated that critics indicate that MAG does not represent all interests. He stated that it is important to discuss this before it becomes an issue.

7. Historical Overview of the MAG Public Involvement Process

Mr. Smith stated that staff developed an historical summary of the MAG public involvement process. He provided members with a review of major milestones in the MAG Public Involvement Process. The Intermodal Surface Transportation Efficiency Act of 1991 requires an adopted public involvement process and an early and continuous public involvement process. He stated that in June 1992, the Regional Council approves a 15 minute Call to the Audience, with audience members requested to keep their comments under three minutes each.

Mr. Smith stated that in September of 1994, the MAG Regional Council approved the MAG Process for Public Involvement in Transportation Planning. In addition to numerous public involvement steps outlined in the process, the 15 minute Call to the Audience was retained for public comment at the beginning of the Regional Council meetings.

Mr. Smith stated that in February 1996, the Regional Council approved recommendations which re-engineered the MAG policy process. The public comment opportunities were increased for the Regional Council meetings. Mr. Smith explained that in addition to the Call to the Audience agenda item at the beginning of the meeting, members of the audience were provided opportunities to comment on the Approval of the Consent Agenda and up to three minutes to speak on action items.

Mr. Smith stated that in July 1998, the Regional Council recommended that the process for programming federal transportation funds be enhanced. These enhancements include a more proactive community outreach process, and the development of early guidelines to help select transportation projects within resource limits. The proactive community outreach process led to an enhanced public involvement process beginning with the FY 1999 Public Involvement Program. Mr. Smith explained that the enhanced public involvement process involves transportation stakeholders as outlined in TEA-21 and includes input from Title VI stakeholders. He stated that the MAG Associates were hired to obtain this input. The input received during the enhanced input opportunity has been incorporated in the development of early guidelines to guide project selection for the TIP and Plan. Mr. Smith stated that public input is sought at community events and at events in shopping malls. He noted that federal law requires a periodic review of the public process. Mr. Smith stated that a change in the public comment period at the Regional Council meetings will be considered at the July 2001 Regional Council meeting.

Mr. Cleveland commented that many citizens appreciate being able to comment. He stated that when the public is happy, the process is better. Bill Beyer, CTOC Chairman, commented that CTOC has benefitted from MAG staff efforts in the public process. He expressed his appreciation for this support in their input process. Mr. Cleveland commented on expanding the document to include the CTOC process.

Mr. Bourey reviewed tentative items for the next Task Force meeting on July 9th. Agenda items may include expanding the timeline, providing a comparative structure of governance in other regions, and

discussion by the consultant of governance in other regions. He noted that supporting agenda materials would be provided at the meeting.

Mayor Drake expressed his appreciation to MAG staff for providing the information on MAG. He indicated that the information is beneficial for individuals new to MAG.

Chairman Rimsza explained to Mr. Parr the concern about the extension and management of the sales tax. He noted that time is critical. Chairman Rimsza commented on efforts to examine ways that could improve MAG. He noted that the quality of life could be reduced if transportation is not improved.

Ms. Dolan expressed concern for ensuring the integrity of the MAG structure. She commented that even though transportation is the dominant issue, the focus needs to encompass other programs, as well. Ms. Dolan suggested including a member of the press on the Advisory because they play a large role in the perception of MAG. Chairman Rimsza noted that a member from business press could be representative of the goals.

Mr. Cleveland asked about interface between the Task Force and the Advisory Committee. Mr. Bourey replied that after the Advisory Committee is up to speed, a joint meeting would be scheduled. Mr. Cleveland commented that it was critical that all are in the process from the beginning to the end. Dialogue will be valuable, even if the meetings run longer than anticipated.

Mr. Bourey handed out three articles of interest. Chairman Rimsza commented that the stewardship of this body will be wasted if decisions on major transportation investments for the future are not made. He indicated that although other issues and programs need to be addressed, the transportation issue is imminent. Mayor Feldman-Kerr expressed her support for the discussion of other issues. Mayor Hawker suggested bringing in groups to present their solutions to issues. Chairman Rimsza indicated that those groups could be brought in if their participation is warranted.

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

Chairman

Secretary