

Special Meeting

Regional Council Meeting Summary

Meeting Summary of Monday, April 21, 2025

Full Video Recording (YouTube): [YouTube Video Recording](#)

"We encourage and uphold the importance of regional collaboration as the Regional Council addresses regional priorities and pursues regional solutions."

To view the full Regional Collaboration and Unity Pledge, visit: PAGregion.com/pledge

Regional Council Members Present: Mayor Jon Post
General Ted Maxwell
Mayor Tom Murphy
Supervisor Matt Heinz
Mayor Roxanna Valenzuela
Mayor Joe Winfield
Mayor Regina Romero
Chairman Verlon Jose

Regional Council Members Absent: Chairman Julian Hernandez

Staff Lead: Farhad Moghimi, Executive Director
Secretary

The following is an audio-to-text transcription of the **Regional Council Meeting held on Monday, April 21, 2025**, and is being used as the written summary of the discussion.

Minor changes were made to the transcription to include grammar or formatting for clarity, YouTube links/time stamps, spelling corrections and the addition of the agenda number or items based on the posted agenda.

1. Call to Order

[Item #1 Video Link](#)

Mayor Romero: All right. We are going to regroup for the Regional Council meeting. The meeting of, what are we living in today, April 21, 2025, of the Regional Council will be called to order. We need to go to roll call.

MEMBERS PRESENT AT ROLL CALL:

- Mayor Winfield
- Chairman Jose
- Mayor Murphy
- Mayor Valenzuela
- General Maxwell
- Mayor Post
- Mayor Romero
- Supervisor Heinz

Mayor Romero: All right. So, Item 2 is Call to the Audience.

2. Call to the Audience

[Item #2 Video Link](#)

Adam Ledford: Madam Chair, at this time, there are no calls from the audience.

Mayor Romero: All right. We're moving on to Item 3, and there is no background material on Item 3.

3. Federal Funding for Pima Association of Governments Projects

Item #3 Video Link

Mayor Romero: One of the reasons that I requested this special meeting is that we speak about the Pima Association of Governments and the federal funding for the Pima Association of Governments, as well as how this new administration will affect funding coming into the Pima Association of Governments. Also, I wanted to make sure that we talked about what the responsibilities as a metropolitan planning organization are for PAG. I've requested meetings with the executive director. I had not received any response. I just recently received response to schedule a meeting with me as chair and the executive director and my staff so that we can review what the responsibilities of the PAG are. That meeting is scheduled for Monday and, Mr. Moghimi, I'm going to want to see, besides the bylaws, what the responsibilities of the PAG are according to federal funds that come in, and as a metropolitan planning organization. Being that there's no supporting material for this item, I wanted to open it up and see if there's any commentary, input, questions, or anything that the Regional Council members would like to add to this item.

Mayor Murphy: Madam Chair.

Mayor Romero: Mayor.

Mayor Murphy: I know we advocate on a federal level as a jurisdiction, but the executive director wants to touch on what we do as a PAG region to communicate with our federal partners, National Highway, and all of the other entities; if you could touch on some of the efforts that PAG does or has done over the past communicating on where it comes to federal funding.

Farhad Moghimi: Madam Chair, Mayor Murphy, I believe you're moving on to

Item 4 already, but I'd be happy to touch on both, if you like. It's the Chair –

Mayor Murphy: Oh, yes. What's federal funding? So, just federal funding in general.

Farhad Moghimi: OK. So, I want to make –

Mayor Romero: So, with the federal funding for Pima Association of Government and projects and if you could also add to Mayor Murphy's request, what the responsibilities of PAG are under the MPO banner?

Farhad Moghimi: Of course. I'd be happy to. So, again as part of every entity that is designated by the Federal Highway Administration as well as the Federal Transit Administration, MPOs function as the regional entity; PAG as a regional entity was created over 50 years ago, and it is unique because it's a requirement of the federal law that every community over 50,000 needs to have a similar entity like PAG. And the responsibilities are designated through federal law. So, there's federal law that very specifically identifies what the responsibilities of the MPO is. Typically, especially in our scenario, because we're over 200,000 as well, then there are additional responsibilities added on as the MPO. So, between 50,000 and 200,000, all MPOs are the same. If you're over 200,000, you have additional responsibilities. All that information is typically communicated to us through our federal partners, FTA, FHWA, in some cases, even EPA gets involved if there is a federal nexus to do. And then, they would want to make sure that we are complying with federal laws, and by doing so, they provide grant funding using federal dollars, different flavors of federal dollars, to ensure compliance. So, our role is to demonstrate that we are, as a region, compliant with those requirements. I can get in more detail if you like, but going back to your question, so again, there's a role that we play as an extension of the federal agency. So, therefore, we don't lobby for federal dollars, but obviously we can educate, inform and provide information or provide data. Because we're funded

by federal agencies, we're prohibited from lobbying, but we do educate. So again, that's where I'm touching on the next item a little bit, but I'll try to give you the brief version, is that they ask for a lot of data from us and we provide that data to support what we do, and that's where really the advocacy part comes in, that using these funds, we were able to implement certain projects and those projects have a benefit to the region, and those benefits obviously are identified through our performances, and the performance planning is actually a federal requirement. We're supposed to have benchmarks for performance and identify where we are today, where we want to be in 25 years, and then along the way demonstrate that there is a trend toward meeting those performances. So there's more education than advocacy, but obviously if the board decides at any point that you want to take a certain position on a certain issue, then that's at the pleasure of the board, which actually this body did that last year regarding the train between Tucson and Phoenix, for example. So, that's one example of where the board wanted to take a very specific position on the issue, but absent of that it's typically education and providing data.

Mayor Murphy: Thanks. Can I ask a follow-up question? So I've always wondered, there's MAG with a lot of cities over 50, the uniqueness down here is, Marana is the one that already is over 50. So, how do you decide as a municipality, whether you're going to stay part of the regional MPO, PAG, or Marana being over 50,000 decide to go off on their own.

Farhad Moghimi: Madam Chair, Mayor Murphy, yes, good question. So, it's at the discretion of each entity. You could be a member of multiple MPOs if you happen to be within their planning area. And I believe, actually Marana, correct me if I'm wrong, is also within Pinal County. So, they're also members of the COG MPO in Pinal County as well. So, that is at the discretion of the entity, as long as you are a member of one of those entities that satisfies that federal requirement.

Mayor Murphy: All right. So, if they wanted to be their own MPO, they would have to separate from PAG and Pinal potentially? Or I don't know, they could do it on a –

Farhad Moghimi: Yes. My understanding is that's their discretion. They can be part of multiple MPOs.

Mayor Murphy: OK. We're at 38,000, so I'm just planning [crosstalk]. Thanks.

Mayor Romero: We're 578,000, so we can do the same. For me, I would love to be able to get, we have the bylaws, but I would love to be able to get a description as to what the responsibilities of the PAG are as an MPO and as PAG, right? Both have certain responsibilities, so the definition of, and then what is it, not just reporting requirements, but what are the responsibilities, is there any economic development in the ability to be able to plan? As a metropolitan planning organization, what are our responsibilities, and what we can do and what do other MPOs do in Arizona according to our state law? So, that could be basically making sure that all of the members of PAG understand what is in our jurisdiction to do. Any others that have any questions or continue commentary or anything on this item? Hearing none, we'll move on to next item, Item 4, Advocacy for the highway and transit reauthorization bill in Congress.

4. Advocacy for the Highway and Transit Reauthorization Bill in Congress

[Item #4 Video Link](#)

Mayor Romero: This item as well does not have any background material provided by staff, but one of the reasons that I put it here is because Congress is working on a reauthorization bill, and so it would be appropriate for us to have a conversation about what type of advocacy, if there's any advocacy that we can do, or how do we work to make sure that the needs and the voice of southern

Arizona makes it to the reauthorization bill that is moving through Congress right now? Mr. Moghimi.

Farhad Moghimi: Yes, Madam Chair. If you recall, I provided an update on the federal funding status, send out a memo that obviously I'll be sharing with the new members as well, I believe it was a couple weeks ago. So, we do monitor the status of the Transportation Bill. The bill expires September of 2026, so October 1, with a new fiscal year, typically what happens is that there is a continuing resolution, and they continue until there is a new bill, but that's really important to have that conversation and monitor that situation continuously. One of the challenges that you all know was that there's been some confusion about federal funding, even in the current budget in the fiscal year '25 and fiscal year '26 is unknown at this time. Working with our federal partners, there's a lot of discussion about not knowing what the fiscal year '26 is going to look like. So, it's really important to continue to monitor that and have that conversation. But even the fiscal year '25 budget was recently approved with a continuing resolution. So, even fiscal year '25 is still subject to potential changes. So, we'll continue to monitor that. So, our role is to inform you, keep you updated on any changes that we see, and I anticipate a lot of changes between now and when the fiscal year '26 budget is going to be discussed. And the new bill, as you all know, previous bills have been extended multiple years, and I don't anticipate that as being a high priority right now for passage of a new bill. So, most likely it'll be a continuing resolution of the existing bill with potentially some modifications. One item that's really important, and again I'll share my memo, especially with new members, was that there was a fear of what happens with any grant projects that have already been funded. To my knowledge, they're not at risk. Fiscal year '26 obviously is subject to see what happens with fiscal year '26, but we've received confirmation multiple times in writing that any project that's been already committed for a grant is not at risk. Future grants potentially could change, and that's another item that we want to keep an eye on and see what the future grant opportunities potentially could look like. So with that, be happy to answer any

questions you have.

Mayor Romero: Yes. I'd like to make sure that the Regional Council members receive your memo that you sent. I'm curious as to why you didn't include it in this item as requested by myself. Does PAG have the ability to lobby or advocate to our congressional delegation?

Farhad Moghimi: No, ma'am. Again, because we're federally funded, we're not eligible to lobby or advocate by definition. We can provide information.

Mayor Romero: OK, thanks. Any questions or, all right. I would love to, as the PAG chair, be able to have these items being considered at our meetings every time that we can. I would say just outstanding items on these because things are moving so quickly, and we don't know how this particular Congress is going to act. I would love to be able to have an update every time we meet. So, I'll be requesting that we make sure that these items are included on every agenda, especially because we don't know if it's going to affect our region in terms of funding, especially with the new government. If none have questions, Chairman Jose.

Chairman Jose: Madam Chair, members of the board, Executive Director, first of all, you answered my question, what I was going to ask about if we're able to advocate for any of these things, and so forth, so I got my answer there. But I think that it may be of interest to the board to take a look at this, because in today's political atmosphere, it almost seems like you don't even know what's going to happen tomorrow. One day's like this, the next day's like that. So, I think as this association, as this group here, what I've always said and what I've been saying is, what's the best case scenario? What's the worst case scenario? How are we going to operate? And in terms of, if we're receiving any kind of federal dollars or grants that we're having right now, is there a possibility that it could be taken away? If not, how long can we continue? What is our outlook? And we look

at what we have in the bank and what's the longevity of it? And I guess, it's really hard to predict the future anymore. Unless, yes, one of you guys have a crystal ball loan it to me because I've been trying to figure that one out for a while. I think we just need to figure out, and if we can't advocate, is there like a white paper or something that, maybe people want to advocate for us? Anyway, we need to know what to talk about when someone's coming to me and say, "Hey, Verlon, you're a member of PAG, and how is this affecting PAG, and what is it that I can do to help?" Because if we can't do that, maybe other entities might want to and we just need to tell them the black and white of what the situation is or maybe, or could be. Anyway, those are just my thoughts that at least it would be helpful. Because I think at the end of the day, we have to follow the rules and the regulations, and whatever it is about, if we can advocate and who's going to advocate for us?

Mayor Romero: And chairman, I think that's the reason why I wanted to have this conversation. Because at the U.S. Conference of Mayors, what we're doing with this conversation, the Highway and Transit Reauthorization Bill, is that mayors across the country are gathering and talking about, we have a subcommittee that is gathering and talking about the priorities for mayors throughout the country. I don't see a reason why we, the PAG, shouldn't be updated and we create our guiding principles in terms of what our priorities are as a region. So, without meeting with the executive director, I haven't had the opportunity, so, to be fair, you didn't know exactly where I was coming with this, but I believe that PAG should be putting together guiding principles as to what we'd like to see in the Highway and Transit Reauthorization Bill as we move forward with it. And it's chaotic, I agree with you. We don't know what timelines. Sometimes it moves slow. Sometimes we get information with a day's notice, but I agree with you that we should, as a metropolitan planning organization in PAG, we should definitely have a list of guiding principles and priorities that we'd like to move ahead, at least with our congressional delegation. Mr. Maxwell.

General Maxwell: Madam Chairman, thank you. I think this is one of those ones we walk or start to walk a little bit on the fine line, but what I want to make sure that we all understand is just because we're on PAG doesn't mean we can't advocate. We can do all the advocacy we want. As a matter of fact, Southern Arizona Leadership Council has written for many of you advocacy letters in support of projects you are going for, for grant and stuff. Since that's what I'm here to do, I'll give you the State Transportation Board reference. So, we won't do it as a whole on the board because it is the federal funding, it's the board. That doesn't mean we don't have, to your point, some of the ideals and the desires that we have is what we hope to see in that, but it's always up to the individuals of the board to go out and do the advocacy. Because as an entity, we'll probably step into the space we want. So, I think the idea of having this conversation, like you mentioned about PAG, having a conversation on what we want for our region, see what everybody wants, gets all the inputs from the different entities around the board, and having that list is good. But when it comes to the actual advocacy, we can't put the organization in a position, but it won't stop us. So, thank you Madam Chair.

Mayor Romero: I get the advocacy. We don't have to repeat it. I get that we're not going to advocate. One of the reasons why I brought this up is because we need to make sure that we have guiding principles. We need to know first, what are the responsibilities of PAG? How do we define them, and how do we as a region, advance the guiding principles of southern Arizona, really? How do we get this strategic plan? Let's say, in my other life I was a planner. I believe in action planning and strategic plans because that will get us to where we need to get in the next 10 years, 5, 10, or 20 years. So, I'll be including this item, maybe remove the word advocacy and put planning for our guiding principles on what we need for this region in the future. Any others want to add? OK, hearing none, we move on to Item 5.

5. Executive Session

Item #5 Video Link

Mayor Romero: The Regional Council Member Supervisor Heinz requested an executive session item on a performance review and employment evaluation, and goals of the executive director. Mr. Heinz.

Supervisor Heinz: Thank you, Chair Romero. Before I proceed, I just want to get a little clarity, I think, from our attorney as to what's going on with this item because it's been extraordinarily difficult to agendize this and I don't know why. So, if I could just get, I believe this has been properly agendized due to a lot of actions of my team and the mayor's, but I'm also seeing that it's not, and so I'm trying to figure out what you're basing that impression or that opinion on, if you could just let us know.

Thomas Benavidez: Sure. Madam Chair, if I may. Supervisor Heinz, members of the Regional Council. This morning, I sent out an email to everybody letting you know that I had some concerns about this. There were concerns. All of those concerns were brought up to me by other persons. The first, or one of them was from Supervisor Heinz's office. Another one was from Mayor Winfield. He had a concern about this item, and also from the executive director. He had a concern about this item. So, that was the purpose of my email. I have concerns about doing this. I don't know how much you want me to get into it because that was a confidential email and I want to preserve your attorney-client privilege, but there are or I can just tell you what those concerns are without repeating what I put into the email, but I'm happy to do that, however you want me to do it.

Mayor Romero: Yes. I think it's appropriate for you to explain why your email and what the concerns were by Mayor Winfield or any others including Mr. Moghimi.

Thomas Benavidez: Sure. Madam Chair, members of the Regional Council. The issues are that, the first one is simple, Mayor, that Supervisor Heinz's office raised is that the statutory language that made it onto the agenda was, or the language that made it onto the agenda did not include the executive session statute. Unfortunately, there's a statute that says you have to call out the specific provision of the executive session statute in order to have an executive session and Mayor, Supervisor Heinz is thinking, well, I did that. You put that into your letter or memo. And then, that went to Chair Romero, and she communicated all of that again. Anyway, the executive session language, the statute was left out of the agenda language, so that was brought to my attention Friday. So, that's an issue, and Supervisor Heinz asked that we update the agenda. So, the agenda was updated. I made sure Jacki was, she wasn't in the office, but I made sure she was able to get an updated agenda posted. The problem with that is that we're required by law to have physical posting locations, and if those are closed on the weekend, we can't count those towards the 24 hours of notice that's required. So effectively, we weren't able to amend the agenda in time to get 24 hours notice of the executive session. So, we have that problem. The other problem is that Mayor Winfield brought to my attention that the executive director's contract says that performance reviews will be done in joint session, so in session with PAG and the RTA Board. And in checking with Farhad, he's not willing to waive that provision. So, those are all issues with having this particular executive session at this time, in a nutshell. I'm happy to take any questions or elaborate.

Supervisor Heinz: May I?

Mayor Romero: Supervisor.

Supervisor Heinz: Thank you. So, the notice was, I believe, corrected as of the email from Jacki, RTA staff, 3:26 p.m. on Friday, and it's posted right out here in

the hallway. I took a picture just to figure out where it was myself. And up until, I guess 5 o'clock, it would've been available for however long if someone had walked in, that's how I found it this morning. So, I don't know if there's a problem with notice, because it seems like that was done properly. I do note that when there was last a performance evaluation of the executive director, it was in April of 2024. That was not in a joint session with the RTA and PAG, because I have those notices here. It was just on PAG. I also note in the employment agreement, the employer Pima Association of Governments, there's no duality at all. That person also serves as the RTA executive director by the statute, but I guess this was the most difficult thing to agendize in my career, and I don't know why. I have a list of the things that I had to do or my staff had to do. We had to monitor staff. We had to make sure that it was improperly noticed. It required a letter from me to Mayor Romero, and then of course her to forward it to you all. There was notice to the members of this council on Wednesday, the 16th of April, but didn't end up on the website for a day or more. Afterward, we reached out to staff to make sure that happened. When it was posted. This was noticed by my staff that it was lacking the proper statutory reference, which we attempted to correct starting at 1 o'clock on Friday. I even left you a voicemail, I believe, at about 1:45 saying, "Hey, public needs to know what's going on, so can you get that on there?" And then, by 3:26, that was done. But I have to say, I do understand this stuff. I get open meeting law. I've been a legislator and now a supervisor, and this was incredibly frustratingly difficult to get agendized, and I don't see any reason why we can't at least move forward with the discussion. We don't have to take any action necessarily, but I have to say, for my first meeting, putting one item on here, it was impossible to make happen, and I don't understand it. I'm a smart guy, and the mayor's smart. We're all smart. You're smart. What's going on?

Thomas Benavidez: If I may, Madam Chair. I don't know if I can answer all of that, but I can tell you that, I've been here for going on 20 years, and that's not the way things normally get on the agenda. Usually, it's two weeks in advance.

Usually Farhad, they send me the agendas 2 weeks in advance, but I'm not trying to give you a hard time about it. Though these issues were brought to my attention –

Supervisor Heinz: By me.

Thomas Benavidez: They all popped up as of Friday that there were concerns about it. So, I'm obligated to bring them to your attention. That's what I've done. I can't really address the rest of it, but it did, as I made sure that Jacki was moving forward with the agenda, and then moving forward with the change that you brought up with the statute.

Supervisor Heinz: So, Chair and Mr. Benavidez, do you agree that this was noticed with adequate time on Friday of last week at 3:26 p.m. when Jacki's email went to all of us saying it had been done?

Thomas Benavidez: Madam Chair. No, I don't agree with that. I have a problem with that, and I expressed that. You need a minimum of 24 hours' notice. The open meeting law is a rare statute in that they tell you how it's to be interpreted. That everybody involved with the open meeting law has a duty to act on, or take the high road with all of it. The statute says you require 24 hours notice and you cannot count Sunday no matter what.

Supervisor Heinz: But you can count Saturday.

Thomas Benavidez: You can count Saturday, but the statute says if the public has access to the physical posting location, and in this case, I would say it does not, because I checked with Jacki and I think you know that. I think I copied you on that, the office was closing at 5:00. So, I don't see how you're going to get 24 hours of actual notice. And I know, as a matter of fact, you won't because the office will be closed until 8 o'clock Monday morning. It's just not 24 hours. So, I

don't agree with that.

Mayor Romero: Who's responsible, Mr. Benavidez to call a meeting of the PAG.

Thomas Benavidez: I would say the chair. I don't know if there's anything consistent. I think it's the chair or any 2 members can request a meeting, that's my recollection.

Mayor Romero: And how long of a time does the PAG chair have to be able to call a meeting?

Thomas Benavidez: I think it says 2 days. I think it's 2 days.

Mayor Romero: When did I request the PAG meeting?

Thomas Benavidez: I don't recall. You probably know better than I do, but I've seen –

Mayor Romero: You're saying that we cannot meet in that it wasn't posted correctly.

Thomas Benavidez: No, the meeting was posted in time –

Mayor Romero: So, you're our attorney. You should know when we requested this item. When did I request a special meeting of the PAG for it to be posted?

Thomas Benavidez: I don't know the exact date, but it was in time. And they posted the agenda in time. It just was this defect –

Mayor Romero: And who's the person that posted my request?

Thomas Benavidez: I'm sorry, say that again?

Mayor Romero: Is there an individual, is the executive director in charge of posting a meeting when the PAG chair calls it?

Thomas Benavidez: Executive director. In my experience, that's the process.

Mayor Romero: So, no one else in the organization posts and calls for the meetings?

Thomas Benavidez: As a practical matter, I think Jacki posts every... I think, she puts everything on the website, and I think she physically posts it in the lobby where it's supposed to be. So, I think it's –

Mayor Romero: Why was the ARS not part of the posting of the PAG meeting? It's not the first time you all do it, right? You said yourself that you've been here 20 years and Farhad, how many years have you been here?

Farhad Moghimi: 13.

Mayor Romero: 13. And Jacki, I'm pretty sure has been here at least more than 5 years because I've known her since I first came here, and it's been 6 years. So, why is the ARS not showing all of a sudden in the executive session, in the item for the PAG meeting. Mr. Moghimi, you have an answer?

Farhad Moghimi: Yes. I'll be happy to touch on that. And so, I do recall when we received the request. We received the request late on Tuesday afternoon. On Wednesday, I was on leave, on Tuesday and Wednesday as well. On Wednesday, we worked with staff to get the agenda posted because I was not working at the time. I was actually in the airport between flights. My request was to staff to use the exact language from the chair to make sure that there's no,

because there was no time, to make sure there is no confusion. So, we used the exact language from your memo to ensure that there is no confusion. So, by doing that, recognizing that we have the 24-hour notice to meet, it was posted quickly on Thursday morning. At that time, it was really within that window of opportunity. By the time we received the information late Friday to make the correction, obviously that was beyond the 24-hour notice. So, the correction was made on Friday, late afternoon, and that's when I received a call from Thomas stating that unfortunately, we've missed the opportunity to post it.

Mayor Romero: Supervisor, I don't know if you want to continue.

Supervisor Heinz: I don't agree with your interpretation. I believe there's adequate public notice, and I want that on the record. And I believe this has been intentionally obfuscated, frankly. There's normally a statutory citation, not exactly the one that's necessary on PAG agendas, and it's physically absent. Physically absent. It's not the full one for a particular job review, but it disappeared from the template. From the template, I looked up the meeting for March, there it says the Council may vote to go into executive session on any agenda item for discussion and consultation for legal advice with his attorney on any matter or matters as set forth on the agenda pursuant to ARS 38-431.03(A)(3), I believe, is the what's normally on this, but that statutory reference disappeared from the PAG's, I don't why –

Thomas Benavidez: I have no idea. I noticed that this morning.

Supervisor Heinz: You just noticed that this morning? OK, let's go back to the contract for a second. Would you agree, Mr. Benavidez, that a private contract is not going to supersede Arizona statute, right? You're the attorney, but I was a legislator for 4 years, so I just know enough to be dangerous, but I'm pretty sure that's correct.

Thomas Benavidez: I'm not sure. Sorry, Supervisor Heinz, I'm not sure what you're asking.

Supervisor Heinz: I'm changing gears a little bit because you said that the executive director wouldn't submit to this review because it wasn't going to be in a joint session per his contract, but PAG is the employer. And the statute makes it pretty clear. In fact, in one part of the contract I read, it says that this is to be done on the PAG's side. That's it. There was an amendment that conflicts with the original contract that says it's supposed to be done in joint RTA and PAG council, a joint session, which again, hasn't been done before for performance reviews. But what I'm trying to get at here is that, a private contract like this, if the statute says this is how we do something, a private contract that tries to negate that or add additional provisions, that's not something we should be paying attention to.

Thomas Benavidez: Maybe, I'm not sure what statute you're talking about. The open meeting law?

Supervisor Heinz: I believe that is the statute we quoted, yes.

Thomas Benavidez: Nothing we do, no contract can override the open meeting law, it applies to public bodies. So, the answer to that would be no. There's also another statute you just should be aware of. I know this is just about a performance review, but you should be aware of the RTA statutes, which say the executive director of the Regional Council of Governments acts as the director of the authority, meaning the Regional Transportation Authority and serves in that specific role until replaced at the discretion of the Board of the Regional Transportation Authority. So, there is a statutory role that the RTA has. Now, I'm not saying, if this is just a performance review, I don't really find it that objectionable, but it's important to note that it's at the pleasure of the RTA board. That's what the statute says, so that's why these are colorable concerns and

that's why I brought them to your attention.

Mayor Romero: The bylaws of the PAG indicate that the PAG Director serves at the pleasure of the PAG board, correct?

Thomas Benavidez: It does.

Mayor Romero: Correct. And do we have RTA bylaws?

Thomas Benavidez: I believe so.

Mayor Romero: Okay. And so the RTA basically has policies, objectives, and procedures that we follow and abide by.

Thomas Benavidez: Correct.

Mayor Romero: And these policies, objectives and procedures do not answer our question regarding review of the RTA director. It only talks about projects and the roles of jurisdictions, and how to pay for projects, etcetera. So, the PAG bylaws are superseding of the policies, objectives, and procedures of the RTA, correct?

Thomas Benavidez: I'm sorry, Madam Chair, I don't know if I agree with that. They're not to be read with, you know –

Mayor Romero: They have nothing.

Thomas Benavidez: [\[INAUDIBLE 3:21:05\]](#)

Mayor Romero: They don't talk about the POP. They don't talk about the review of the executive director of the RTA.

Thomas Benavidez: Probably not.

Mayor Romero: The only thing that describes the review and the service of the executive director is the PAG bylaws. The PAG bylaws are approved by the State of Arizona. Am I correct, or am I wrong?

Thomas Benavidez: The PAG bylaws are really approved by the federal government through the nonprofit application process, but you have to keep in mind that a lot of what controls it is the contract. The contract –

Mayor Romero: And so, the contract supersedes the federally accepted PAG bylaws. Is that what you're saying?

Thomas Benavidez: Sure, because they're not inconsistent. To me, they're not inconsistent. All of this can work harmoniously. If you just simply have a joint meeting of PAG and RTA, then, in my mind, none of these things conflict.

Mayor Romero: Last year, in April 4, 2024, we had a review of the performance of Mr. Moghimi, and it was just a PAG meeting, and it was agendized correctly, may I say and it was not a joint review of the PAG & RTA Director. How did that happen?

Thomas Benavidez: Nobody objected. Now there's objections, so I'm bringing them to your attention. Nobody objected, so to me that's a waiver of it. So, I don't worry about it.

Mayor Romero: So –

Mayor Murphy: Madam Chair, can I just ask a question?

Mayor Romero: Mayor Murphy, before you start, I want to make sure that we settle first who exactly made the mistake in agendizing this item. It is the responsibility of the executive director?

Thomas Benavidez: Madam Chair, I would say so, yes. As the head of the administration, yes.

Mayor Romero: Mr. Moghimi, what happened? Why did the ARS provisions magically disappear from posting this executive session?

Farhad Moghimi: Yes, Madam Chair, again I was off that day, and I was –

Mayor Romero: Who did you ask in your staff to do this?

Farhad Moghimi: If I may, let me explain at least the perspective here in the context. So, no access to computer, trying to assist and comply with your request by phone. So, the direction that I provided to staff was to use the same exact language as your memo, so this way there's no confusion. And unfortunately, again, because there was no time and we were trying to meet the 24-hour notice, typically we would have our attorney review and post. And unfortunately, we didn't have the opportunity to do that, and it was posted without our attorney's review.

Mayor Romero: So, you mean to tell me that you have a dumb phone? You don't have email available in your smartphone?

Farhad Moghimi: I was in-route, in flight and was trying to do my best to comply with your request.

Mayor Romero: And who in your staff was responsible to put this? Because the ARS has shown up in every single PAG meeting except this one.

Farhad Moghimi: It's ultimately my responsibility.

Mayor Romero: OK. So, I don't know if there are any more questions or comments, Mayor Murphy.

Mayor Murphy: No. Just one for Thomas. When it comes to HR issues and open meeting law, because we've been dinged in our town for a couple times on open meeting law violations that, is there any other higher consideration than to try to at least be compliant with the open meeting law, especially where it applies to HR issues?

Thomas Benavidez: Madam Chair, if I may. Mayor Murphy, in everything that the municipalities do and the county, you all know this, you have to comply with the open meeting law. And it's just one of those laws that you can get complaints internally and externally. So somebody internally, meaning the subject, the person who's the subject of the review, could complain about it. So, you have to be concerned about it. Or somebody on your own counsel could complain about it. So, it's important to be aware of it. Anybody can make an open meeting law complaint, so absolutely, it's like a threshold thing, you've got to comply with the open meeting law. You also have to comply with your contractual obligation. So, if you make a contractual obligation and that obligation is not illegal, then it's enforceable. These things can be waived. Sometimes people waive provisions of contracts and sometimes their silence can legally be interpreted as a waiver, but if someone's objecting to it, then you just have to be aware then that, that is a concern. It's a legal concern.

Mayor Murphy: And creates a record, Correct?

Thomas Benavidez: Certainly, yes.

Mayor Murphy: Thanks.

Mayor Romero: Thanks. Chairman Jose.

Chairman Jose: Madam Chair, members of the board and others. So, I guess it sounds like, this is what I'm understanding, there wasn't a mistake. There was an omission. Someone didn't do something. It possibly could have made all the appropriate deadlines, I guess, if all the ducks were in line, so to speak. I think we all have roles and responsibilities of organizations to do. So, that's one issue, and I think I would like probably discuss more, but probably not in an open meeting, so to speak. I think this, because, at least, I think we have to be careful about start pulling out names and things like that, but the heads of organizations and entities, we have to take the fact that, OK, it's my responsibility. I failed, or whatever. So, we didn't meet that. The role of the executive director, the role of the attorneys and I'm not saying this in any disrespectful way, I'm just hearing from what I'm hearing. Number one, I was in flight. I wasn't able to do that. I wasn't in the office or whatever. These positions are high positions and have high responsibilities to meet the demands of the board or demands of the authority there. So, it appears that something didn't happen and now we're sitting here trying to figure out what the next steps are. I think number one, request was submitted through the proper protocols, and other than that, it didn't get posted properly. What are the consequences of that? Possible litigation or public criticism, and all these things that we're not following the laws and so forth like that. My humble thought is that, I guess in order to, and being the attorney in all respect, I think there should have been the proper legal advice given there regardless of the timing, and so forth. That didn't happen. It didn't happen. And so, in order to do it correctly, then I guess we'll have to do a do over, if that's what you want to call it. But yet we have individuals responsible for guiding us, and giving us that administrative and legal advice on how to do it, what to do, and what not to do. I was going to also going to ask, and I think we're, and I know you're not trying to jump the gun, Madam Chair, but I guess except the fact it

wasn't done properly. I think everything led up to where it was supposed to get posted, and that's where it broke. That's where it fell apart right there, whether that was intentionally or unintentionally or just for whatever reason. And then, the whole review of this, and I'm not sure if I'm jumping the gun on this and going to the next one, Madam Chair, but my question was whether commencement now or later is that, and I think I have the answer just based on all the discussion, but in one of the emails it says, the PAG and the RTA board of directors in a joint session to review that. My question was, where does it say that? What bylaws or what law or what statute, what policy does it say that there has to be a joint review in there? Because then I'm hearing that in a previous, there was not a joint review, but then I'm hearing, and I think this is from Mr. Benavidez, that talks about that they should be. Or someone brought that to our attention, executive director's performance should be conducted in a joint review. So, is there some law, policy, or bylaw that –

Thomas Benavidez: Can I answer that, Madam Chair? It's in the executive director's job description at the end of his contract.

Chairman Jose: OK, so –

Thomas Benavidez: The job description is part of the contract.

Chairman Jose: The job description is part of the contract?

Thomas Benavidez: You don't see it in the contract. If you read the contract, you don't see it. It's in the job description –

Chairman Jose: But the job description is incorporated into the contract?

Thomas Benavidez: Yes.

Chairman Jose: But the job description doesn't supersede the contract?

Thomas Benavidez: It's part of the contract. You can't –

Chairman Jose: Job description is not a policy. I'm not an attorney either so –

Thomas Benavidez: No, you can't ignore that. It's part of the contract.

Chairman Jose: OK. So, that's where it's coming from. That's where we're getting that, it has to be.

Thomas Benavidez: Yes.

Chairman Jose: All right. I'm just trying to understand this. So, thank you, Madam Chair.

Mayor Romero: Thank you, Chairman Jose. Supervisor Heinz.

Supervisor Heinz: So, do we need to request this joint session to include and see, how do we make this happen for a week from now?

Mayor Romero: So in the bylaws of the PAG, the chair can request a special meeting, or two members of the PAG can do so. I need clarity in terms of RTA meetings and how they are called. Because I imagine, the RTA has the same language that the chair of the RTA can call a meeting or 2 or more members of the RTA can request a special meeting, as well. But I need clarity from our attorney on that.

Thomas Benavidez: Madam Chair, members of the board, I'm sorry, the Regional Council. I'm not aware of anything in writing, maybe Farhad is. I don't think there is. I think like a lot of jurisdictions, it just happens usually by the chair

or the mayor, somebody calls a meeting, most bodies meet couple times a month. A special meeting can be called by the chair or the mayor. So, I don't think there is anything, Madam Chair, that's how it gets done –

Mayor Romero: I'm sorry, that's not an acceptable response. You don't think? Show us. You could go online and try and find the RTA bylaws and how we put together the meetings for the RTA. We could give you a 15-minute break and we can find a solution today. You are our attorney, Mr. Benavidez. You tell us. You should know this by heart how we can call for a special meeting of the RTA. Because I know for a fact that the bylaws for the PAG say that the chair can call a special meeting of the PAG within 48 hours of calling it, so you tell us.

Thomas Benavidez: Madam Chair, members of the regional council. I'm telling you, I don't believe there is anything in writing that says how that gets done for the Board.

Mayor Romero: All right. So, then –

Thomas Benavidez: [\[INAUDIBLE 3:34:40\]](#) for me to spend 15 to –

Mayor Romero: I think that we can give you a break so you can find that out because what we can do, as a PAG Council, we can right now request a joint meeting of the PAG Council and the RTA Board to be scheduled for the purpose of conducting a performance review. Actually, I shouldn't even call it a performance evaluation. It should be to discuss and consider the employment assignment, appointment promotion, demotion, dismissal, salary and disciplinary or resignation of the executive director as allowed under Arizona Open Meeting laws and under authority by both the Pima Association of Governments and the Regional Council. So, I can give you a break so that you can find out how we get it done, but I know that at the PAG we can request a special meeting to have this review. Anyone else, anyone wants to, Mayor Valenzuela.

Mayor Valenzuela: Yes. Chair Romero. I was wondering if Mayor Winfield, as chair of the RTA, would have a problem with us agendizing a joint meeting.

Mayor Winfield: I don't have a problem.

Mayor Romero: So, then I would suggest to that end, that we make a motion to request a joint session of the PAG Regional Council and the RTA Board be scheduled for the discussion and consideration of the employment, assignment, appointment, promotion, demotion, dismissal, salary disciplining, or resignation of the executive director as allowed under the Arizona open meeting laws and our authority as a Pima Association of Government Regional Council, and I make that as a form of a motion.

Supervisor Heinz: And I will second that. Should we also add appointment of an interim director should that be necessary and consideration of our legal counsel's contract for the same meeting?

Mayor Romero: I will accept that amendment.

Supervisor Heinz: Thank you.

Mayor Romero: So, there's a motion and a second. Any further discussion?

Mayor Murphy: Being the fact that we've taken off even at a professional review and already setting up the fact that there's going to be a possibility of an interim director, obviously it seems like there's being something that's being communicated. So, I wouldn't be in support of it going in with, in my opinion, a closed mind. Thank you.

Mayor Romero: I don't know if you had the opportunity to read the memo from

supervisor Heinz requesting this item, but that's the information we all have. So, there's a motion and a second. Any further discussion of having a joint meeting at the PAG & RTA Council and Board?

Mayor Winfield: Mayor Romero.

Mayor Romero: Mayor Winfield.

Mayor Winfield: So, I know there was reference to this memo from Supervisor Heinz. Was that distributed to the board?

Supervisor Heinz: It's attached.

Mayor Winfield: It was attached?

Supervisor Heinz: Yes.

Mayor Romero: Was it distributed, Mr. Farhad?

Farhad Moghimi: Yes, ma'am. It was attached to the email and to the packet.

Mayor Romero: OK. Any further discussion on this item?

Mayor Winfield: What date?

Mayor Romero: All right.

Mayor Winfield: Is there a date?

Mayor Romero: I think that within the next 7 to 10 days, we need to schedule the special meeting of the joint RTA & PAG boards. Jacki, I just want to make

sure that you got the language to agendize the meeting and publicly.

Jacki Ontiveros: I'll probably go back to the audio.

Mayor Romero: OK, all right. And I just want to make sure that this error does not happen again. Mr. Benavidez, can you make sure that the language that we are requesting is clearly posted with enough time for the public to know both physically and on the website of the PAG & RTA? Mayor Valenzuela.

Mayor Valenzuela: Thank you, Chair Romero. I would also like to have some options for some dates because I wasn't asked that for this meeting, and I just had to move things around. So, if you can send a couple of dates, please, at least 3. Thank you.

Mayor Romero: So, within the next 7 to 10 days, agendized correctly, Mr. Benavidez, you're our attorney. Can you make sure that the language is correct? OK. And then of course that we, I don't know, Jacki, if you are responsible for helping the PAG & RTA boards find a meeting date, or who's responsible? You help us usually with that. Can you make sure that we do that?

Jacki: OK.

Mayor Romero: All right. Let's go to roll call.

General Maxwell: Madam Chair, I got one question. Sorry. My apologies, I should've asked. So, unless I understood, I thought that the RTA Chair had no problem with you just agendizing it. So, I guess, I'm not sure. We started with some motions and some of the things, but then I thought when we went through it, because there's no RTA thing, it could either come from vote, and I've no problem voting on it if we need to vote on it, but I thought, and Mayor Winfield, I just want to clarify if that's correct.

Mayor Winfield: Just for clarification, I wasn't consulted for this previously.

General Maxwell: OK.

Mayor Romero: And that's what we're doing, we're requesting, right? That's the language that I ask that we request a joint session of PAG Regional Council and the RTA board. All right. Ready?

ROLL CALL RESULTS:

| | Explanation of Vote (if any) |
|-----------------------------------|---|
| Mayor Winfield: Nay | - |
| Chairman Jose: Aye | - |
| Mayor Murphy: Nay | - |
| Mayor Valenzuela: Aye | - |
| General Maxwell: Aye | "I'm going to be, yes. And I want to explain my vote. We've seen these conversations continue to tear down this organization. We're farther now than we've ever been from getting to solutions, both regionally and throughout the RTA, and I think we should have the discussion when we're in a position where we can have it, so I'm a yes." |
| Mayor Post: Aye | "I am a yes because I also believe that we've, I mean I've only been here 2 months and I can feel that there's a, there's some things that need to be discussed. I'm a little uncomfortable with the language, but I think we need to have this discussion." |
| Mayor Romero: Aye | - |
| Supervisor Heinz: Aye | - |
| Absent: Chairman Hernandez | - |
| Aye: 6; Nay 2 | |

Mayor Romero: Item passes. Thank you so much, really appreciate the conversation. Difficult, but we have to have it. Item 6 is Adjournment.

15. Adjournment

The meeting was adjourned at 4:47 p.m.

CERTIFICATION

I hereby certify that the foregoing is a meeting summary of the Pima Association of Governments (PAG) Regional Council meeting held on April 21, 2025. This summary is not intended to be verbatim. It serves as the summary of action items taken at the meeting upon approval by the PAG Regional Council. An audio recording is available upon request and serves as the official minutes. I further certify that a quorum was present.

Dave Adler

Dave Adler, Acting Executive Director

In compliance with the Arizona Open Meeting Law, the PAG Regional Council legal actions and this meeting summary are posted online, and an audio recording which serves as the official minutes of the meeting is available upon request. In addition, a meeting video is also available at: [YouTube Video Recording](#)