

**PROCEEDINGS OF THE COCHISE COUNTY JAIL DISTRICT PUBLIC OUTREACH COMMITTEE
MEETING HELD ON
FRIDAY, OCTOBER 7, 2022**

A meeting of the Cochise County Jail District Public Outreach Committee was held on Friday, October 7, 2022 at 9:00 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: James Conlogue, Chair; Danya Acosta, Vice-Chair, telephonic; Kay Gojkovich, Committee Member; Tony Isom, Committee Member; Jon Kosmider, Committee Member; Katie Miller, Committee Member; Eric Petermann, Committee Member; John Pintek, Committee Member

Absent: Frank Antenori, Committee Member; David DiPeso, Committee Member; Jennifer Lakosil, Committee Member; Paul Sheats, Committee Member

Staff Present: Richard G. Karwaczka, County Administrator
Sharon Gilman, Deputy County Administrator
Christine Roberts, Chief Civil Deputy County Attorney
Tim Mattix, Clerk of the Board

Attendees: Mark Dannels, Sheriff
Kenneth Bradshaw, Commander
Ariel Monge, Lieutenant
Daniel Duchon, Interim Emergency Management Director
Juan Frisby, Budget Manager

Chair Conlogue called the meeting to order at 9:00 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

1. Action to approve the minutes of the Jail District Public Outreach Committee Meeting of September 16, 2022.

Committee Member Kosmider made a motion to approve the minutes of the Jail District Public Outreach Committee Meeting of September 16, 2022. Committee Member Pintek seconded the motion and it was approved on a voice vote 7-0 (Committee Member Miller not yet present; Committee Members Antenori, DiPeso, and Lakosil absent).

Committee Member Miller arrived at 9:02 a.m.

2. Action to approve the minutes of the Jail District Public Outreach Committee Meeting of September 23, 2022.

Committee Member Gojkovich expressed concern that the safety of officers and inmates was not included in the minutes and stressed the importance. Chair Conlogue made a motion to amend the minutes to include Committee discussion of issues related to officers, employees and inmates. Committee Member Gojkovich seconded the motion and it was approved on a voice vote 8-0 (Committee Members Antenori, DiPeso, Lakosil and Sheats absent).

3. Update by Mr. Richard G. Karwaczka, County Administrator, and Commander Kenneth Bradshaw, and discussion: Update on Potential Tours of Other Jail Facilities.

Mr. Karwaczka presented this item and referenced an email sent to the Committee on October 5, 2022. Previously, Committee Members expressed an interest in visiting other Jails. The email contained contact information for Graham and Santa Cruz counties, who both agreed to provide tours to individual Committee members. Committee Members interested in a tour are asked to contact the staff at Graham or Santa Cruz counties. Commander Bradshaw offered to assist any Committee Members who have difficulties scheduling a tour. In response to the Committee, Commander Bradshaw stated that the approximate capacity for Graham County Jail is 280 and Santa Cruz County Jail is 400.

4. Presentation by Mr. Paul Bentz and Mr. Rex Bartlett, from HighGround, Inc., and discussion: Data from the Jail District Survey.

Mr. Bentz presented this item using a PowerPoint presentation. The County-wide Jail District Survey (Survey) was conducted by telephone; the 400 participants who took the Survey were high-efficacy voters with a history of voting. The margin of error in the Survey results is 4.9. Ideally, issues would start in the high 50% approval range, with post-test staying in the 50% range. He reviewed the demographics of those who took the Survey, including age, gender, political party affiliation, and Supervisorial District.

Illegal immigration was identified as the top issue facing the County, across all three Supervisorial Districts and by those registered as Republican, Party Not Designated, and Independent. 55.3% of the respondents indicated they have not heard anything recently about the County Jail. He reviewed categories of what respondents had heard about the Jail, with the highest four being issues with the facilities (49 respondents), overcrowding (36 respondents), nothing specific (26) and understaffed, or issues with staffing (17). 40.8% of respondents believe that the Jail receives too little funding, with 40% not knowing.

The survey included a pre-test and post-test. Respondents were asked how they would vote on a question to implement a half-cent sales tax to pay for Jail facility, staffing, and the Jail system. 58% indicated yes, and 30.4% indicated no. 11.6% indicated that they do not know. Following the pre-test, individuals were given more background information regarding the Jail. The proposed ballot language was read. There was then an educated pre-test asking how individuals would vote on the proposal, with 65% indicating they would vote yes, 26.2% would vote no, and 8.8% not knowing. This shows the viability of an item; it does not mean that a ballot issue will pass with 65% approval. He broke down how individuals responded by political party affiliation.

Individuals were asked about various issues to determine those that matter the most. The results indicated the following rank of importance: improving detention officer safety; facilities to treat the mentally ill; 24-hour medical support; increased staffing; facilities to

handle opioid and drug addiction cases; additional detention officers; improving inmate safety; expanding inmate programming and education; reducing expensive repair costs; eliminating costly power, plumbing and air conditioning repairs; building a new jail to avoid costly renovations; renovating the main jail in Bisbee; space to address juveniles mandated to be housed in jail instead of juvenile detention; expanded capacity for border-related detainees; reducing transportation costs; and, updates to basic communications like radio and internet inside the facility. The top two can be prioritized for messaging to the public.

Statements of support and opposition were also provided to respondents to target reasons people may support or oppose it. He detailed each support and opposition statement that were included in the survey. Support statements ranked in the following order of importance: invest in public safety; mental illness; medical needs; protect quality of life; fiscally responsible solution; and, everyone pays (funding by a temporary sales tax). Statements of opposition ranked in the following order of importance: illegal immigration; high sales tax; fixed income; sales taxes are regressive; oppose all tax increases; and, no comfort for inmates. Every reason to support outweighs every reason to oppose.

The ballot language was again read to respondents, who were then asked again whether they would vote yes or no. 62.7% responded yes, 26.0% responded no, and 11.3% responded that they do not know. Every political party was above 50%, with most above 60%, and all Supervisorial Districts were at or above 60%.

In response to the Committee, Mr. Bentz stated that the Board of Supervisors should be made aware of the data; the data should be used to assist in putting together the proposal and talking points. The results were more favorable than the previous survey by approximately five to seven points. Mr. Karwaczka confirmed that the Board will hold public discussions prior to voting.

5. Presentation by Mr. Richard G. Karwaczka, County Administrator, Mr. Daniel Duchon, Budget Manager, and Commander Kenneth Bradshaw, and discussion: Sources of Funding, Tax Briefing, and Design Concept.

Mr. Karwaczka introduced Mr. Duchon, Emergency Management Director, formerly the Budget Manager, and Mr. Juan Frisby, new Budget Manager. Mr. Duchon presented information on funding and taxes using a PowerPoint presentation. The sales tax would be on goods, not services; various goods are exempted by state law from the sales tax. The County currently has a half-cent sales tax; he reviewed historical data on the revenue raised from the existing sales tax by fiscal year and monthly. A conservative estimate of revenue from a half-cent sales tax is \$8.5 million annually.

The half-cent sales tax would have a lifespan of 25 years. If there is steady growth of three percent year over year, by fiscal year 2047, the revenue could be \$18 million. In response to the Committee, Mr. Duchon stated that he recommends keeping a portion set aside as a contingency, though not necessarily an investment. He reviewed the potential total revenue over 25 years, with the year over year growth projections staying flat, at one, two, and three percent growth.

The cost to consumer households is estimated at approximately \$67.21 per resident per year. This estimate does not include business to business transactions, out of county residents making purchases, or cross border shoppers. He compared the total sales taxes throughout the County, including incorporated cities and towns, noting the state sales tax of 5.6%, the existing County sales tax of 0.5%, and the various municipalities,

and the calculation if the additional half-cent sales tax is included. With a new half-cent tax, four municipalities would have over a 10% sales tax rate. The County relies more on property tax due to having more property; cities rely more on sales tax due to having more businesses. In response to the Committee, Mr. Duchon confirmed that sales tax is being collected for online transactions.

Mr. Duchon compared property tax versus a sales tax. To generate \$8.5 million in property tax revenue, a rate increase of 0.8307, or 31% increase over the current primary property tax, is required. The Committee and Mr. Duchon discussed assessments and the assessment process, and Mr. Duchon noted that if property values decreased, the County would need to increase the rate to have the same levy. There is a reluctance to raise the rate on property taxes; sales taxes are fixed. Mr. Karwaczka stated that the half-cent sales tax would be approximately \$67 per year, while here, the property tax would increase, and then may need to increase or decrease year after year. With a sales tax, everyone will share in the cost.

Mr. Duchon reviewed the County's capital funding, which is funded by the current half-cent sales tax and the general fund. Revenues from the existing half-cent sales tax are broken down as follows: 50% to the General Fund; 25% to the Capital Fund; 12% to Building Enhancement; 6% to IT Capital; and, 7% to the Solid Waste Fund. Some of the funding is currently used for the Jail; due to the required maintenance of effort, the same amount will need to be maintained if a Jail District is formed. He reviewed the County Facility Footprint, noting that the funding is being used for the Jail and all other facilities; the Jail is 36,807 square feet, out of 732,544 total square feet.

The current Jail Budget, including Jail Medical, is \$6.7 million, of which the majority is used for personnel. There is Special Revenue Funding for the Jail; it can only be used for certain expenses under state law: Jail Enhancement, and Inmate Welfare, such as phone/video calls and which is used for education, recreation, chaplain, welfare, and the canteen/store. The Committee, Sheriff Dannels, and Commander Bradshaw discussed the rate set for calls, which now has a cap set by the Federal Communications Commission (FCC), and the inmate welfare fund, including the purpose of the canteen store.

Mr. Duchon reviewed early projections of the total estimated cost of a new Jail, which is \$92.2 million baseline. The funding breakdown includes a \$30 million County contribution, which would include \$25 million from the Jail District half-cent sales tax, and a \$5 million capital contribution. The legislative appropriation is \$20 million; approximately \$42 million in bond funding. Mr. Karwaczka stressed the importance of borrowing in the amount of \$42 million rather than the full amount. Mr. Duchon stated that the proposed Jail District Budget is approximately \$14.8 million; the sales tax would account for 57% of the budget and the maintenance of effort 43%. He reviewed the breakdown of the proposed expenses, as follows: 36% for current operations; 18% for expanded operations; 15% for 24/7 Jail Medical; 27% for Debt Payment for the bonds; and 4% for Contingency funding.

Committee Member Petermann departed the meeting at 10:22 a.m.

Mr. Duchon reviewed Jail Operations Projections, noting the potential for year over year growth. He reviewed the annual and total cost of bonds in the amount of \$40 million, \$60 million, and \$80 million. For \$40 million, the annual debt service is approximately \$2.7 million; for \$60 million, approximately \$4.05 million; and, for \$80 million, approximately \$5.4 million annually. Maintenance of effort is required by state law; it must change with inflation. The goal is for everything to change together - revenues, expenditures, and maintenance of effort. He reviewed the current list of maintenance that needs to be done

at the Jail; it totals \$2,078,810. Commander Bradshaw stated that some projects have started. Staff responded to questions from the committee on some of the current maintenance needs, including the walk in cooler and bunks. Staff noted that none of the costs on the list are for personnel and none are to open more space at the Jail.

Mr. Duchon reviewed costs of transporting inmates to another Jail facility. It would require \$8,256,957 for inmate housing and transport. The same staffing level is required to transport the inmates. No inmates are currently housed at another facility. The Committee and Mr. Karwaczka discussed the viability of using Jail District funds for transport to another county's Jail.

Commander Bradshaw presented the Design Concept using a PowerPoint presentation. The conceptual designs are very preliminary. He displayed the existing site, noting the current Jail and Sheriff's Office locations, and displayed the proposed location, which is adjacent to the existing facility. He highlighted where different areas of the Jail would be located. If a new facility is built, the current facility could remain operational and continue to house inmates during construction. He reviewed a site analysis and a schematic of private and public access. In response to the Committee, Sheriff Dannels stated that a standard practice is to include the Sheriff's Office at the same site as the Jail. Discussion ensued regarding the proposed Justice Center; funding would only be able to be used for the Jail. Commander Bradshaw reviewed the probable development cost. The preliminary concept does include the concept of dormitories.

6. Discussion and possible action to approve a recommendation, based on the information provided at all previous meetings, from the Jail District Public Outreach Committee to the Board of Supervisors regarding the following:
 - Recommendation on whether or not to form a Jail District; and
 - Possible recommendation on whether to build a new County Jail or rehabilitate the existing facility.

Pursuant to A.R.S. § 38-431.03(A)(9), the Committee may vote to go into Executive Session for discussions with designated representatives of the public body in order to discuss security plans, procedures, assessments, measures or systems relating to, or having an impact on, the security or safety of buildings, facilities, operations, critical infrastructure information and information technology maintained by the public body.

Chair Conlogue stated that the Committee needs to make a recommendation on whether to form a Jail District and possibly make a recommendation on whether to build a new Jail or rehabilitate the existing facility.

Committee Member Miller made a motion to come back in two weeks for a final decision. Committee Member Pintek seconded the motion and it was approved on a voice vote 7-0 (Committee Members Antenori, DiPeso, Lakosil, Petermann, and Sheats absent).

The Committee preliminarily discussed their thoughts and opinions. Chair Conlogue noted that he sees inherent inadequacies in the current facility and is concerned with its life expectancy. Vice-Chair Acosta stated that the information has shown that the need is there and noted that Douglas would be affected by a sales tax increase, which is difficult. She stated that the recommendation should be to tell the Board of Supervisors that the voters need to decide the matter.

Committee Member Pintek expressed support for a new Jail, and noted that a larger Jail could include renting un-needed portions to other counties. In response to the Committee, Mr. Karwaczka stated that when the item goes to the Board for approval, it will include the Committee's recommendation and public comment; he encouraged all

Committee Members to attend the meeting. The Jail District item will go to the Board in November, and if approved, a vote in May.

Committee Member Miller expressed support for a new Jail, and stated that it is not cost-effective to continue to put money into the existing facility. Chair Conlogue discussed the need for resources for mental health needs. Committee Member Kosmider discussed the survey results showing major areas of concern for citizens, and noted that a new facility would accommodate everything needed, including safety and mental and medical health.

The Committee discussed the potential location for a new Jail, which Chair Conlogue noted is a decision for the Board of Supervisors. He encouraged the Committee Members, as members of the public, to comment to the Board. The location displayed on the design concept is County-owned property and discussion ensued regarding County property.

7. Future Agenda Items, if needed - *members of the Jail District Public Outreach Committee may request that an item be added to the potential October 21, 2022 Committee meeting agenda. The Committee may reach consensus to add requested items to Future Meeting Agendas.*

No discussion took place and there were no requests for future agenda items.

Next Committee Meeting Date: October 21, 2022 at 9:00 a.m. (if needed)

Committee Member Miller made a motion to adjourn. Committee Member Gojkovich seconded the motion and it was approved 7-0 (Committee Members Antenori, DiPeso, Lakosil, Petermann, and Sheats absent). Chair Conlogue adjourned the meeting at 11:15 a.m.

APPROVED:

Judge James Conlogue (Ret.), Chair

ATTEST:

Tim Mattix, Clerk of the Board