

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

February 27, 2008  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor James M. Cavanaugh, Goodyear, Chair	Supervisor Max W. Wilson, Maricopa County
* Mayor Mary Manross, Scottsdale, Vice Chair	Vice Mayor Claudia Walters for Mayor Keno Hawker, Mesa
* Councilmember Robin Barker, Apache Junction	Councilmember Brian Cooney for Mayor Ed Winkler, Paradise Valley
Mayor Marie Lopez Rogers, Avondale	Mayor Bob Barrett, Peoria
+ Mayor Bobby Bryant, Buckeye	Vice Mayor Peggy Neely, Phoenix
Mayor Wayne Fulcher, Carefree	# Mayor Art Sanders, Queen Creek
Councilmember Dick Esser, Cave Creek	* President Diane Enos, Salt River Pima-Maricopa Indian Community
Mayor Boyd Dunn, Chandler	Mayor Lyn Truitt, Surprise
Mayor Fred Waterman, El Mirage	Mayor Hugh Hallman, Tempe
* President Clinton Pattea, Fort McDowell Yavapai Nation	* Mayor Adolfo Gamez, Tolleson
# Councilmember Jay Schlum for Mayor Wally Nichols, Fountain Hills	# Mayor Ron Badowski, Wickenburg
Mayor Fred Hull, Gila Bend	Mayor Michael LeVault, Youngtown
* Governor William Rhodes, Gila River Indian Community	Felipe Zubia, State Transportation Board
# Mayor Steven Berman, Gilbert	* Vacant, State Transportation Board
* Mayor Elaine Scruggs, Glendale	* David Martin, Citizens Transportation Oversight Committee
Mayor Rebecca Jimenez, Guadalupe	
Mayor Thomas Schoaf, Litchfield Park	

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair James M. Cavanaugh at 5:10 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Cavanaugh noted that Mayor Steven Berman, Mayor Ron Badowski, Mayor Art Sanders and Councilmember Jay Schlum, as proxy for Mayor Wally Nichols, were participating by teleconference; Mayor Bobby Bryant was participating by videoconference. He introduced Councilmember Brian Cooney as proxy for Mayor Ed Winkler and Vice Mayor Claudia Walters as proxy for Mayor Keno Hawker.

Chair Cavanaugh introduced a new member to the MAG Regional Council, Mayor Rebecca Jimenez, Guadalupe, and presented her with her Regional Council membership certificate.

Chair Cavanaugh noted materials at each place for agenda items ##5C, 5D, #5E, #6, and #10. Transit tickets and parking validation were provided to meeting attendees.

### 3. Call to the Audience

Chair Cavanaugh noted that public comment cards were available to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested not to exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Cavanaugh recognized public comment from Joseph Ryan, a Valley resident for 15 years. Mr. Ryan stated that MAG is the Metropolitan Planning Organization and is responsible for transportation planning and its financial aspects. He commented that the shortage of funding is the greatest problem. Mr. Ryan stated that he has brought up two laws unique to Arizona regarding highway right of way, but MAG has never put it on the agenda. Mr. Ryan stated that the Chair of the Citizens Transportation Oversight Committee is to bring input from the citizens to the MAG Regional Council. He stated that underbuilding the infrastructure is another problem; the engineers say it happens because the politicians give them too little money for highways and interchanges, which causes more traffic congestion, fuel and tire consumption, and health issues. Mr. Ryan stated that I-10 is becoming increasingly dangerous, but MAG staff did not put this on the agenda. He commented that a one-half cent sales tax is inadequate and then there is a need to bond and borrow money, which increases costs even more. Mr. Ryan stated that MAG needs to look at its planning methods; there is a high foreclosure rate that will impact revenue even more. He added that he hoped the Regional Council would listen to what he had to say. Chair Cavanaugh thanked Mr. Ryan for his comments.

Chair Cavanaugh recognized public comment from Dianne Barker, who said that she had taken seven buses to travel from Goodyear to 40<sup>th</sup> Street and Camelback Road. She stated that having buses run regularly every 30 minutes would be helpful to getting around. Ms. Barker stated that she had spoken to Mr. George McGovern, former presidential candidate, after his speaking engagement the night before. She said that Mr. McGovern and her father had both served in World War II as pilots. Ms. Barker stated that there are veterans who have served this country but do not necessarily support war. She commented that a focus is needed on growth, funds and planning. She asked if there was collaboration between the I-10 train study, the Hassayampa Study and the I-10 Bypass Study to make the decisions. Chair Cavanaugh thanked Ms. Barker for her comments.

Chair Cavanaugh recognized public comment from Eric Gorseger, the Associate Director of the Sun Corridor program of the Sonoran Institute. He said that the organization engages in issues of smart growth and sustainability. Mr. Gorseger stated top concern is open space, and land conservation of the dwindling Sonoran Desert is at the top of their list. Mr. Gorseger addressed his comments to agenda item #5E. He expressed the organization's appreciation for the work done by Mr. Bob Hazlett and Mr. Eric Anderson and contract staff on the Hassayampa Study. Mr. Gorseger stated that they believe that the study could be improved in just one way: by adding a recognition of the unique cultural, environmental and historical sensitivities to open land such as this. He stated that this might be useful when future facilities require environmental mitigation as they are built. Mr. Gorseger stated that the environmental scan for the Hidden Valley Study is much improved, but could be a tremendous analytical tool to allow those outside the study to take maps as they are developed and take a reverse look in relation to environmental scans done previously. He commented that until now, they have not been able to see how corridors affect the data layers in environmental scans. Chair Cavanaugh thanked Mr. Gorseger for his comments.

Chair Cavanaugh recognized public comment from Laurel Arndt, an environmental planner and member of the Ahwatukee Foothills Valley Planning Committee, the Maricopa County Parks Board, and the South Mountain Citizens Advisory Team. Ms. Arndt requested that MAG reassess the allocation of funds for the South Mountain Freeway. She stated that needs 20 years ago are not the same as today's needs. Ms. Arndt commented that the cities are clamoring for funding to allow improvements to freeways to accommodate growth but no community is begging that the 202 project be built, not Phoenix, not Chandler, not Tolleson, because no one sees the benefit for the cost. Ms. Arndt stated that Pinal County commuters should be included to be truly regional planning. She added that traffic projections for 2030 show that travel time will decrease merely by minutes after the freeway is built, which is projected today to cost \$1.7 billion. Ms. Arndt stated that the footprint was originally only 150 feet wide, and the right of way now will require ten to twelve lanes, at a far greater cost. She stated that the facility, now at Pecos and 51<sup>st</sup> Avenue, would be more useful to the needs of 2030 if located farther south and west. Ms. Arndt's time elapsed. Ms. Arndt stated that the solution is a parkway. She said that ADOT will present to CAT tomorrow the three reasons a parkway will not work: (1) Phoenix will not extend an arterial through the South Mountain Preserve. She commented that does this mean they will approve a freeway? She added that Councilmember Greg Stanton and the Mayor do not support the system. (2) A parkway will cause similar impacts as a freeway. She commented that a parkway is less costly, has less impact and takes fewer homes. (3) A parkway will not provide the capacity needed. She commented that the studies that show travel time improvements of only minutes disputes that. Ms. Arndt requested that MAG go back to square one and reassess the project. Chair Cavanaugh thanked Ms. Arndt for her comments.

#### 4. Executive Director's Report

Dennis Smith, MAG Executive Director, provided a report to the Regional Council on activities of general interest.

Mr. Smith stated that the Desert Peaks Awards nominations are due March 7, 2008. Mr. Smith added that the nomination forms were mailed out and are available on the MAG website.

Mr. Smith stated that the Regional Council has been invited to the luncheon following the Management Committee Forum scheduled for Friday, March 14, 2008. He said that national speaker, Dr. James Johnson, from the University of North Carolina at Chapel Hill, will address attendees on creating sustainable communities in times of economic and global uncertainty. Mr. Smith noted that Dr. Johnson is an expert on at-risk youth and the Casey Foundation provided funding for Dr. Johnson to meet for an additional session at 3:00 to 4:30 p.m. for youth workers. He added that this is a great opportunity for staff to hear a world renowned speaker at no cost to member agencies.

Mr. Smith reported that March 31, 2008, is the deadline for cities and towns to pass their air quality ordinances required by Senate Bill 1552. He noted that the City of Scottsdale prepared a fact sheet on PM-10 and its health impacts, which was at each place. Mr. Smith offered the assistance of MAG's Environmental Director, Lindy Bauer, to ensure jurisdictions meet the statutory deadline. Chair Cavanaugh thanked Mr. Smith for his report and asked members if they had questions. None were noted.

5. Approval of Consent Agenda

Chair Cavanaugh recognized public comment from Mr. Ryan, who commented on agenda item #5E. He stated that 20 traffic interchanges are indicated on the map. He noted that prices in Arizona are more than the national average and the more that trucks have to slow down, the more prices will increase. Mr. Ryan spoke about air quality. He said that MAG keeps asking EPA for more time, and is also looking at allowing development to accommodate three million people in the Hassayampa Valley. Mr. Ryan stated that routes are needed to get people to places such as the airport. He commented on that the economic study does not mention zoning, which is a way to control over population. Mr. Ryan stated that good jobs are needed to support people. Mr. Ryan stated that he was in South Phoenix and spoke to people there. He said he saw the same thing here as in Africa: people are not educated enough to get a job in the big town, or they are convicts. He stated that over population can be controlled by zoning; instead of issuing authorities to builders. Mr. Ryan stated that the laws are written by developers. Mr. Ryan's time elapsed and he was granted additional time. Mr. Ryan said that right of way should be acquired now, but the law says that ADOT has to pay land owners what the land will be worth after building the highway and must be built within 24 months. He stated that MAG does not consider cheaper ways to commute, such as elevated rail, it considers commuter rail and light rail. Chair Cavanaugh thanked Mr. Ryan for his comments.

Chair Cavanaugh noted that agenda items #5A through #5L were on the consent agenda. He asked members if they had questions or requests to hear an item individually. None were noted.

Chair Cavanaugh called for a motion to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, and #5L. Mayor Hallman moved, Supervisor Wilson seconded, and the motion passed unanimously.

5A. Approval of the January 30, 2008 Meeting Minutes

The Regional Council, by consent, approved the January 30, 2008 meeting minutes.

5B. Project List for the Arizona Department of Transportation's Safe Routes to School Program

The Regional Council, by consent, approved the ranked list of projects for submission to the Arizona Department of Transportation for the Safe Routes to School Program. A total of \$1,100,000 statewide is available for projects through the Arizona Department of Transportation's (ADOT) Safe Routes to School Program. The program provides funding to public and non-profit agencies for projects that improve road safety and encourage more grade K-8 children to walk or bike to their neighborhood schools. In response to the ADOT call for projects announced in November 2007, 18 project applications were submitted to ADOT from the MAG region. The ADOT application review process stipulates that Metropolitan Planning Organizations and Councils of Governments must recommend a ranked list of projects to ADOT by February 28, 2008. The MAG Transportation Safety Committee reviewed all project proposals, and generated a ranked list for consideration by ADOT. The MAG Management Committee recommended the submission of the ranked list.

5C. Project Changes: Amendments, and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program and FY 2008 Arterial Life Cycle Program, and Material Cost Changes to the ADOT Program

The Regional Council, by consent, approved amendments and administrative modifications to the FY 2008-2012 MAG TIP, the FY 2008 Arterial Life Cycle Program, the Regional Transportation Plan 2007 Update as appropriate, and a material cost change to the ADOT Program shown in attached tables. The FY 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007, and the FY 2008 Arterial Life Cycle Program (ALCP) was approved by the MAG Regional Council on June 27, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. The proposed Highway administrative modifications and amendments to the FY 2008-2012 TIP are listed in Table A, administrative modifications to the ALCP are listed in Table B, and proposed Transit amendments are listed in Table C. An administrative modification does not require a conformity determination. In addition, Table D notes the material cost change to the ADOT Program. The material cost changes are related to cost increases. The right of way project for I-10: Sarival Road to Dysart Road increased by \$500,000 and the construction project for the US-60: I-10 to Loop 101 increased by \$7,500,000. The Transportation Review Committee (TRC) recommended approval of the project changes provided to them at the January 31, 2008 meeting. Recommendations for approval were forthcoming from the MAG Management Committee and the Transportation Policy Committee.

5D. Consultant Selection for the Statewide Transportation Survey

The Regional Council, by consent, approved the selection of WestGroup Research to conduct the Statewide Transportation Survey for an amount not to exceed \$55,000, and if negotiations with WestGroup Research are not successful, that MAG negotiate with its second choice, Behavior Research Center, to conduct the survey. On December 19, 2007, the MAG Regional Council approved conducting a public opinion survey to measure voter attitudes and preferences in addressing regional and statewide transportation mobility needs, and that the FY 2008 MAG Unified Planning Work Program and Annual Budget be amended to include \$55,000 for the survey. MAG issued a Request for Proposals to develop and conduct an independent, scientifically valid voter opinion survey. In response, six proposals were

received. A multi-agency review team reviewed the proposals and recommended to MAG the selection of WestGroup Research to conduct the survey. In addition, the team recommended that if negotiations with WestGroup are not successful, that MAG be directed to negotiate with its second choice, Behavior Research Center. The MAG Management Committee, the Executive Committee, and the Transportation Policy Committee recommended approval.

5E. The Interstate 10 - Hassayampa Valley Transportation Framework Study

The Regional Council, by consent, (1) Accepted the findings of the Interstate 10-Hassayampa Valley Transportation Framework Study as the surface and public transportation framework for the Hassayampa Valley; (2) adopted the traffic interchange locations for the Interstate-10/Papago Freeway from SR-303L/Estrella Freeway to 459th Avenue; (3) adopted a two-mile traffic interchange spacing policy for new freeway facilities within the Hassayampa Valley with appropriate planning for non-access crossings of the freeway facilities to facilitate local transportation movements; (4) adopted a new functional classification as a parkway, recognizing the Arizona Parkway as a type of parkway with unique operating characteristics for congestion and air quality planning purposes; (5) accepted the findings and implementation strategies as described in the study for inclusion as illustrative corridors in the Regional Transportation Plan; and, (6) recommended the affected jurisdictions within the Hassayampa Valley study area incorporate this study's recommendations into future updates of their general plans; also to move the alignment of the proposed Hassayampa North-South Freeway on the framework map at least 1.5 miles from the Toyota Test Track. Since May 2006, the Interstate 10-Hassayampa Valley Transportation Framework Study has been underway for establishing a mobility framework for a significant portion of Maricopa County west of the White Tank Mountains. In August and September 2007, the Management Committee, the Transportation Policy Committee, and Regional Council were provided a briefing on the results and potential recommendations generated on the project.

5F. MAG Human Services Coordination Transportation Plan 2008 Update

The Regional Council, by consent, approved the MAG Human Services Coordination Transportation Plan 2008 Update. The MAG Human Services Coordination Transportation Plan 2008 Update was developed in collaboration with representatives from 70 agencies, municipalities, companies and residents. The plan addresses progress made since the implementation of the plan in 2007. It also proposes five new strategies. This activity is undertaken in response to a federal requirement affecting all applicants of Section 5310, Section 5316 and Section 5317. The MAG Human Services Technical Committee, the MAG Human Services Coordinating Committee, and the MAG Management Committee recommended approval of the update.

5G. Interim Appointment of the Vice Chair of the Transportation Policy Committee to Fill the Unexpired Term (June 2008)

The Regional Council, by consent, approved the interim appointment of Mayor Marie Lopez Rogers, Avondale, as the Vice Chair of the TPC to fill the unexpired portion of the two-year term (June 2008). In June 2006, Councilwoman Bilsten, Phoenix, was appointed as the Chair of the Transportation Policy Committee (TPC) and Mayor Keno Hawker, Mesa, was appointed Vice Chair for two-year terms ending in June 2008. Due to term limits, Councilwoman Bilsten was not eligible to run for re-election creating

a vacancy in the Chair position for the TPC. To fill this position until June 2008, in January 2008, the Regional Council approved the interim appointment of Mayor Hawker as the Chair of the TPC, leaving the Vice Chair position vacant. MAG has received a letter requesting that Mayor Marie Lopez Rogers, Avondale, receive an interim appointment as Vice Chair to fill the unexpired term (June 2008). In June 2008, the Regional Council would then consider the TPC officer positions for a two year term.

5H. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on conformity assessments for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program and Regional Transportation Plan 2007 Update. The proposed amendment includes new transit projects for the City of Phoenix and a federally-funded pedestrian project for the Town of Gilbert. In addition, an administrative modification includes the repackaging of pre-design, design, and right-of-way projects for Maricopa County improvements to El Mirage Road and changes to the allocation of funding amounts for several City of Scottsdale intersection projects. The amendment includes projects that may be categorized as exempt and minor project revisions that do not require a conformity determination. Comments on the conformity assessments were requested by February 22, 2008. This item was on the agenda for consultation.

5I. Resolution to Request the EPA to Provide Sufficient Time for Existing Measures to Take Effect in the Implementation of a More Stringent Eight-Hour Ozone Standard

The Regional Council, by consent, adopted a resolution to request the Environmental Protection Agency to provide sufficient time for existing measures to take effect in the implementation of a more stringent eight-hour ozone standard. On July 11, 2007, the Environmental Protection Agency(EPA) published a proposed rulemaking to revise the eight-hour ozone standard to provide increased public health protection for children and other at risk populations. In Arizona, several business groups have indicated opposition to the adoption of a more stringent standard and have approached MAG regarding our position. As the regional air quality planning agency, MAG believes that it is important to protect public health. Over time, several aggressive measures have been adopted by the Arizona Legislature, local governments, and federal government which have been successful in eliminating violations of the current eight-hour ozone standard and prior one-hour ozone standard. It is important for EPA to place these measures in context with a more stringent standard. The attached resolution would request that EPA provide sufficient time for measures that have already been adopted to take effect in the implementation of a more stringent eight-hour ozone standard. On February 19, 2008, the Executive Committee recommended adoption of the resolution.

5J. Social Services Block Grant Allocation Recommendations

The Regional Council, by consent, approved the Social Services Block Grant (SSBG) allocation recommendations for FY 2008-2009 to be forwarded to the Arizona Department of Economic Security. Under a planning contract with the Arizona Department of Economic Security (DES), MAG annually researches and solicits input on human services needs in the region. The MAG Human Services Coordinating Committee develops recommendations for which services should be directed to meet these needs through the locally planned dollars under the SSBG. Services funded by SSBG include assistance

to the most vulnerable people in the region, including very low-income children and families, elderly people, victims of domestic violence, homeless people and persons with disabilities. The MAG Human Services Technical Committee, the MAG Human Services Coordinating Committee, and the MAG Management Committee recommended approval of the SSBG allocation recommendations.

5K. Development of the FY 2009 MAG Unified Planning Work Program and Annual Budget

Each year, staff develops the MAG Unified Planning Work Program and Annual Budget. The Work Program is reviewed each year by the federal agencies and approved by the Regional Council in May. A review of the detailed draft Work Program and Budget is scheduled for March. This presentation is an overview of MAG's early FY 2009 proposed projects for the FY 2009 Work Program. The Budget Workshop, which will also be available via videoconference, is scheduled for Wednesday, February 20, 2008 at 9:00 a.m. in the MAG Palo Verde Room. The proposed Dues and Assessments have not been increased for FY 2009, although the allocation of Dues and Assessments has changed among the members due to population changes. MAG is proposing to keep the MAG Dues and Assessments at the same level due to the uncertain economy facing our members. The Solid Waste Assessment, unchanged since FY 2006, is expected to remain at \$10,000 for FY 2009 as no additional activity is anticipated.

5L. MAG Regional Economic Summary

Changes in a number of economic factors are having a significant impact on the level of activity and fiscal conditions on the State of Arizona and the region. Employment growth has slowed to about one percent, after growing by more than six percent the previous year. The State of Arizona's individual income tax collections are down about one percent year-to-date, with sales (transaction privilege) tax collections slightly down also. Overall, current estimates suggest that the State of Arizona has a shortfall between \$970 million to \$1.15 billion, or roughly 8.5 percent of the State budget. A report compiled by MAG highlights changing conditions in the economy, tax revenues, and commodity and labor costs related to public infrastructure projects. This item was on the agenda for information.

6. Draft Revised MAG Highway Acceleration Policy

Eric Anderson, MAG Transportation Director, updated members on the review of the MAG Highway Acceleration Policy. He said that a working group of member agency managers met on December 5, 2007 and January 30, 2008 and discussed and recommended revisions to the policy. At the January 30, 2008 meeting, the consensus of the working group was to move forward the draft revised MAG Highway Acceleration Policy for consideration and adoption by the MAG Regional Council.

Mr. Anderson stated that the current MAG Highway Acceleration Policy was adopted in March 2000, prior to Proposition 400, the formation of the TPC, and the development of the Regional Transportation Plan. He stated that the policy outlines the process for jurisdictions to accelerate projects, ensures that local financing is provided in a fiscally prudent manner, ensures that other projects are not affected, and that the sharing of interest costs recognizes the benefit of both the local jurisdiction and the region.

Mr. Anderson stated that the Working Group discussed whether the policy should be the same for all highway and freeway projects. They recommended there would be no distinction. The Working Group

discussed the form of local commitment that should be in place for MAG to consider an acceleration request. They recommended that there should be a resolution by the Council or Board that they support the acceleration. The Working Group discussed whether there should be minimum financial commitment and should the interest sharing be simplified. They recommended a fifty/fifty interest sharing. The Working Group discussed whether there should be a consequence if a “below the line” earmark was used. They recommended, after lengthy discussion, that “below the line” funding would not be allowed.

Mr. Anderson reviewed the recommended changes to the policy, which includes improvements and clarifications that bring the policy in line with Proposition 400; covers all freeway and highway projects; incorporates the Transportation Policy Committee as the body that makes the recommendation to the MAG Regional Council; requires having a council resolution that shows support for the proposed acceleration before MAG takes action on the request; establishes interest sharing fixed at fifty/fifty; prohibits “below the line” earmarks; and requires MAG to be party to the intergovernmental agreement with ADOT and the local jurisdiction(s).

Mr. Anderson noted that on February 20th, the TPC recommended approval of the policy recommended by the Working Group and the Management Committee, with the addition of the phrase, “demonstration of financial” to the last sentence of item #1. Item #1 as recommended by the TPC reads: “The jurisdiction or jurisdictions requesting the acceleration (sponsoring jurisdictions) must provide a resolution of support and demonstration of financial commitment for the request from the governing body of the jurisdiction before the Transportation Policy Committee and the MAG Regional Council take formal action.”

Chair Cavanaugh recognized public comment from Mr. Ryan, who stated that noise barriers are now needed along Loop 303 and he understood there was funding for this, but it is in great demand. Mr. Ryan stated that instead of widening freeways, the emphasis should be on getting people off of underbuilt facilities. He suggested concentrating on adding more highway lanes. Mr. Ryan stated that he was tired of seeing the same old stuff from consultants. He stated that elevated rail is a cheaper option. It was built in Bronx, Queens, and Brooklyn 100 years ago and is still standing. Mr. Ryan noted that elevated rail does not interfere with traffic as at-grade rail does. He stated that the Japanese used prefab pylons for a monorail system. Mr. Ryan stated that the trolley will increase congestion and encouraged MAG to stop listening to consultants’ lies. Chair Cavanaugh thanked Mr. Ryan for his comments.

Chair Cavanaugh asked members if they had questions. Mayor Schoaf stated that staff had done a good job in considering the items that were problematic in the I-10 widening situation, with one exception. He said that from this past experience, projects with an accelerated timeframe should not be included in the Transportation Improvement Program (TIP) or used in conformity calculations until the intergovernmental agreement (IGA) for construction had been entered into. Mayor Schoaf noted that until that time, a jurisdiction’s council is not bound to pay for the acceleration. Mayor Schoaf suggested that this would be added at the end of item #1 of the revised acceleration policy.

Vice Mayor Neely asked if there would not be a review until the IGA was in place. Mayor Schoaf replied that he thought it should not be used in any way in terms of an accelerated date until the IGA was

signed. Vice Mayor Neely asked for clarification if the project would not be reviewed in the application process until the IGA for construction was signed. Mayor Schoaf replied that he thought it could be reviewed, but it should not be included in what is provided to the federal government nor in models to justify conformity until there is certainty that the project will be built.

Councilmember Esser asked Mr. Anderson if the proposed change would delay the IGA. Mr. Anderson replied that it could add one to two months to the process. He explained that after the IGA is signed, a TIP amendment reflecting the accelerated projected would be done, including the conformity consultation process. Mr. Anderson indicated that with Mayor Schoaf's suggested change, those activities would be switched to follow the signing of the IGA agreement. Mr. Anderson stated that this would add about 60 days to the back end of the process, which he thought could be accommodated so long as everyone was aware of it. He stated that in the case of the I-10 widening, it would have delayed the bid advertisement by about 60 days because the IGA was not signed. Mr. Anderson added that it may not change the total time, but change the sequence of events. Councilmember Esser commented that there would be a delay depending on the process. Mr. Anderson stated that it would probably not be considered a delay if there was awareness of the process.

Chair Cavanaugh commented that with the I-10 widening, the IGA process for could have begun sooner to accommodate the switching of activities.

Mr. Smith stated that it seemed there would be a two step process: (1) A resolution would be entered into and submitted to MAG for discussion. (2) Before putting the accelerated timeframe into the TIP, the IGA would be signed. If the TIP was in the development stage, the project would be put in with the other projects. If the TIP had already been developed, an amendment would be done. Mr. Smith commented that it would require more pre-planning and show a greater commitment.

Chair Cavanaugh suggested the motion could read, "Adoption of the draft revised MAG Highway Acceleration Policy, with the addition of the following to the end of item #1, that projects with an accelerated timeframe should not be included in the Transportation Improvement Program (TIP) or used in conformity calculations until the intergovernmental agreement (IGA) for construction had been entered into." Mayor Schoaf moved. Mayor Hallman seconded. Chair Cavanaugh asked if there was any discussion on the motion. None was noted. The vote on the motion passed, with Councilmember Esser voting no.

## 7. BQAZ Update and Schedule

Mr. Anderson provided an update on the Building a Quality Arizona (BQAZ) planning effort. He stated that there has been great cooperation among the state's Councils of Governments (COGs) and Metropolitan Planning Organizations (MPOs) who have been working together through the COG/MPO Association. Mr. Anderson stated that the COG/MPO Association has also been working cooperatively with the Arizona Department of Transportation (ADOT). He noted that with the assistance of the State Transportation Board, ADOT has begun framework studies across the state.

Mr. Anderson stated that a survey of business leaders showed that transportation is an issue of great importance to the Valley. He noted the expected growth in population will greatly impact the

transportation system statewide. Mr. Anderson stated that the states bordering Arizona also are experiencing high growth. Mr. Anderson displayed a map of the traffic counts in Arizona in 2005. The second map he displayed showed the demand estimates using the BQAZ sketch planning tool. As an example of the traffic increase, he noted the 2005 traffic count on the segment on I-10 west of SR-51 and Loop 202 was 303,000 vehicles per day; in the 2050 estimate, the same segment is projected at 750,000 vehicles per day, and that is only if there was capacity. Mr. Anderson displayed two maps that showed the volume and the capacity side by side. The blue indicated capacity and red indicated demand; the 2050 map showed that red had overtaken the blue. Mr. Anderson noted that the 2050 map illustrates how the excess traffic will result in highly congested highways. Mr. Anderson then displayed a chart that showed the number of trips from Phoenix to Flagstaff, Flagstaff to central Yavapai County, Phoenix to central Yavapai County, Yuma to Phoenix, and Phoenix to Tucson for the years 2005 and 2050.

Mr. Anderson stated that there are questions that need to be answered sooner than later to move toward a statewide vote. (1) What is the revenue source(s)? How much will it raise? (2) If a sales tax is considered, will communities already at nine and ten percent support the tax? (3) Should growth pay its way? If so, will the real estate community support the plan? (4) Currently, approximately 67.6 percent of the sales tax in Arizona is generated in Maricopa County. What is the fair amount for Maricopa County to contribute to areas outside of Maricopa County? (5) Arizona's gas tax is approximately eight cents per gallon below the national average and has not been increased since 1991. With gasoline at \$3 per gallon, is raising the gas tax viable? (6) What improvements will be funded by a statewide source: freeways/highways, freeway/highway maintenance, parkways/expressways not on the state highway system, city/county roads/arterials, local/regional bus service, light rail, commuter rail/high speed rail, bicycle and pedestrian projects, or safety projects? (7) How will major amendments to the plan developed in the framework studies be addressed -- at the state level or the framework/regional level? (8) What budget mechanism will be used to keep the promised improvements in the plan in balance with costs and revenues and on time? (9) Who will be responsible for approving major cost increases -- a statewide body or a regional body; appointed or elected? (10) How will the business community and citizens be involved in the process? (11) Who will be responsible for issuing an annual report? (12) Who will set the priorities and who will have the responsibility to change the priorities?

Mr. Anderson then reviewed the illustrative plan development timeline, which includes a Regional Transportation Plan cost update, the completion of the framework studies and a needs identification for the existing freeway system and local streets. This would be followed by an illustrative plan scenario development, statewide plan development and coordination and illustrative plan air quality conformity analysis.

Mr. Anderson stated that ADOT requested that MAG prepare a critical needs list to provide to the Governor by mid-March to gain an idea of the magnitude of need. The critical needs list includes: identifying the impact of cost increases for Proposition 400 freeway plan and acceleration potential; identifying unfunded needs from framework studies to 2030; reviewing input for 2007 Governor's Transit Executive Order; developing a formula to establish funding needs for local streets; and identifying unplanned conceptual projects needed by 2030 with order of magnitude cost estimates for each project. Mr. Anderson advised that the MAG transit framework study has just started.

Mr. Anderson reviewed the TPC and Regional Council actions in December 2007: (1) That MAG work cooperatively with ADOT and the COG/MPO Association in developing the transportation framework studies that will set the future transportation direction for Arizona. (2) Also to have MAG work cooperatively with ADOT to provide information that will describe the transportation challenges facing this region, including representative projects that are part of the approved RTP. (3) Assist ADOT in describing future needs as part of the transportation framework studies.

Chair Cavanaugh asked Mr. Anderson to explain the organizational elements, in addition to the COGs and MPOs, to bring BQAZ to understanding. Mr. Anderson stated that the framework studies process and development of a statewide transportation plan is the responsibility of ADOT. He said that ADOT formed three oversight committees: the Policy Committee co-chaired by Mayor Cavanaugh and Mr. Zubia; the Management Committee co-chaired by Dennis Smith and ADOT Director Victor Mendez; and the Technical Committee, composed of technical staff. Mr. Anderson stated that the Governor's Office is also involved. He stated that ADOT has DMJM Harris under contract as the master consultant for the framework studies and for stitching together the statewide plan. In addition, they have a number of subconsultants working on each area of the framework studies.

Supervisor Wilson asked if there had been discussion or agreement on toll roads. Mr. Anderson replied that at this point, toll roads have been discussed, and he felt the concept of a public/private partnership could be part of the package. He added that this would not be so much in this region because of Proposition 400 and it would be difficult to say to residents that their freeway would be built as a toll road, but might be a good option in the other parts of the state to have a facility built sooner. Mr. Anderson noted that there have been a number of bills introduced, but he thought there has not been a coalescing of one concept that will work. He stated that there are a number of diverse thoughts as to how public/private partnerships might be structured, but no decision yet.

Mayor Hallman asked if the Governor wanted to gain an understanding of the unplanned options that exist and the magnitude of cost, such as the commuter rail project. Mr. Anderson replied that commuter rail was a good example of an illustrative project.

Mayor Lopez Rogers asked staff to clarify the direction given by the TPC at its last meeting. Mr. Smith stated that he heard the TPC say to keep it programmatic and conceptual, work with the consultants, and to assist the Governor as much as possible. Mr. Smith commented that the difficulties will arise when the effort gets to specific projects.

#### 8. Incarceration of Municipal Prisoners Stakeholders Group Update

Jeff Romine, MAG Senior Regional Economist, reported on the work of the Incarceration of Municipal Prisoners Stakeholders Group to examine the Maricopa County booking and prisoner per diem rates and explore possible options for cost savings and improvements in the sharing of information. He noted that the stakeholders include staff from public safety, budget and finance, health services, and the Sheriff's and city managers' offices.

Mr. Romine stated that the Stakeholders ended up with nine recommendations, and he provided a summary of the four main options recommended by the stakeholders: (1) Maricopa County will provide

preliminary draft rates on December 1st, with final rates provided on February 1st. (2) MAG will assist the County in updating rate notification lists for member agencies. (3) The Maricopa County Sheriff's Office will encourage expansion of videoconferencing for adjudication into all jail locations. (4) Member agencies may wish to monitor and adjust adjudication of prisoners on multiple jurisdictional charges.

Mr. Romine proceeded with an update on the consultant study that was conducted for Maricopa County. He said that the last costing model was completed in 2002-2003, and the County's new detention facilities were fully operational in FY 2005-2006. Mr. Romine stated a review of the costing model and a recommendation on an allocation methodology for calculating the booking and housing rates were warranted, and the results are to be used for the fiscal year 2008-09 rates.

Mr. Romine stated that the booking rate for fiscal year 2008-09 is \$199.35, an increase from the fiscal year 2007-08 rate of \$189.23, or 5.35 percent. The housing rate for fiscal year 2008-09 is \$73.46 an increase from the fiscal year 2007-08 rate of \$72.33, or 1.56 percent, and is at an even lower rate this year.

Mr. Romine stated that the County jail is nearing capacity and another facility might be needed as the prisoner population rate grows. He stated that the 20-year jail tax, originally established to pay for the County jail, is being used for the operations of the jail system and is not accumulating to fund planning or expansion beyond the current jail facilities. He advised that pending legislation says that persons serving one year or less in the Department of Corrections system could serve the sentences in county jails. He advised that this could inflate costs, due to the increased risk of dealing with more hardened criminals. Mr. Romine also noted that the weakening sales tax could also impact the budget amount. Chair Cavanaugh thanked Mr. Romine for his report and asked members if they had questions.

Vice Mayor Walters asked if there was a comparison of the rates for jail costs paid in Maricopa County to other regions. Mr. Romine replied that Maricopa County was in the middle, or even lower range for booking and overnight rates. He said that Pima County was lower, but Clark County and nearby areas in Nevada were higher.

Vice Mayor Walters asked if there was discussion of state laws that add requirements that add cost to municipalities without attaching funding sources. Mr. Romine replied that the Stakeholders discussed this somewhat, but mostly discussed cost savings and methods of calculating the costs.

Supervisor Wilson stated that more prisoners means a larger liability for lawsuits. He asked if that had been figured into the numbers. Mr. Romine replied that neither the liability issue nor lawsuits were discussed. He added that the Stakeholders did mention that municipal prisoners are perhaps not as violent as the felony prisoners incarcerated by the County.

With no further discussion, Mayor Truitt moved acceptance of the options developed by the Incarceration of Municipal Prisoners Stakeholders Group. Mayor Hull seconded, and the motion passed unanimously.

Mr. Smith remarked that this had been the best cooperative effort in the many times that the incarceration issue has been studied at MAG. He expressed his appreciation to the County staff for putting the report together.

9. Update on Funding Issues for the MAG 9-1-1 System

Nathan Pryor, MAG Senior Policy Planner, addressed the Council on funding issues facing the region's 9-1-1 system and Community Emergency Notification System (CENS). He stated that there are two parts: (1) The 9-1-1 System funding challenge, which is being addressed through House Bill (HB) 2381. (2) The CENS system's existing funding will be depleted by June 30, 2008.

Steve Kreis, Assistant Chief of the Phoenix Fire Department and member of the MAG 9-1-1 Oversight Team, stated that HB 2381 will help relieve the financial burden on the system statewide that resulted from the reduction of the monthly excise tax on telephones by 40 percent. Chief Kreis stated that this reduction has strained the resources to pay for staff who maintain the 9-1-1 system and do wireless mapping for cell phones. Chief Kreis stated that to make up the shortfall in funding, an increase in the administrative fee from three percent to five percent is being proposed.

Chief Kreis stated that CENS is the region's notification system, similar to the concept of reverse 9-1-1. He said that many communities in the region have used CENS in the past for public safety incidents. Chief Kreis stated that CENS is critical because it allows public safety to communicate with citizens about major incidents, such as evacuations or police incidents.

Liz Graeber, the region's 9-1-1 Administrator, stated that the Maricopa Region 9-1-1 Office provides support for the twenty-six 9-1-1 call centers in the region, the maintenance and installation of 9-1-1 equipment, GIS management, and CENS management. Ms. Graeber displayed a chart that showed the state's 9-1-1 program costs have exceeded expenditures. She advised that of immediate concern is that with the decline of the monthly tax, the administrative amount has also declined. Ms. Graeber stated that this impacts the ability of the 9-1-1 Office to fund the staff who provide wireless mapping. Ms. Graeber stated that House Bill 2381 has been filed to increase the amount for administrative costs from three percent to five percent. This will allow the MAG 9-1-1 Office to retain the staff required for continuous updating of wireless mapping. Ms. Graeber noted that the increase to five percent is a restructuring of the fund, not an increase the monthly tax rate.

Ms. Graeber stated that the Community Emergency Notification System (CENS) was launched in 2004 and is a part of the Emergency Management Plan. She said that CENS has been used to notify residents of missing children, barricaded suspects, fire and police emergencies and evacuations. Ms. Graeber advised that the CENS fund will be depleted in March 2008. She stated that the Arizona Department of Administration, which administers the 9-1-1 Revolving Fund, has agreed to provide funding through the end of FY 2008. However, a permanent funding source is needed in order to continue the CENS program. She advised that funding alternatives are being explored, such as Arizona tribal-state revenue sharing, the US Department of Homeland Security, and the state budget.

Ms. Graeber stated that in addition, Qwest and Intrado, who are the providers for CENS, have notified the 9-1-1 Office that they will discontinue providing service for the program as of July 1, 2008. In

addition, the 9-1-1 Office will conduct a request for proposals for alternate vendors. Chair Cavanaugh asked members if they had questions.

Mr. Smith asked Ms. Graeber to provide a cost estimate to operate CENS. Ms. Graeber replied that the monthly cost, not including personnel, is approximately \$38,000 per month, whether it is used or not. Mr. Smith commented that CENS was also used in the TOPOFF exercises. He stated that CENS is MAG's system. Mr. Smith said that the MAG 9-1-1 Oversight Team reported to MAG that the system would cease due to the depletion of funding. Mr. Smith advised that if CENS ended and there was a major emergency, such as an environmental leak or spill, there would be no system to notify people. He stated that a funding mechanism and a new vendor are needed to keep CENS operating. Mr. Smith stated that the Legislature has been reducing funding to the 9-1-1 system by decreasing the monthly excise tax. He stated that CENS could be eligible for state funding, but has received little.

Councilmember Cooney stated that the Town of Paradise Valley recently had a water contamination problem. The water company used a private company called Reverse 9-1-1 to notify residents of the situation, but 40 percent were not contacted. He asked the difference between Reverse 9-1-1 and CENS. Ms. Graeber replied that Reverse 9-1-1 is a product by a private company that offers notifications, and the CENS system is MAG's notification system. She said that the term "reverse 9-1-1" is used as a descriptive term that the calls CENS makes are emergency calls. Ms. Graeber stated that the water company used the private company to notify residents of the problem, and CENS was used to notify residents that the water situation had been resolved.

Vice Mayor Neely asked how CENS will incorporate quickly changing technology, such as text messaging and cell phones. Ms. Graeber replied that a new vendor would be required to have the ability to send text messages and notify pagers and cell phones. Vice Mayor Neely asked how much more of a percentage should be asked of the Legislature to fund CENS. Ms. Graeber replied that a ballpark figure would be an additional three to four percent on top of the five percent already being proposed. She added that Pima County is looking to Maricopa Region 9-1-1 for assistance in starting a system and is looking for a permanent funding source as well.

Mayor Fulcher asked what activity would lose the two percent that is proposed to be added to the administrative cost. Ms. Graeber replied that the two percent would come from the 9-1-1 fund, which funds the installation of new equipment and maintenance of the system throughout the state. Mayor Fulcher commented that what is really needed is increased funding, because it seemed that money was being shuffled. Ms. Graeber replied that was correct. She said that restructuring the administrative amount would allow critical personnel to be retained, but this problem will exist farther down the road as the fund further depletes.

Mayor Lopez Rogers asked about the funding mechanism in other states. Mr. Smith stated that he was unfamiliar with other states' funding, but MAG started this system. He explained that MAG went to the Corporation Commission because they had an overcharge fund. Then MAG was instrumental in going to the Legislature to get a monthly excise tax on telephones to have a permanent funding source. Mr. Smith advised that the issue has been the decline in the rate. If the original rate of 37 cents had been retained, the 9-1-1 fund would be sufficient. Mr. Smith noted that to return the tax back to that original 37 cent rate would require a super majority vote.

Mayor Lopez Rogers asked what MAG has undertaken to handle this task. Ms. Graeber replied that one approach for funding is homeland security grants, but that is year-to-year funding, not permanent. She said that another option is Indian gaming revenue. Ms. Graeber noted that a permanent funding source would require approximately \$600,000 per year, which would include personnel. Mayor Lopez Rogers suggested that perhaps researching what other states were doing might provide some options. She commented that this is critical for our state, cities, and towns. Mr. Smith said that some have suggested an assessment for a special project, but that seems to be shifting the responsibility from the pool of funds established at the state to the cities, towns and county.

Supervisor Wilson stated that he sits on the Homeland Security Board and he did not recall a request for funds. Ms. Graeber replied that the request had been submitted through the Phoenix Fire Department on behalf of the MAG 9-1-1 system. Supervisor Wilson stated that they have appropriated statewide funds for statewide communications. He offered to explore that option with the 9-1-1 Office to utilize that as one option. Ms. Graeber noted that there is great competition with the 800 MHz project for those funds. Supervisor Wilson stated there is not a long-term commitment with grants. He said if the issue is not resolved tonight, he expressed that he would be glad to work with the 9-1-1 Office.

Mayor Hallman asked for clarification of how the increase in the percentage would affect the 9-1-1 system. Chief Kreis stated that the two percent increase would come from the percentage that goes for equipment in the 9-1-1 call centers, such as telephones and consoles. He noted that there has been a surplus in years past, and if the amount available for equipment were to be reduced by two percent, he did not think there would be a negative impact to the availability of funds for equipment.

Mayor Hallman stated that a significant piece of emergency preparedness falls away if CENS is not funded. He commented that one big problem during an emergency is the ability to communicate with residents. Mayor Hallman stated that increasing the administrative percentage solves one problem, but MAG still needs to handle the possible loss of CENS. He suggested that perhaps the percentage could be increased to handle funding for both issues for now, and over the next 12 to 18 months, figure out a solution to funding in the long term. Mayor Hallman stated that if the two percent would probably not affect the ability to fund equipment, he felt that five percent would probably not impact it significantly since equipment replacement is done on a five year cycle.

Mr. Smith stated that the motion could be modified to change the increase from three percent to eight percent as an interim measure for one year until a permanent funding source is identified. He added that asking the state to do that for only one year could be the goal. Mayor Hallman stated that he would make that motion. Vice Mayor Neely seconded, and added that there could be concern over that option because the Legislature might look at five percent, but asking for eight percent might be too much. Ms. Graeber replied that is a concern. She said that HB 2381 increases the percentage allowed for administrative costs from three to five percent, and if this was a higher amount, it might kill the bill.

Mayor Hallman asked the bill's sponsor. Ms. Graeber replied that it was Representative Jerry Weiers. Mayor Hallman stated that he still proposed the motion increase the increase the percentage allowed for administrative costs from three to eight percent. He indicated he thought that could be changed, although it would depend on the committees. Mayor Hallman stated that he could not imagine anyone

at the Legislature not agreeing that CENS is an essential component and that we work for one year to figure out how to make up the five percent reduction for equipment.

Chair Cavanaugh asked for clarification that the motion also includes encouraging the Legislature to provide a permanent funding source to continue the Community Emergency Notification System. Mr. Smith replied that was correct. This would be interim and MAG would still be exploring a permanent funding source.

Vice Mayor Walters commented that if the motion includes one year of using 9-1-1 funds for CENS, which is operational, and perhaps bonding could be used for equipment. Mayor Hallman noted that would be problematic at the Legislature. Vice Mayor Walters replied that this is assuming it would need to go through the Legislature. Mayor Hallman stated that his motion was merely saying to make up the difference between the five and eight percent and leaving the opportunity of looking for operations and maintenance or capital.

Mr. Smith suggested that to address concerns about changing the request from five to eight percent, the following words could be inserted into the motion, “and to explore with the Legislature the administrative costs going from three to eight percent.”

Mayor Hallman, as maker of the motion, accepted the change. Vice Mayor Neely, as second, accepted the change.

Mr. Zubia stated that it seemed there was a vehicle already in place for future funding: the franchise agreements between municipalities and telecommunications facilities. He suggested that MAG could come up with a policy for a uniform fee that could be adopted by cities and towns. Mr. Zubia stated that perhaps this could be discussed at a later date.

Chair Cavanaugh noted that the motion on the table was to “Support of legislation to increase the percentage allowed for administrative costs and to explore with the Legislature increasing the administrative cost from three to eight percent and to encourage the Legislature to provide a permanent funding source to continue the Community Emergency Notification System.” He asked if there was further discussion. Hearing none, he called for a vote on the motion, which passed unanimously.

#### 10. Legislative Update

Nathan Pryor provided an update on legislative issues of interest. Mr. Pryor noted that the Energy Independence and Security Act of 2007 established a minimum 80 percent federal share for CMAQ funds, and could impact the Transportation Improvement Program. He said that traditionally, MAG had been allowed the flexibility to establish the federal share for CMAQ projects, such as the pave dirt roads at fifty percent federal and fifty percent local match ratio. Mr. Pryor advised that the MAG Transportation Review Committee will discuss obligation of 2008 TIP projects at the committee meeting the following day. Mr. Pryor noted that Congressmen Mitchell and Shadegg have been informed of the issue.

Mr. Pryor then reported on state legislation. He stated that the late edition of the Arizona Republic reported three public/private toll road bills have been put back in play. Mr. Pryor noted that Senate Bill (SB) 1420, SB 1465, and SB 1498 and are being monitored.

Mr. Pryor said that Senate Bill 1471 says that ADOT shall issue a request for proposals for the conversion of HOV lanes on SR-51 into high occupancy toll (HOT) lanes and may issue requests for proposals for such conversion in other parts of the state. Mr. Pryor stated that this bill received a do pass yesterday out of the Transportation Committee. He noted that there is concern because it would be a change that did not go through the MAG planning process.

Mr. Pryor stated that House Bill (HB) 2091, which came from a strike everything amendment to House Bill 2092, received a do pass on February 7th. He stated that the bill says that state or county transportation projects that are submitted for voter approval would be broken down by mode and voted on separately instead of as a comprehensive plan. Mr. Pryor noted that this bill is being opposed.

Mr. Pryor stated that the MAG Human Services Committee requested that three bills be tracked: SB 1239, SB 1492, and HB 2148. He noted that these bills deal with regulating the payday loan industry and its transactions.

Mr. Pryor stated that the MAG Building Codes Committee requested that HB 2615, regarding solar energy permits, be tracked. He noted that the bill is being monitored and will require additional research.

11. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No comments from the Council were noted.

There being no further business, the Regional Council meeting adjourned at 7:05 p.m.

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Chair

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Secretary