

To the Cochise County Board of Supervisors
1415 Melody Lane, Bisbee, AZ 85603

2-24-2019

From Terry T. (Tom) Crosby
Applicant to the Board of Supervisors



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COCHISE COUNTY
BOARD OF SUPERVISORS

Letter of Interest in Board of Supervisors Vacancy

Please see this letter and the attached curriculum vitae with footnotes and attachments.

It's worthy to note that I've been true and faithful to my one and only wife for over 30 years. My daughter is an Army Blackhawk helicopter pilot. My son is teaching Philosophy at Cochise College, and correcting papers as an "adjunct" for several professors at U of A.

In my opinion after protecting and defending the law-abiding citizens, the most important duty of the County is the custody and process of those whom the legal system has deprived of their freedom. When junior high school age I did visitation in the Juvenile Hall with a senior citizen man from my church. That set the course of my life toward juvenile corrections for many years.

Prior to my Border Patrol career, I was an "Assistant Deputy Probation Officer II" (Corrections Officer) for the San Diego Department of Juvenile Corrections, and the California Youth Authority, as a "House Parent" in a "halfway house". I understand the challenges of adequate and bilingual if necessary, indigent defense, and how that lack can back up the legal system, and overcrowd the jail.

I have spent many hours in this County jail, with inmates, since Sheriff Dever was in office, up until about the summer of 2017. I estimate that I also spent

about 5 years, one night a week, doing jail ministry in the Spokane, Washington County Jail. Not only did I arrest many thousands of people, I care about them as well. It's a facet of "loving your enemy".

I've proven that I have the capacity to understand elections, taxation, budgets, and expenditures. I successfully initiated a Congressional investigation, and had the guts to fight out a whistleblower case for reprisal.

I have a very high level of experience and knowledge about helicopter law enforcement aviation (4500 flight hours in helos, 3500+ in fixed wing). During the fall semester of 2018, I taught aviation ground instruction at Cochise College.

I believe I am fundamentally very easy to lead. My leader merely has to be in front of me, and going the same direction. If someone doesn't fit that description, they should have been following me.

Terry T. (Tom) Crosby

My distaste for corruption is what sparked my interest in politics

I initiated a Congressional investigation into the Border Patrol's corrupt purchase of inferior helicopters. I stopped the waste of \$50 million dollars of a \$75 million dollar contract to buy an additional 35 of 45 aircraft potentially purchased.

While on the City Council I stood against traffic "revenue" cameras, (which bypass Fifth Amendment Probable Cause, and therefore also Sixth Amendment Due Process) and I gathered hundreds of signatures to have them removed by initiative.

In 2010, I was the only candidate running for office in this area that campaigned against the Upper San Pedro Water District attempt that would have established a hidden pass through tax, "user fee", and allowed the hidden issue of exportation of this area's groundwater. (Footnote A)

In 2012, I campaigned against the SSVEC City electric tax, which regrettably established a 4% tax, largely without voter knowledge. I stopped an additional 1% that was "floated" by City staff. (Attachment D) Our effort probably made at least a 22% difference, compared to "early ballots" and the similar but unopposed 5% Southwest Gas tax. But it wasn't enough to prevent the passage of the "omit the truth" ballot issue. (Footnote B, Attachment E)

Also following the 2012 local elections I found that ballots had been commingled between City and County voters. Regrettably, the City and County wanted to cover up this problem. (Footnote C) All humans are prone to mistakes, but when efforts are made to cover it up, it becomes corruption.

With a lot of help, I established and ran the LD 14 Republican Committee after the 2010 census. I was honored to be elected "Ad hoc" Chairman of that body, then re-elected as Chairman 2 more times. Under my leadership, we decreased the number of possible proxy votes from unlimited down to four.

Education

Bachelor's degree in Psychology, San Diego State University

U.S. Border Patrol Academy

(Aviation) Commercial Fixed wing, Multi-engine, Rotorcraft ratings, Fixed wing instrument rating, Rotorcraft instrument rating, Basic Ground Instructor, Advanced Ground Instructor, Advanced Instrument Ground Instructor

DEA Intelligence Analyst, Scotland Yard Surveillance, JTF 6 Link analysis, Recurrent U.S. Customs cross designation training

Disaster preparedness training, CIA elicitation training

Presentations

Innumerable public speeches as LD 14 Chairman, candidate and City Council Member on a wide variety of topics

Presented on Border Security with AZ Senate President Russell Pearce at the Center for National Policy conference in Tucson, Twin Peaks Resort

I ran the control boards for the "Inside View" radio show on KTAN, and made periodic presentations on state, local and national political issues

Presented to the Air Smuggling Investigators Association on that topic in the Spokane, WA Sector, as the Washington State Representative to that organization

Appointments

Vice Chairman of the Veritas Christian Community School

Vice Chairman of the Industrial Development Authority of Sierra Vista

Elected Section Leader and Class Spokesman for my U.S. Border Patrol Academy class

Union Representative and Safety Officer for the San Diego Border Patrol Pilots Office

Awards and Commendations

USDA for seizure of smuggled agricultural goods

Public Relations, incident, and elementary school presentations

Joint State, Federal, and Canadian law enforcement operation

Washington State Department of Revenue and Department of Transportation for assisting in the collection of several hundred thousand dollars of evaded tax revenue

"Special Achievement Award" and \$500 for saving the life of a drowning illegal alien out of a canal

Rescuing an injured Border Patrol Agent

Seizure of a Piper Aerostar aircraft valued at \$80,000

Spanish language skill

Two years in high school, 3 semesters in college, review of 3 college semesters at the Border Patrol Academy. I regularly read Spanish at the 12th grade level. I can easily read Spanish news articles which are lower level. I can read anything to somebody in Spanish. I estimate that I speak Spanish at the elementary level. My verbal comprehension level depends on the nature of the subject.

(Footnote A)

Water District legislation's main point was exportation of this areas plentiful, immensely valuable ground water. ARS 45-544 B, 8, (a) and (b):

If the upper San Pedro water district is established under title 48, chapter 37:

(a) A city, town or private water company whose service area is located in the district and a groundwater basin adjacent to the district, other than the upper San Pedro groundwater basin, and that provides water utility service to landowners or residents in the district and that adjacent groundwater basin as of July 1, 1993 may transport groundwater between the district and that adjacent groundwater basin.

(b) The transportation of groundwater in which groundwater is transported away from the district and away from the upper San Pedro groundwater basin and expansions of that transfer by the same person OR its SUCCESSOR for the same purpose are valid if that transfer was occurring before September 1, 1993.

This legislation is still "on the books" of the ARS's. If I am appointed to the Board of Supervisors I will protect individual water rights of the district I serve.

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Footnote B

Did our anti-City SSVEC electric tax efforts make a difference?

	2012 SSVEC new 4% tax	2008 SW Gas new 5% tax
Total voters	<u>16,623</u>	<u>16009</u>
Undervotes	1810	4065
Total for/%	8629/58%	9600/80%
Total against/%	6165/42%	2342/20%
Early for/%	5305/67%	4495/85%

Footnote B continuation next page

Early against	2592/33%	800/15%
At Polls for/%	2987/48%	5105/77%
At Polls against/%	<u>3240/52%</u>	1542/23%

Our anti-tax efforts began AFTER the discovery of the omission of the issue in the early ballot material mailing. Nonetheless, in the short amount of time we had left, the issue LOST at the polls when people began to realize it was a tax, not simply a franchise renewal. Note the 22% difference between the Early vote "against" and At the Polls "against". Note the 29% difference between the OPPOSED At the Polls 2012 SSVEC tax and the unopposed At the Polls 2008 SWG tax. When people know the truth that the government wants to hide, they choose low taxes.

Footnote C

Comingling calculations

PCT	City Sign Ins	City Ballots	Difference	Too many
Ave D Sol	384	402	18	County Voters
Busby	452	458	6	County Voters
College	482	481	1	County Ballot
Estates	47	49	2	County Voters
Hopi	468	479	11	County Voters
Snyder	386	386	0	
Soldier	627	636	9	County Voters
Village Meadows	555	573	18	County Voters
Yaqui	9	3	<u>6</u>	County Ballots
			71	Wrongly Cast

Attachment D




City of Sierra Vista


City Manager Department
Finance Division

1011 N Coronado Drive, Sierra Vista, Arizona 85635
520/458-3315 • fax 520/417-6932 • www.ci.sierra-vista.az.us

June 16, 2011

Memorandum to: Honorable Mayor and City Council

Thru: Charles P. Potucek, City Manager 

From: David J. Felix, CPA, Finance Manager 

Re: Southwest Gas Franchise Fees

I have received an inquiry from Councilmember Crosby regarding the City's utility right-of-way tax. Upon clarification, he is asking about the 1% Relocation Reimbursement Fee that is part of the Southwest Gas franchise agreement.

Background

In November 2008, Sierra Vista voters approved a new, 25-year, franchise agreement for Southwest Gas. Included in this agreement was a new fee structure. The old agreement had a total 2% fee that was fully offset by the City's 2% transaction privilege tax. The new agreement called for SW Gas to remit the 2% utility privilege tax, a 2% franchise fee and, at their request, a 1% relocation reimbursement fee, for a total of 5%. This reimbursement fee is to be used to cover the costs of any relocations of gas lines the City requests. The relocation fee is held for one year, then any unused balance is unrestricted and goes into the General Fund to fund general operations.

Detail

Since the inception of the agreement, the City has requested one relocation from Southwest Gas. This occurred in FY2011, and the total cost was \$2,724. The total, by fiscal year, of the monies collected are:

FY09	\$ 46,440
FY10	\$115,426
FY11	\$103,056
FY12	\$ 97,460
Total Collected	<u>\$362,382</u>

Please feel free to contact me if you have any additional questions. Thank you.

Attachment E

OFFICIAL TITLE: Shall a Franchise be granted to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona corporation, its successors or assigns, to construct, maintain and operate an electric utility system in the City of Sierra Vista, Arizona, and future additions thereto in accordance with the proposed Franchise Agreement on file with the Clerk of the City of Sierra Vista?

Council Member Crosby's proposed amendment to the Franchise Agreement:

The Sierra Vista City Council shall direct that the ballot language for the SSVEC franchise agreement accomplish the intent contained in the following information;

A yes vote is in favor of increasing Sierra Vista City electric taxes and fees from 2% to 4%, for a period of 25 years. The City is expected to collect approximately \$16.8 million. As a percentage of your electric bill, if rates or other electric fees go up, that monetary amount represented by 4% will also increase.

END

It should be noted that \$16.8 million is an extremely low estimate of only the additional 2% without inflation. This motion did not receive a "second" from any Council member, and thus the motion did not get a vote.

SSVEC Goldwater response

Here is just a brief sample of the cases in Arizona on a court's deference to the drafting body:

Fairness & Accountability in Ins. Reform v. Greene, 180 Ariz. 582, 886 P.2d 1338 (Ariz. 1994)

"[W]e remain convinced that a measure's text is part of the legislative or political process and, before adoption, is not subject to this court's review"; the court will not review unless "there has been no substantial compliance" with a statute.

Tilson v. Mofford, 153 Ariz. 468, 737 P.2d 1367 (1987)

"[T]he judicial branch has no power to keep the proposal off the ballot simply because we might believe the matter has not been submitted to the people in a fair form"

Arizona Legislative Council v. Howe In & For County of Maricopa, 192 Ariz. 378, 965 P.2d 770 (1998)

Court will defer to legislature's language if it is reasonable and appropriate