

Yuma Metropolitan Planning Organization
“Local Governments and Citizens Working Together”

EXECUTIVE BOARD MEETING
MINUTES
February 24, 2011

MEMBERS

PRESENT: Mayor Martin Porchas, City of Somerton
Councilmember Cody Beeson, City of Yuma
Supervisor Casey Prochaska, Yuma County
Supervisor Greg Ferguson, Yuma County
Paul Soto, Cocopah Indian Tribe
Councilmember Gerardo Sanchez, City of San Luis
Mayor Al Krieger, City of Yuma
Scott Omer, ADOT

MEMBERS

ABSENT: Councilmember Paul Johnson, City of Yuma
Mayor James Deermer, Town of Wellton

OTHERS

PRESENT: Charlene FitzGerald, YMPO
Shelly Kreger, YMPO
Charles Gutierrez, YMPO
Norma Lekan, YMPO
Paul Melcher, Yuma County
Richard Files, Deputy City Attorney, City of Yuma
Glen Gimbut, City Attorney, City of San Luis
Dunbar Norton, Citizen
Harry Stordahl, Citizen
Lucy Shipp, Citizen
Suzi Israel, Citizen
Jason Moyes, Yuma Irrigation District
Harold Robert, Citizen
Chet Lane, Citizen
Wayne Benesch, YMPO Legal Counsel
Russell McCloud, Yuma County Board of Supervisors
Stephany Turner, GYEDC
Juan Carlos Escamilla, Mayor, City of San Luis
Margie Dallabetta, Citizen

I. CALL TO ORDER

Chair Martin Porchas called the meeting to order at 1:30 p.m. followed by the pledge of allegiance led by Scott Omer.

Councilmember Paul Johnson requested that his proxy votes be delegated to Mayor Al Krieger via a written letter.

II. CALL TO THE PUBLIC

Suzi Israel commented that Avenue 3E is the best connector route from I-8 to US95, and Araby Road is not. Harold Roberts, Telegraph Street, asked for support of Resolution #121 – Avenue 3E as connector route. Harry Stordahl also asked the Board to support Avenue 3E as the connector route, as did Chet Lane. Dunbar Norton suggested that the Board go back to the original plans and research them as far as other options. Glen Gimbut commented that out of every dollar, only 20 cents goes to San Luis.

With no further comments, the call to the public was then closed.

At this time, Mayor Al Krieger asked for clarifications within the by-laws in regards to member status. Mr. Krieger went to the City Clerk and research whether or not the City passed a resolution to change the voting status on the Executive Board, and he did not find one. He asked if other entities had done this and if so, he would like to see the resolutions. Mr. Krieger stated that this information affects everything that the Board does regarding actions that they take. Greg Ferguson suggested that Item VIII on the agenda be opened for discussion.

(Agenda Item taken out of order)

VIII. BY-LAWS SUBCOMMITTEE UPDATE

Mayor Krieger reported that a by-laws subcommittee meeting will be held following the Executive Board meeting.

Richard Files, City of Yuma's Deputy Attorney, reported that Mayor Krieger asked him to research Mayor Krieger's concern, which is locating the documentation to show that the Cocopah Indian Tribe is a voting member. Mr. Files was able to locate the original document that created YMPO along with the original resolution. Mr. Files added that the Executive Board has to operate within the authority in which it was created, and that it cannot operate outside the entity. The original document shows 11 votes, and he was unable to locate any documents showing that the other entities approved the by-laws.

There was a lengthy discussion on the legitimacy of the Executive Board, as well as resolutions passed and signed, minutes signed by the board, and votes by the board, in which there had been a vote to add the Cocopah Indian Nation as a member, and it had passed unanimously, and the bylaws were changed and adopted. After the discussion, Mayor Krieger stated that his point is to

make sure that the Board is in compliance with the by-laws, and that each entity has a fair representation without votes being diluted.

Glen Gimbut, City Attorney for City of San Luis, stated that Mayor Escamilla asked him to research a few things. Mr. Gimbut stated that the YMPO Executive Board does not involve state statutes but codified regulations, nor does it exercise legislative powers. Not everyone in Arizona is under initiative and referendum under the constitution. The original by-laws date back to 1991, and include a clause that states “these by-laws may be amended by majority vote”. Mr. Gimbut suggested that more thorough research be done prior to all entities passing resolutions to change the by-laws.

Wayne Benesch, legal counsel for YMPO, commented that this conversation is inappropriate and is not on the agenda and therefore, should not be taking place. It would be more appropriate to discuss this at a by-laws committee investigation and determined if there was an issue over the confirmation of the board. It would be appropriate to take it to legal counsel and have them look into it, then come back with an answer that the Board can look at it before it is put on public record. The concerns are speculative and should be taken care of in an appropriate manner. Mr. Benesch suggested that legal counsel look at the records, make a determination as to whether or not there is an issue that needs to be addressed, and take appropriate action if necessary. The integrity of the YMPO staff, prior to the concerns being researched, should not be discussed and Mr. Benesch suggested that these concerns be looked at prior to being discussed at the board meeting.

- MOTION:** Martin Porchas made a motion to have YMPO legal counsel review the concerns discussed.
- SECOND:** Greg Ferguson
- ACTION:** Motion carried.

III. NEW ADOT BOARD MEMBER, Scott Omer, MPD

Charlene FitzGerald reported that this was brought back to the Executive Board as requested. YMPO has received the letter from William Feldmeier (attached to packet) appointing Mr. Scott Omer as the ADOT representative to the YMPO Executive Board. Mayor Al Krieger stated that Mr. Omer is not a local representative and therefore he believes that Mr. Omer would not best represent the local community. Mr. Krieger would much prefer the local District Engineer to be appointed instead of Mr. Omer. After the discussion, the following motion was made:

- MOTION:** Greg Ferguson moved to recognize Scott Omer as the ADOT representative on the YMPO Executive Board.
- SECOND:** Martin Porchas.

DISCUSSION

Mayor Al Krieger suggested that communication be made with the governor’s office to express the board’s wishes that the local District Engineer be on the board. Greg Ferguson commented that there is no District Engineer at the Yuma ADOT office, only an interim. Mr. Krieger added that the board has the ability to petition and

communication, and then called for the question. Casey Prochaska added that the subject matter is that the board is accepting the appointment of the alternative from the State Transportation Board, similar to a proxy. Mr. Feldmeier is giving his proxy to Mr. Omer. Mr. Krieger called for the question again.

ACTION: Ayes = 7 Nays – 1 (Mayor Krieger)
Motion carried.

IV. MINUTES OF THE JANUARY 27, 2011 MEETING

MOTION: Greg Ferguson moved to approve the January 27, 2011 minutes as submitted.

SECOND: Al Krieger.

ACTION: Motion carried.

V. SUPPORT OF AVENUE 3E/RESOLUTION #120

Charlene FitzGerald gave the background information on this issue - an original resolution was previously presented to the Board, but it was never passed. A letter was then produced and sent directly to ADOT. Ms. FitzGerald also noted that it should be Resolution Number 121, and not 120.

MOTION: Al Krieger moved that Resolution #121 be adopted as presented by staff.

SECOND: Greg Ferguson.

DISCUSSION Casey Prochaska suggested the following corrections: correct spelling of Robert A. Vaughan (not Vaughn), and add an “I” to “INTERGOVERNMENTAL....”

ACTION: Motion carried.

VI. APPOINTMENT OF YMPO REPRESENTATIVE TO ATTEND STB MEETINGS

Charlene FitzGerald stated that this was brought back to the board as a continuation from the last meeting. The current representative is Paul Johnson; however, the State Transportation Board meetings are not always at the same time as the RTAC. Therefore, it is being requested that the Board appoint a back-up in case Mr. Johnson is unable to attend the STB meeting. After a brief discussion on the dates and locations of future meetings, the following motion was made:

MOTION: Cody Beeson moved to appoint Paul Johnson to represent the YMPO Executive Board at the State Transportation Board meetings.

SECOND: Casey Prochaska.

DISCUSSION Scott Omer commented that it is important to have local officials present at these meetings; however, he recommends that member agencies and public citizen submit their comments during the 3-month public comment period.

ACTION: Motion carried.

Casey Prochaska asked that the YMPO staff prepare a list of projects that may be discussed at these meetings, with the designation that ADOT has, so that all entities can reference the same project. She suggested that the TAC be provided with this list as well.

VII. APPOINTMENT OF BACK-UP REPRESENTATIVE FOR STB

Charlene FitzGerald stated that this item is an error and the correct item should be a back-up representative for the STB. We know Paul Johnson will not be able to attend next month's STB meeting, March 18, 2011 in Sahuarita. Martin Porchas volunteered to attend the STB meeting on March 18, 2011. The appointment of the back-up representative for STB will be moved to the next meeting.

IX.

a. USE OF SPR FUNDS FOR RAIL CORRIDOR STUDY

Charlene FitzGerald explained that prior resolutions were in support of high-speed rail and other resolutions supporting rail have been passed by YMPO board members. YMPO now wants to do a corridor study for short-line rail, freight, and commuter, and to preserve a corridor for any freight and/or rail that may utilize the corridor. Staff is requesting the YMPO SPR funds be utilized so that YMPO can have control of the study vs. ADOT having control as we are closer to the community and can select TAC members from the local agencies and community, and have several public outreach meetings concerning the corridor.

Mayor Krieger commented that the last discussion of short-line rail from Mexico to our area resulted in a damaged relationship, and added that a broad level of support needs to come from the community before any dollars are spent on a study. Mr. Krieger added that the state is currently doing a study; therefore, YMPO needs to move cautiously on this issue, and to have more contact and conversation with the community. There was a short discussion regarding YMPO being the planning agency for the community and it makes the most sense that this study be completed through YMPO. Mayor Krieger agreed, and suggested that this be continued at the next meeting.

b. RAIL RESOLUTION #116

Move to next meeting.

X. STATE TRANSPORTATION BOARD & RURAL SUMMIT HOSTS

Charlene FitzGerald reported that YMPO will be hosting the STB and Rural Summit January 18-20, 2012. Staff is preparing the agenda and a "Save the Date" card will be sent out in the near future. The summit will be held at the Pivot Point Hotel & Conference Center.

XI. SELECTION AND RECOMMENDATION OF FY 2010 AUDIT REQUEST FOR PROPOSALS

Greg Ferguson reported that the Audit Committee has reviewed all proposals and the least expensive is Lumbard & Associates. The recommendation of the Audit committee is to maintain Lumbard & Associates, and the following motion was made:

MOTION: Greg Ferguson moved to retain Lumbard & Associates for the FY 2010 audit.

SECOND: Casey Prochaska

ACTION: Motion carried.

XII. NEW ITEMS OF BUSINESS FOR NEXT AGENDA

- a. 9E & Aberdeen Rd. project status and Resolution to oppose moving the funding.
- b. Invite Rudy Perez of ADOT to do presentation on Border Master Plans & projects.

Casey Prochaska suggested that each member entity have a resolution, keeping the 9E & Aberdeen Road funding in the 5-year plan, ready for Mayor Porchas to present at the STB meeting on March 18, 2011. YMPO staff was asked to send a draft resolution to each entity as a template.

Ms. Prochaska reported that there has been much lobbying in Washington, D.C. in regards to the San Luis I Port of Entry to get funding for the project. Al Krieger commented that Mayor Escamilla did a presentation at the GYPA meeting earlier this morning and suggested that a copy be retained by YMPO.

Mayor Krieger asked if YMPO legal counsel receives a copy of the minutes, and Charlene FitzGerald replied that the minutes are not usually distributed until they are approved by the Board. Casey Prochaska suggested that if legal counsel will be attending an Executive Board meeting, then the agenda and minutes should be sent to Mr. Benesch.

XIII. EXECUTIVE DIRECTOR'S REPORT

- A. January Financial Report – included in packet. Tables were added as requested at the last meeting.
- B. Staff Report
- C. Conference Updates

XIV. EXECUTIVE SESSION

None.

XV. RECONVENE TO PUBLIC MEETING *(If required from executive session).*

XVI. PROGRESS REPORTS

- A. **Heinfeld & Meech Meeting**, February 2-3, 2011. Shelly Kreger and Charlene FitzGerald attended.
- B. **Meeting with CAAG Representative**, February 8, 2011. Charlene FitzGerald attended.
- C. **RTAC Management Committee Conference Call**, February 9, 2011. Charlene FitzGerald participated.
- D. **YCIPTA Subcommittee Meeting**, February 10, 2011. Charlene Fitzgerald attended.
- E. **TAC Meeting**, February 10, 2011. Paul Patanè, Charles Gutierrez, and Shelly Kreger attended.
- F. **AzTA Workshop**, February 14, 2011 / Phoenix, AZ. Charlene FitzGerald participated.
- G. **RouteMatch Webinar**, February 15, 2011. Jess Segovia and Norma Lekan participated.
- H. **AzTA Legislative Committee Conference Call**, February 18, 2011. Charlene FitzGerald participated.
- I. **Heinfeld & Meech Meeting**, February 22-23, 2011. Shelly Kreger attended

XVII. ADJOURN

The next meeting will be hosted by the City of San Luis at City Hall in the Multipurpose Room. Casey Prochaska asked that YMPO staff send a map with directions.

- MOTION:** Martin Porchas made a motion to adjourn.
- SECOND:** Al Krieger
- ACTION:** Motion carried.

The meeting was adjourned at 3:18 pm.

Minutes prepared by:

Norma M. Lekan
Executive Assistant

Minutes reviewed to form by:

Charlene FitzGerald
Executive Director

Minutes adopted in regular session
on the 31st day of March, 2011.

Martin Porchas, Chairman
YMPO Executive Board