

 Santa Cruz County logo

1. REGULAR MEETING AGENDA

Documents:

[01-21-20.PDF](#)

2. DOCUMENTATION - 29MB

Documents:

[01-21-20.PDF](#)

3. ACTION TAKEN

Documents:

[01-21-20 ACTION.PDF](#)



Board of Supervisors

Santa Cruz County

MANUEL RUIZ
District 1

RUDY MOLERA
District 2

BRUCE BRACKER
District 3

PUBLIC NOTICE OF MEETING

Notice is hereby given, pursuant to A.R.S. 38-431.02, that the Board of Supervisors of Santa Cruz County, State of Arizona, will hold a *REGULAR MEETING* at **9:30 a.m.**, on *Tuesday, January 21st, 2020* at the Santa Cruz County Complex, 2150 N. Congress Drive, Room 120, Nogales, Arizona.

Notice is further given that one or more members of the Board of Supervisors may attend this meeting telephonically.

The Board of Supervisors may vote to hold an executive session for the purpose of obtaining legal advice from the Board's Attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

Dated this 16th day of January, 2020.

Tara R. Hampton, Clerk
Board of Supervisors



Board of Supervisors Santa Cruz County

MANUEL RUIZ
District 1

RUDY MOLERA
District 2

BRUCE BRACKER
District 3

A G E N D A

January 21, 2020 at 9:30 a.m.

**Santa Cruz County Complex
2150 N. Congress Drive, Room 120
Nogales, AZ 85621**

A. CALL TO ORDER/PLEDGE OF ALLEGIANCE

B. ADOPTION OF AGENDA

C. CALL TO THE PUBLIC:

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

D. CURRENT EVENTS

1. Board of Supervisors
2. Manager

E. DEPARTMENT REPORTS AND ACTIVITIES

1. Finance: cash & investments, expenditures & revenues reports

F. FLOOD CONTROL DISTRICT

1. Discussion/possible action for authorization to waive the hiring freeze and fill vacant position Flood Control District Foreman (Req: Public Works)

ACTION TAKEN

G. JAIL DISTRICT

2. Discussion/possible action for authorization to fill vacant positions:
 - a. (2) Detention Officers (Req: Sheriff)
 - b. Full-Time Detention Corporal (Req: Juvenile Probation)

H. ACTION ITEMS

1. Discussion/possible action for authorization to fill vacant positions:
 - a. Chief Deputy Probation Officer (Req: Probation)
 - b. (2) Public Safety Tele-Communicators (Req: Sheriff)
 - c. Evidence Custodian (Req: Sheriff)
 - d. Senior Court Clerk (Req: Justice of the Peace)
2. Discussion/possible action for authorization to waive the hiring freeze and fill vacant positions: (Req: Public Works)
 - a. Road Foreman
 - b. Heavy Equipment Operator
3. Discussion/possible action to approve the Emergency Voting Procedure pursuant to A.R.S. 16-542(H) (Req: Recorder)
4. Discussion/possible action to approve the Arizona Department of Corrections (ADC) Inmate Work Contract No. 20-031-25 to continue providing labor force for various maintenance, landscaping and sanitation projects (Req: Administrative Services)
5. Discussion/possible action to approve an Intergovernmental Agreement IGA No. 19-0007547-1 with the State of Arizona to designate them as the County's agent for the chip seal project in Rio Rico (Req: Public Works)
6. Discussion/possible action to approve the adoption of Ordinance No. 2019-03 the Santa Cruz County Health Code to be effective February 1, 2020 (Req: Health & Human Services)
7. Discussion/possible action: recommendation of approval of Applications for Liquor Licenses for: (Req: Clerk)
 - a. Vino Bandito De Sonoita, Elgin

- b. Habaneros Restaurant, Tubac _____
- 8. Tax Valuation Adjustments: (Req: Assessor)
 - a. 116-03-058 – Monica Enciso Lizarraga, Resolution No. 55796 _____
- 9. Discussion/possible action to approve Certificate of Removal and Abatement of Taxes and/or Penalty: (Req: Treasurer)
 - a. Tax ID# 177630901 – Dianne L or Kenneth Doss C/O Ronald Fish, \$538.31 _____
 - b. Tax ID# 850020601 – Maria Estela Castelo, \$1,841.21 _____
 - c. Tax ID# 201500134 – Elavon Inc., \$0.74 _____
 - d. Tax ID# 940006101 – Jerry Dwayn Dunson, \$278.53 _____
 - e. Tax ID# 995010501 – DMX LLC, \$3.80 _____
 - f. Tax ID# 514646302 – Pete Kitchen Estates Inc. C/O Mi Casa Inc., \$1,114.49 _____
 - g. Tax ID# 108806201 – Cella & Barr Engineers C/O Porter Homes Inc., \$163.00 _____
 - h. Tax ID# 607706201 – Pedro Silva C/O Dolores Sotelo, \$195.66 _____
 - i. Tax ID# 373658801 – Juan or Cecilia Fernandez, \$2,925.39 _____
 - j. Tax ID# 920008301 – Fidelcemisa, \$3,878.33 _____
 - k. Tax ID# 201200160 – Flexi Compras Corporation, \$6,342.47 _____
 - l. Tax ID# 990000901 – Michael Patrick Ewing, \$624.23 _____
 - m. Tax ID# 423431201 – Ramon E or Irma Maytorena, \$179.73 _____
 - n. Tax ID# 109327501 – Michael J. Cervantes, \$104.32 _____
 - o. Tax ID# 950003401 – Natasha R. Franks, \$110.02 _____
 - p. Tax ID# 980005101 – Garry Fay, \$255.52 _____
 - q. Tax ID# 718763101 – Benjamin E. or Wilma J. Felts, \$22.43 _____
- 10. Monthly Reports _____
- 11. Demands _____
- 12. Approval of Minutes: 11/06/19, 11/20/19, 12/04/19 & 12/18/19 _____

I. ADJOURNMENT

Posted: 01/16/20 at 12:25 p.m. by TRH
Tara R. Hampton, Clerk of the Board

The Board of Supervisors may vote to hold an executive session for the purpose of obtaining legal advice from the Board's Attorney on any matter listed on the agenda pursuant to A.R.S. §3-431.03(A) (3).



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**SANTA CRUZ COUNTY
PUBLIC WORKS DEPARTMENT
General Session: January 21, 2020**

To: Board of Supervisors
From: Jesus Valdez, P.E., Public Works Director
Through: Jennifer St. John, County Manager
Date: January 15, 2020

Subject: Personnel, waive of hiring freeze and authorization to fill the vacant Flood Foreman position

Recommendation: Waive the hiring freeze, and authorization Public Works to hire a Flood Foreman

Background: The Public Works Department has a vacant position in the Flood Control Distric due to retirement, and the department is asking authorization to fill these vacancy.

Financial Implications: The position is funded with Flood Control revenues

Proposed Motions: “Mr. Chairman, I move to waive the personnel hiring freeze and authorize Public Works to fill the vacant Flood Foreman position

Attachments:

Santa Cruz County

Department Staffing Request

Department: Public Works Date needed: January 21, 2020

The position requested is (check whichever applies)

To fill a vacancy created by a Retirement

A new position

Position Title: Foreman Source of Funding: Flood

Position is: Temporary Full Time Temporary Part-Time

Permanent Full Time Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

Personnel Review

Salary Range: 58 Entry Level Salary \$ 36,409

Budgeted Position Yes No

Personnel Signature *Louisa Jones*

Board of Supervisor's Action:

Agenda Date: _____

Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

Santa Cruz County

Department Staffing Request

Department: Sheriff Date needed: A.S.A.P.

The position requested is (check whichever applies)

to fill two (2) vacant position _____ of Francisco Martin
Ortiz-Villegas Brenda Palafox.

a new position

Position Title Detention Officer Source of Funding X325-39-51-5103

Position is Temporary Full Time Temporary Part-Time

Permanent Full Time Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

Personnel Review

Salary Range 49 Entry Level Salary \$31,395.00

Budgeted Position Yes No

Personnel Signature 

Board of Supervisor's Action:

Agenda Date: _____

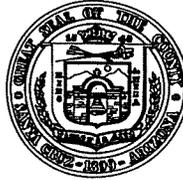
Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

PROBATION DEPARTMENT SANTA CRUZ COUNTY

Thomas Fink
Presiding Superior Court Judge



Luis B. Fimbres
Chief Probation Officer

To: Board of Supervisors
From: Luis B. Fimbres
Re: Request to fill Vacant Position
Date: January 14, 2020

Subject: We have a vacant Detention Corporal position within our Juvenile Detention Services Division.

Request: We respectfully request the Board to allow us to fill the position.

Implications: The position is funded through the jail district and is a budgeted and/or an existing position. This is not a new position.

I will be present for your meeting on Tuesday, January 21, 2020, and I will be glad to answer any questions you may have relating to this request.

Thank you for your time and consideration in this matter.

Santa Cruz County

Department Staffing Request

Department Probation

Date needed As soon as possible

The position requested is (check whichever applies)

- to fill a vacancy created by vacant Detention Corporal position
- a new position

Position Title Juvenile Detention Corporal Source of Funding Jail District

- Position is
- Temporary Full Time
 - Permanent Full Time
 - Temporary Part-Time
 - Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

- Do Not Post at this time
- Post Internally Immediately after Board approval
- Post Internally & Externally simultaneously

Personnel Review

Salary Range 55 Entry Level Salary \$33,810

Budgeted Position Yes No

Personnel Signature *Sonia Jones*

Board of Supervisor's Action:

Agenda Date: _____

Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

PROBATION DEPARTMENT SANTA CRUZ COUNTY

Thomas Fink
Presiding Superior Court Judge



Luis B. Fimbres
Chief Probation Officer

To: Board of Supervisors

From: Luis B. Fimbres

Re: Request to fill Vacant Position

Date: January 14, 2020

Subject: The Chief Deputy Probation Officer position is vacant within the Probation Services Division.

Request: We respectfully request the Board to allow us to fill the position.

Implications: The position is grant funded and is a budgeted and/or an existing position. This is not a new position.

I will be present for your meeting on Tuesday, January 21, 2020, and I will be glad to answer any questions you may have relating to this request.

Thank you for your time and consideration in this matter.

Santa Cruz County

Department Staffing Request

Department Probation

Date needed as soon as possible

The position requested is (check whichever applies)

- to fill a vacancy created by vacated Chief Deputy PO position
- a new position

Position Title Chief Deputy Probation Officer Source of Funding AIPS & JPSF

- Position is
- Temporary Full Time
 - Permanent Full Time
 - Temporary Part-Time
 - Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

- Do Not Post at this time
- Post Internally Immediately after Board approval
- Post Internally & Externally simultaneously

Personnel Review

Salary Range 78 Entry Level Salary \$59,659

Budgeted Position Yes No

Personnel Signature *Sonia Jones*

Board of Supervisor's Action:

Agenda Date: _____

Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

Santa Cruz County

Department Staffing Request

Department: Sheriff

Date needed: A.S.A.P.

The position requested is (check whichever applies)

to fill two (2) vacant position *promotion / + resignation*

a new position

Position Title Public Safety Tele-Communicator

Source of Funding X100-39-54-5103

Position is Temporary Full Time

Temporary Part-Time

Permanent Full Time

Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

Personnel Review

Salary Range 52

Entry Level Salary \$31,395.00

Budgeted Position Yes No

Personnel Signature *Sonia J Jones*

Board of Supervisor's Action:

Agenda Date: _____

Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

Santa Cruz County

Department Staffing Request

Department: Sheriff

Date needed: A.S.A.P.

The position requested is (check whichever applies)

to fill one ~~new~~ vacant position Mildred Silva.

a new position

Position Title Evidence Custodian

Source of Funding X100-39-5103

Position is Temporary Full Time

Temporary Part-Time

Permanent Full Time

Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

Personnel Review

Salary Range 4650

Entry Level Salary \$27,072.00 \$29,882

Budgeted Position Yes

No

Personnel Signature



Board of Supervisor's Action:

Agenda Date: _____

Approved

Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

Santa Cruz County

Department Staffing Request

Department Justice of Peace #1

Date needed JAN/07/2020

The position requested is (check whichever applies)

- to fill a vacancy created by *Resignation*
- a new position

Position Title Senior Court Clerk Source of Funding General Fund

- Position is
- Temporary Full Time
 - Permanent Full Time
 - Temporary Part-Time
 - Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

- Do Not Post at this time
- Post Internally Immediately after Board approval
- Post Internally & Externally simultaneously

Personnel Review

Salary Range 46 Entry Level Salary \$ 27,072

Budgeted Position Yes No

Personnel Signature *Sonia Jones*

Board of Supervisor's Action:

Agenda Date: _____

Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____



**SANTA CRUZ COUNTY
PUBLIC WORKS DEPARTMENT
General Session: January 21, 2020**

To: Board of Supervisors
From: Jesus Valdez, P.E., Public Works Director
Through: Jennifer St. John, County Manager
Date: January 15, 2020

Subject: Personnel, waive of hiring freeze and authorization to fill the vacant Road Foreman & Heavy Equipment Operator

Recommendation: Waive the hiring freeze, and authorization Public Works to hire a Road Foreman & Heavy Equipment Operator

Background: The Public Works Department has a vacant position due to retirements, and the department is asking authorization to fill these vacancy.

Financial Implications: The position is funded with HURF revenues

Proposed Motions: “Mr. Chairman, I move to waive the personnel hiring freeze and authorize Public Works to fill the vacant Road Foreman & Heavy Equipment Operator

Attachments:

Santa Cruz County

Department Staffing Request

Department: Public Works Date needed: January 21, 2020

The position requested is (check whichever applies)

To fill a vacancy created by a Retirement

A new position

Position Title: Foreman Source of Funding: HURF

Position is: Temporary Full Time Temporary Part-Time

Permanent Full Time Permanent Part-Time

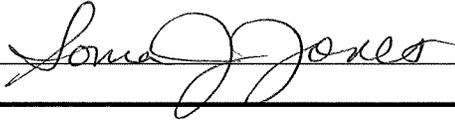
Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

Personnel Review

Salary Range: U2 Entry Level Salary \$40,189

Budgeted Position Yes No

Personnel Signature 

Board of Supervisor's Action:

Agenda Date: _____

Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

Santa Cruz County

Department Staffing Request

Department: Public Works Date needed: January 21, 2020

The position requested is (check whichever applies)

To fill a vacancy created by a Retirement

A new position

Position Title: Heavy Equipment Operator Source of Funding: HURF

Position is: Temporary Full Time Temporary Part-Time

Permanent Full Time Permanent Part-Time

Benefits (if grant Funded)? Yes No

Is new job description required? Yes No

Personnel Review

Salary Range: 60 Entry Level Salary 38,251

Budgeted Position Yes No

Personnel Signature *Anna Jones*

Board of Supervisor's Action:

Agenda Date: _____

Approved Not Approved

In-house Advertising Dates: _____

Media Advertising dates: _____

MEMORANDUM

TO: Honorable Chairman and Members of the Board of Supervisors

FROM: Suzanne Sainz, County Recorder

DATE: January 13, 2020

RE: Emergency Voting Procedure pursuant to A.R.S. §16-542(H)

In the event a voter notifies the Santa Cruz County Recorder's Office that an emergency is experienced between 5:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election, emergency voting is available in the Santa Cruz County Recorder's Office located at 2150 N. Congress Drive, Suite, Nogales, AZ, from the hours of 8:00 a.m. to 5:00 p.m. on the Monday preceding the election.

The following procedure shall be followed:

1. Voter shall provide identification as prescribed in A.R.S. 16-579.
2. Voter shall sign the following statement attached as Exhibit A.
3. Staff member shall scan and retain signed statement within the voter's electronic Record.
4. Staff shall provide form of ballot applicable to eligible voter and require voter's signature on affidavit envelope. Voted ballot shall be placed in signed affidavit envelope and processed accordingly.

Exhibit A

EMERGENCY VOTING AFFIDAVIT

Voter Printed Name:

Voter Identification #:

I declare under penalty of perjury that I am experiencing or have experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day.

Voter's Signature:

Date/Time:



Santa Cruz County Administrative Services

TO: Honorable Chairman and Members of the Board of Supervisors

FROM: Mauricio A. Chavez
Administrative Services Director

Cc: Jennifer St. John
County Manager

DATE: January 21, 2020

SUBJECT: Discussion/possible action to approve Inmate Work Contract #20-031-25 with the Arizona Department of Corrections to provide labor force to support the Santa Cruz County Public Works, Parks and Recreation Department's maintenance, landscaping and sanitation projects.

STAFF RECOMMENDATION:

Staff recommends approval of the contract with the Arizona Department of Corrections to continue to provide labor force for various maintenance, landscaping and sanitation projects.

BACKGROUND:

For numerous years, the Arizona Department of Corrections has been able to supply an inmate labor pool to support Santa Cruz County's need for labor force for our public works and parks and recreation department's various maintenance, landscaping and sanitation projects. The contract shall become effective on February 27, 2020 and shall continue for a period of five years unless earlier terminated as provided herein the contract.

FINANCIAL IMPLICATIONS:

The amount is budgeted from the General Fund, Maintenance/Recreation Department.

PROPOSED MOTION:

Move to approve the contract with the Arizona Department of Corrections to continue to provide labor force for various maintenance, landscaping and sanitation projects for Santa Cruz County.

STATE OF ARIZONA
DEPARTMENT OF CORRECTIONS
1645 West Jefferson Street, Mail Code 55302
Phoenix, Arizona 85007-3002

INMATE WORK CONTRACT

This **Contract** is entered into between the **Santa Cruz County**, hereinafter referred to as the **Contractor**, and the **Arizona Department of Corrections**, hereinafter known as the **Department**, for and on behalf of its **Arizona State Prison Complex – Tucson**.

This document, including the Scope of Work, Special Terms and Conditions, Standard Work Provisions, any amendments and attachments, shall constitute the entire Contract between the parties and supersedes all other understandings, oral or written.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Contract.

SANTA CRUZ COUNTY
FEDERAL TAX I.D. # 86-6000559

ARIZONA DEPARTMENT OF CORRECTIONS

01/21/2020

Signature of Authorized Individual Date

Bruce Bracker

Typed Name
Chairman, Board of Supervisors

Typed Title

2150 N. Congress Drive
Nogales, Arizona 85621

Address

Signature of Authorized Individual Date

Ken Sanchez

Typed Name
Chief Procurement Officer

Typed Title

1645 West Jefferson Street, Mail Code 55302
Phoenix, Arizona 85007

Address

Prepared By: Belinda Biggs, Sr. Procurement Specialist

Date: December 13, 2019

SCOPE OF WORK**ADC Contract No. 20-031-25**

WITNESSETH

WHEREAS, the Department is authorized to enter into this agreement by A.R.S. §41-1604, et seq.; §41-2501(B); §31-252; and §31-254; and

WHEREAS, the Contractor is authorized by A.R.S. § 11-251, et seq. and A.R.S. § 11-201 to enter into agreements for services, and;

WHEREAS, the Contractor has a need for a labor force to support its Public Works and Parks and Recreation Department for various maintenance, landscaping and sanitation projects, and;

WHEREAS, the Department is able to supply an inmate labor pool to support this work program from its Arizona State Prison Complex - Tucson, as identified herein.

NOW, THEREFORE, the Department and Contractor do hereby agree as follows:

1 CONTRACTOR AGREES:

- 1.1 To provide necessary tools/equipment, gloves, safety glasses, drinking water, sanitary facilities and any special clothing or personal protective equipment required to accomplish work assignments.
- 1.2 To appoint a work crew leader who may provide both technical and job supervision as necessary. Appointed Supervisors shall abide by and put into operational practice the Standard Work Provision for Inmate Work Programs utilizing the Contractor and/or On-site Correctional Officer (CO) Supervision included as Attachment #1 of this Contract.
 - 1.2.1 Technical supervision means the Contractor shall provide staffs who know the types of work tasks to be accomplished and the correct way to complete each task. Technical supervisors teach assigned inmates how to complete their job assignments.
 - 1.2.2 Job supervision means that Contractor personnel shall remain with assigned inmates for the length of the work day to ensure the inmates are supervised and accounted for within guidelines specified by the Department and report results to the Department liaison.
 - 1.2.2.1 If an inmate fails to remain at the work site, if an inmate becomes ill at the work site and needs to be returned to the prison and if an inmate poses security concerns, the liaison shall be contacted immediately.
- 1.3 To designate a staff member who shall serve as liaison between the Contractor and the Department. The Contractor shall ensure that the Department is given the name and phone number/extension of the contact person.
- 1.4 To provide emergency first aid for minor injuries to any inmate worker or to contact the nearest medical provider to assist if more extensive first aid services are needed.
- 1.5 Contractor and its employees who participate in this Contract shall be screened and approved in writing prior to permitting them access to an institution and/or prior to allowing them to supervise

SCOPE OF WORK**ADC Contract No. 20-031-25**

inmates on or off institution grounds. Contractors shall submit in writing, upon request from the Department, any information necessary to screen and approve them. This information shall include, but not necessarily be limited to: Name, Date of Birth, and Social Security Number.

Contractor personnel who require recurring access to the institution, and as such require a Contractor's Identification Card, will be required to complete and submit to the Department, the prescribed Background Questionnaire form provided by the Department. This screening and approval process shall be repeated each year for continuing Contractor participants.

- 1.6 To obtain the Department's written approval for the Contractor's technical supervisor prior to initiation of this Contract.
 - 1.6.1 Subsequent to Contract initiation, should the Contractor's technical supervisor(s) change, the Contractor shall notify the Department at least two (2) workdays prior to the impending change to permit completion of the Department's approval process.
 - 1.6.2 If prior notice is not possible, the Department may withhold the inmate work crew from further service until the necessary approval process is completed.
- 1.7 To provide, if applicable, pesticide protection and Hazardous Material Training (HAZMAT) for inmates prior to initiating the work activities described in this Contract.
 - 1.7.1 The Contractor shall comply with the Site Safety and Health Plan included as Attachment #2 of this Contract.
 - 1.7.2 Inmates shall not be allowed to be present while hazardous materials, inclusive of pesticides, are being used or applied. Pursuant to the Arizona Office of Pest Management, no inmate shall be allowed to handle or to apply pesticides. However, all hazardous materials (inclusive of pesticides), if stored and/or used at the work site, and while Department staff and/or inmates are present, require they be trained to recognize such hazardous materials and relative adverse medical signs and symptoms associated with the chemical, in accordance with the federal chemical "Right-to-Know Act" (SARA Title III).
- 1.8 To provide a working environment which meets the requirements of the Occupational Safety and Health Act (OSHA), Safety and Health Standards for General and/or Construction Industry, 29 CFR Part 1910 and 1926, as adopted by the State of Arizona.
- 1.9 Contractor shall follow all Department Orders (DO's) and Director's Instructions (DI's) that have bearing on Contractor fulfilling its obligations under this Contract (e.g., drug-free workplace, grooming code etc.). The Department's policies, procedures, DO's, and DI's are available at the Department website: <https://corrections.az.gov>.
- 1.10 To notify the Department twenty-four (24) hours prior to necessity should workload require inmates to stay beyond their normal work hours. Said notice shall be provided by contacting the Department's institution contact person.
- 1.11 To assign work hours, work location(s), and job assignments subject to the concurrence of the Department. Work sites shall be confined to locations which are within the Contractor's authority to

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manage, maintain and finance.

- 1.12 When mutually agreed, to provide transportation of inmate workers to and back from selected work site(s) in Contractor-owned vehicles. Inmate workers shall not be transported in privately owned vehicles at any time. When Contractor provides inmate transportation, Contractor will not be charged for the associated transportation mileage by the Department.
- 1.13 To allocate sufficient time from job responsibilities to allow Contractor's staff assigned to this work program to attend mandatory training given by the Department prior to initiating the work activities described in this Contract. Subsequent to Contract execution, replacement staff assigned to this program must receive Department training prior to assuming work responsibilities; this training will be repeated each year for continuing Contractor participants. Further, if applicable, Contractor will allocate sufficient time from job responsibilities for its staff to attend any additional training determined necessary by the Department.
- 1.14 To maintain the work site in the manner/condition in which it was approved by the Department as complying with the requirements imposed by the custody level of assigned inmates and assigned work responsibilities. If, during the term of this Contract, security/safety concerns become evident, or the Contractor wishes to change or alter the work site(s), the following procedures shall be followed:
 - 1.14.1 Security/safety concerns shall be rectified immediately by the Contractor in accordance with direction received from the Department.
 - 1.14.2 The Contractor shall provide written notice to the Department if changes or alterations are planned for the work site(s) prior to any changes or alteration being accomplished.
 - 1.14.2.1 Representatives from the Department and the Contractor shall conduct an inspection of the work site(s). If the proposed change or alteration shall negatively impact the security and/or safety of assigned inmate workers, corrective action shall be determined by the Department.
 - 1.14.2.2 If in the opinion of the Department, said security/safety concern(s) poses an immediate threat to the inmate workers, the Department may withhold further assignments of the inmate work crew until the concern is rectified.
 - 1.14.3 Failure on the part of the Contractor to respond to a request for corrective action from the Department under circumstances described in sub sections 1.14.1 and 1.14.2 above shall result in the immediate suspension of the work program.
 - 1.14.3.1 The parties to this Contract may meet to discuss resolution.
 - 1.14.3.2 If resolution cannot be achieved, this Contract shall be terminated.
 - 1.14.3.3 Contractor shall make final payment to the Department as directed herein.
- 1.15 To pay for inmate labor at the rate of fifty cents (\$.50) per hour, to include approved extra hours, if

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applicable as authorized by the Department.

- 1.16 To pay for Correctional Officer (CO) supervision of inmate work crews under this Contract, including overtime as requested and approved by Contractor (if applicable), and all employee related expenses. The rate charged for CO supervision shall be at the Officer's current rate of pay (overtime hours shall be charged at 1.5 times the current rate). Should additional crews be needed, Contractor will hire additional staff to supervise inmate work crews. The Contractor, in agreement with the Department, must authorize the expense of additional Departmental staff before the expense is incurred. Contractor will not be charged for Department's CO staff performing "Checker" duties (occasional work site visits to check on work crews and interact with Contractor's supervisor(s)). Contractor will be charged for CO supervision requested by Contractor for specific project work, continuous supervision above and beyond Checker work, or otherwise by mutual agreement.
- 1.17 In addition to payment for inmate labor and CO supervision, if applicable, the Contractor shall pay the Department for transportation costs at the State prevailing rate per mile, as determined by the Arizona Department of Administration, General Accounting Office, for distance traveled by each Department transportation vehicle to and from the work site(s). Such payment shall be rendered by separate check or warrant at the same time and place as payment for inmate wages.
- 1.18 To remit payment for inmate labor and/or other charges within thirty (30) days of the Department's invoice date. The check or warrant shall be made payable to Arizona State Prison Complex - Tucson and sent to the following address (if mutually agreed, electronic payments may instead be made):

Arizona State Prison Complex – Tucson
Attention: Business Administrator
PO Box 24400
Tucson, Arizona 85734-4400

- 1.19 To maintain records and other evidence sufficient to reflect properly all payments related to this work program. Such records shall be made available for inspection and audit upon request by the Department.
- 1.20 That inmates assigned to this work program **shall not** drive any licensed, over-the-road vehicle as part of their job responsibilities; however, assigned inmates may be permitted to operate the Contractor's off-road mobile equipment, in accordance with the following guidelines:
 - 1.20.1 Contractor shall provide written notice to the Department advising of the need to have inmates operate mobile equipment. The notice shall describe the type(s) of off-road mobile equipment to be operated in accordance with Attachment #3.
 - 1.20.2 No inmate shall operate any mobile equipment until the Contractor receives written authorization from the Department in accordance with Attachment #3.
 - 1.20.3 If Contractor receives written authorization from the Department, the Contractor shall document training provided to inmates specific to each type of off-road mobile equipment to be operated.

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1.20.4 Acquire and maintain applicable insurance in compliance with State requirements.

1.20.5 Designated off-road mobile equipment may be:

1.20.5.1 Riding lawnmowers and golf carts or similar type equipment.

1.21 To employ adequate loss prevention procedures relative to Contractor's business operations in order to minimize job related injuries.

1.22 Prior to pursuing any press or publicity regarding these services, the Contractor shall work with ADC's Communications Department. ADC retains final approval rights concerning any such matters.

2 DEPARTMENT AGREES:

2.1 To provide a mutually agreed number of inmates, subject to availability, to support the Contractor's needs for the scope of work as defined in the preamble of this contract herein.

2.2 That inmates classified as sexual predators/offenders **shall not** be used for any work under this Contract.

2.3 That work assignments shall be performed at the Contractor's business location(s) as shown on Attachment #4.

2.4 To provide transportation of inmate workers to and from selected work site(s) in Department-owned vehicles, for which Contractor will be charged at the State prevailing rate. Inmate workers shall not be transported in privately owned vehicles at any time.

2.5 To provide sack lunches for inmates and furnish all clothing, except special protective clothing, equipment and/or footwear.

2.6 When mutually agreed, to provide a Correctional Officer (CO) who shall remain on site to provide security supervision of the inmate workers each workday. The assigned CO shall follow Department procedures if:

2.6.1 An inmate fails to remain at the work site

2.6.2 An inmate has an accident or becomes seriously ill at the work site.

2.7 Security supervision of inmate workers by Department's CO staff shall be done in accordance with Department written instructions.

2.8 To remove and replace as soon as possible any inmate who does not perform to the satisfaction of the Contractor.

2.9 To perform required background checks of Contractor's staff involved in supervising or interacting with inmate workers. Background checks will be performed annually for continuing participants of Contractor's staff.

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- 2.10 To approve/disapprove the Contractor's technical supervisor(s) assigned to this work program in accordance with Department written instructions; such approval is subject to review and/or retraction by the Department at any time.
- 2.11 To present training to Contractor's staff who will be involved in supervising or interacting with inmate workers. This training shall be given **prior** to initiating the work activities described in this Contract. Subsequent to Contract execution, replacement staff assigned to this work program must receive Department training prior to assuming work responsibilities.
- 2.12 To keep the Contractor fully informed of Department Orders and Director's Instructions that have bearing upon the Contractor fulfilling assigned obligations under this Contract.
- 2.13 To designate an institutional contact person who shall function as a liaison between the Institution, Department and the Contractor in developing and coordinating work schedules, assignments, hours and transportation. The Department shall ensure the Contractor is given the name and telephone number/extension of the contact person.
- 2.14 If applicable, may provide an Off-site Work Crew Checker that may check the off-site work crews twice daily, Monday through Friday with the following duties:
 - 2.14.1 Checker shall ensure the inmates are dropped off at their assigned job sites and supervisor is in possession of all the assigned inmate identification cards.
 - 2.14.2 Checker shall ensure the Contract Work Crew Supervisor is at the stated location provided for the day. If any changes are to occur, the Contract Work Crew Supervisor shall notify the Checker of the location change prior to going to the new location and any security/safety issues or work site(s) alterations.
 - 2.14.3 Checker shall document and report all communications related to incidents involving security or safety issues and violations of policies to the On-Duty Shift Commander and/or Deputy Warden of Operations.
- 2.15 To ensure that any inmate(s) who drives Contractor's off-road mobile equipment as an assigned work duty is in compliance with Department written instructions governing the use of inmate drivers.
- 2.16 That prior to the initiation of this work program, the proposed work site shall be inspected relative to security and safety concerns to ensure the work environment satisfies all requirements imposed by custody level of assigned inmate workers and assigned work responsibilities. If, during the term of this Contract, security or safety concerns should become evident, or the Contractor wishes to change or alter the work site, the procedure described in Section 1.14, of this Contract shall be followed.
- 2.17 To invoice the Contractor for payments due no later than the fifth (5th) business day after the inmate payroll has posted. Invoices shall include documentation that identifies the following:
 - 2.17.1 Inmate name and ADC number
 - 2.17.2 Hours worked

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- 2.17.3 Rate of pay
- 2.17.4 Mileage (if applicable)
- 2.17.5 Vehicle repair expense (if applicable)
- 2.17.6 Total amount invoiced

2.18 When CO supervision charges are applicable, invoices for CO supervision shall identify at a minimum the following:

- 2.18.1 CO name(s)
- 2.18.2 CO hours worked including overtime hours, if applicable
- 2.18.3 Total amount invoiced

2.19 That invoices shall be sent to the Contractor at the following address (if mutually agreed, invoices may instead be sent electronically):

Santa Cruz County
Attn: Accounts Payable
2150 North Congress Drive
Nogales, Arizona 85621

3 SPECIAL TERMS AND CONDITIONS

- 3.1 This Contract shall become effective on February 27, 2020 and shall continue for a period of five (5) years unless earlier terminated as provided herein.
- 3.2 This Contract may be terminated, without cause, by either party by provision of prior written notice to the other. Such Notice of Termination shall be effective thirty (30) calendar days after mailing by certified mail, return receipt requested, to the other party.
- 3.3 Circumstances may arise during the term of this Contract which may prohibit the assignment of inmates for work assignments. Such circumstances could include acts of nature, institution riots, lockdowns, inmate work strikes, etc. The following guidelines shall govern, if such circumstances should occur:
- 3.3.1 The Department shall provide verbal notice within 24 hours to the Contractor if circumstances will impact work activities.
- 3.3.2 The Contractor shall not hold the Department liable for failure to perform, or in default of Contract terms due to circumstances described above.
- 3.4 Inmates working under this Contract are not employees of the Contractor and any compensation is provided solely pursuant to A.R.S. §31-254.
- 3.5 Non-Availability of Funds
In accordance with ARS § 35-154, every payment obligation of the State under the Contract is conditioned upon the availability of funds appropriated or allocated for payment of such obligation. If funds are not allocated and available for the continuance of this Contract, this Contract may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
- 3.6 Cancellation for Conflict of Interest.
Pursuant to A.R.S. § 38-511, the State may cancel this Contract within three (3) years after Contract execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the Contract on behalf of the State is or becomes at any time while the Contract or an extension of the Contract is in effect an employee of or a consultant to any other party to this Contract with respect to the subject matter of the Contract. The cancellation shall be effective when the Contractor receives written notice of the cancellation unless the notice specifies a later time. If the Contractor is a political subdivision of the State, it may also cancel this Contract as provided in A.R.S. § 38-511.
- 3.7 The Department reserves the right to terminate the contract for default in whole or in part due to the failure of the Contractor to comply with any term or condition of the Contract, to acquire and maintain all required insurance policies, bonds, licenses and permits. The Department shall provide written notice of the termination and the reasons for it to the Contractor.

- 3.8 Changes
Changes to the Contract shall be implemented by written amendment processed by the Department's Procurement Services Bureau, signed by both parties.
- 3.9 Arbitration
In accordance with ARS § 12-1518, the parties agree to resolve all disputes arising out of or relating to this Contract through arbitration, after exhausting applicable administrative review except as may be required by other applicable statutes.
- 3.10 Applicable Law
In accordance with ARS § 41-2501, et seq, and AAC R2-7-101, et seq, Contract shall be governed and interpreted by the laws of the State of Arizona and the Arizona Procurement Code.
- 3.11 Non-Discrimination
In accordance with ARS § 41-1461, et seq, Contractor shall provide equal employment opportunities for all persons, regardless of race, color, creed, religion, sex, age, national origin, disability or political affiliation. Contractor shall comply with the Americans with Disabilities Act.
- 3.12 Each party to this Contract shall be responsible for any and all costs, including but not limited to, attorney fees, court costs and other litigation expenses incurred as a result of the errors and omissions of its officers, employees, agents, or assigns arising out of the performance of this contract.
- 3.13 Audit of Records.
Pursuant to A.R.S. §35-214, the Contractor shall retain and shall contractually require each subcontractor to retain all data, books and other records ("records") relating to this Contract for a period of five years after completion of the Contract. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the Contractor shall produce the original of any or all such records.
- 3.14 Any and all notices, requests or demands given or made upon the parties hereto, pursuant to or in connection with this Contract, unless otherwise noted, shall be delivered in person or sent by United States Mail, postage prepaid, to the parties at their respective addresses as shown on the signature page of this document.
- 3.15 Third-Party Antitrust Violations.
The Contractor assigns to the State any claims for charges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the Contractor.
- 3.16 Notice Warning.
Any person who takes into or out of, or attempts to take into or out of, a correctional facility or the grounds belonging to or adjacent to a correctional facility, any item not specifically authorized by the correctional facility, shall be prosecuted under the provisions of the Arizona Revised Statutes. All persons, including, employee and visitors, entering upon these confines are subject to routine searches of their persons, vehicles, property of packages.

SPECIAL TERMS AND CONDITIONS**ADC Contract No. 20-031-25**

Definition: A.R.S. §13-2501
 A.R.S. §13-2505
 ADC Department Order 708

3.17 Contraband.

Contraband means any dangerous drug, narcotic drug, intoxicating liquor, or any kind of deadly weapon, dangerous instrument, explosive or any other article for which the use of or possession would endanger the safety, security or preservation of order in a correctional facility or any person therein ("any other article" includes, but is not limited to, any substance which could cause abnormal behavior, e.g., marijuana, nonprescription medications, etc.)

3.18 Promoting prison contraband - A.R.S. §13-2505.

A person, not otherwise authorized by law, commits promoting prison contraband:

By knowingly taking contraband into a correctional facility or the grounds of such a facility; or
 By knowingly conveying contraband to any persons confined in a correctional facility; or
 By knowingly making, obtaining, or possessing contraband while being confined in a correctional facility.

Any person who has reasonable grounds to believe there has been a violation of attempted violation of this section shall immediately report such violation or attempted violation to the official in charge of the facility or to a peace officer.

Promoting Prison Contraband is a Class 5 felony.

Authority A.R.S. §13-2501
 A.R.S. § 3-2505
 ADC Department Order 708

3.19 Unlawful Sexual Conduct.

3.19.1 A person – who is employed by the Department or the Department of Juvenile Corrections; is employed by a private prison facility or a city or county jail; contracts to provide services with the Department, the Department of Juvenile Corrections, a private prison facility or a city or county jail; is an official visitor, volunteer or agency representative of the Department, the Department of Juvenile Corrections, a private prison facility or a city or county jail – commits unlawful sexual conduct by intentionally or knowingly engaging in any act of a sexual nature with an offender who is in the custody of the Department, the Department of Juvenile Corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of either Department or a city or county.

3.19.2 This section does not apply to a person who is employed by the Department, a private prison facility or a city or county jail or who contracts to provide services with the Department, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the Department or was incarcerated in a city or county jail.

SPECIAL TERMS AND CONDITIONS**ADC Contract No. 20-031-25**

3.19.3 Unlawful sexual conduct with an offender who is under fifteen years of age is a class 2 felony. Unlawful sexual conduct with an offender who is between fifteen and seventeen years of age is a class 3 felony. All other unlawful sexual conduct is a class 5 felony.

3.19.4 Unlawful sexual conduct; correctional facilities; classification; Definition A.R.S. §13-1419.

3.20 Federal Prison Rape Elimination Act 2003.

Contractor shall comply with the Federal Prison Rape Elimination Act of 2003.

3.21 Offshore Performance of Work Prohibited.

Due to security and identity protection concerns, direct services under this contract shall be performed within the borders of the United States. Any services that are described in the specifications or scope of work that directly serve the State of Arizona or its clients and may involve access to secure or sensitive data or personal client data or development or modification of software for the State shall be performed within the borders of the United States. Unless specifically stated otherwise in the specifications, this definition does not apply to indirect or "overhead" services, redundant back-up services or services that are incidental to the performance of the contract. This provision applies to work performed by subcontractors at all tiers.

3.22 Electronic and Information Technology.

Unless specifically authorized in the Contract, any electronic or information technology offered to the State of Arizona under this Contract shall comply with A.R.S. §41-2531 and §41-2532 and Section 508 of the Rehabilitation Act of 1973, which requires that employees and members of the public shall have access to and use of information technology that is comparable to the access and use by employees and members of the public who are not individuals with disabilities.

3.23 Government Procurement; E-Verify Requirement A.R.S. §41-4401.

3.23.1 Each party warrants compliance with all Federal Immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. §23-214, Subsection A. (That subsection reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer.")

3.23.2 A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.

3.23.3 Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.

3.23.4 The State Agency retains the legal right to inspect the papers of any employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty under paragraph listed herein.

3.24 Indemnification. Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in referred to as vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS****Attachment #1
ADC Contract No. 20-031-25**

PROGRAM UTILIZING CONTRACTOR/CO SUPERVISION

- A. No inmate shall be placed in a supervisory capacity over any other inmate.
- B. Department authorities shall be notified of unsatisfactory work or malingering of inmates and, if requested, the Contractor shall furnish a written account of such unsatisfactory performance.
- C. The Department shall receive immediate notification of an inmate's failure to remain at work in accordance with assigned job duties.
- D. The Department shall receive immediate notification of the discovery or suspicion of any intoxicant or non-prescribed drug in the possession of any inmate worker.
- E. In the event of accident or serious illness while on the job, the Contractor may administer first aid as necessary and shall notify Department authorities without delay. If necessary, in the interest of life or limb, the inmate may be transported to the nearest hospital. Inmate workers **shall not** be transported in privately-owned vehicles at any time.
- F. The Contractor shall provide training and special protective clothing if work environment necessitates use of specific safety precautions or if inmates must work with, near, or around hazardous materials, e.g., asbestos, explosives, radioactive substances. Provision of training shall be documented in writing for each inmate participant. Special protective clothing may include, but shall not be limited to, shoes, safety glasses, gloves, goggles, protective outerwear, hats, etc.
- G. The Contractor shall provide instruction to all inmate workers regarding necessary safety precautions at the job site. If inmate workers are required to operate special equipment as part of their job duties, appropriate training specific to its use shall be provided and documented.
- H. Contractor's supervisors shall have knowledge and training related to the particular work tasks described in the Contract to ensure that qualified technical supervision and assistance shall be provided to inmate workers as applicable to job requirements.
- I. All equipment, machinery and tools needed to accomplish designated work assignments shall be maintained in good repair and working condition by the Contractor.
- J. The Contractor shall comply with the required standards of the Occupational Safety and Health Act (OSHA) during the term of this Contract relative to safety of the work environment and equipment used by assigned inmate workers.
- K. The confidentiality of information regarding any inmate worker acquired in the course of service pursuant to this Contract shall be maintained in accordance with A.R.S. 31-221, and **no** information shall be released without prior written authorization from a representative of the Department.

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS**

**Attachment #1
ADC Contract No. 20-031-25**

- L. The Contractor's personnel shall be instructed that it is unlawful for anyone to give, take or in any manner barter with inmates, i.e., the supplying of any goods, including food and soft drinks or monies, constitutes a felony for which they can be prosecuted. Inmates are not permitted to work where there are alcoholic beverages or illegal drugs.
- M. The Contractor's personnel shall not handle any mail, notes, packages, or verbal messages for assigned inmates. No inmate shall be permitted to make or receive telephone calls unless the call is made to or received from the prison facility in which the inmate is incarcerated.
- N. An authorized representative of the Department shall be permitted to visit or telephone assigned inmates at the prescribed place of work, or to otherwise communicate with the Contractor to discuss each inmate's work performance, work attendance and general behavior.
- O. **The visiting of an inmate by any unauthorized person shall not be permitted.** If any person is found visiting with an inmate, his or her name and description shall be given to Department authorities. If it is not possible or feasible to obtain names, other identification such as automobile make, description and license number shall be obtained when possible.
- P. Any allegations of non-compliance with Department written instructions, or other Contractor misconduct, shall be subject to investigation by the Department.

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS**

**Attachment #2
ADC Contract No. 20-031-25****SITE SAFETY AND HEALTH PLAN****1 PROGRAM OBJECTIVES**

- 1.1 This Safety and Loss Prevention Program is established to exercise all available means of eliminating or controlling hazards and risks associated with renovation and construction projects.
 - 1.1.1 Minimize Personal injuries;
 - 1.1.2 Maximize Property Conservations;
 - 1.1.3 Achieve Greater Efficiency; and
 - 1.1.4 Reduce Direct and Indirect Costs

- 1.2 The effectiveness of Safety and Loss Prevention Program will depend on the active participation and full cooperation of all involved with the project to include management, supervisors, inmates, and employees, and their efforts in carrying out the following basic responsibilities.
 - 1.2.1 Plan all work to minimize personal injury, property damage and loss of productive time.
 - 1.2.2 Properly select inmates/employees based upon their skill level for the necessary job tasks.
 - 1.2.3 Provide for the protection of adjacent property and safety of the public.
 - 1.2.4 Coordinate activities with others at the work location.
 - 1.2.5 Establish and conduct an educational program to stimulate and maintain interest and participation of all inmates and employees through:
 - 1.2.5.1 Safety Meetings.
 - 1.2.5.2 Prompt investigation of all accidents and serious potential incidents to determine cause or causes and take necessary corrective action to eliminate a recurrence of a loss or incident.
 - 1.2.5.3 Use of proper work methods, personal protective equipment, and mechanical guards.
 - 1.2.5.4 Employee/inmate safety instructions to all assigned work.
 - 1.2.5.5 Safety training programs.

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS****Attachment #2
ADC Contract No. 20-031-25**

2 RESPONSIBILITIES

- 2.1 It is the purpose of the program to organize and direct activities, which will:
 - 2.1.1 Avoid injuries.
 - 2.1.2 Reduce construction interruption due to an accident.
 - 2.1.3 Assure a safe and healthy place to work.
- 2.2 The Project Manager is required to establish and administer a site-specific safety program and will:
 - 2.2.1 Make periodic loss prevention surveys.
 - 2.2.2 Submit written recommendations.
 - 2.2.3 Periodically attend safety meetings.
 - 2.2.4 Assure safety orientation meetings for employees/inmates are conducted and documented.
 - 2.2.5 Provide warning signs, safety literature, reporting forms, and other educational and training materials as deemed appropriate.
 - 2.2.6 Maintain a written comprehensive Safety and Loss Prevention manual.
 - 2.2.7 Give due consideration to all safety factors during pre-planning.
 - 2.2.8 Employ only those individuals physically and mentally capable of performing in a safe manner.
 - 2.2.9 Comply with the Occupational Safety and Health Act and all other applicable Federal, State and Local regulations.
 - 2.2.10 Provide and enforce the use of all necessary testing equipment for employee/inmate health and safety. Provide and enforce the use of personal protective equipment and use only where Engineering controls are not feasible.
 - 2.2.11 Provide properly guarded and maintained tools, machinery and equipment.
 - 2.2.12 Maintain necessary accident records and promptly file the reports required by the State or Federal authorities and the insurer.
 - 2.2.13 Promptly investigate any incident that causes injury or damage to property.
 - 2.2.14 Plan and schedule work operations so as to control personal injury and property damage hazards.

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS**

**Attachment #2
ADC Contract No. 20-031-25**

- 2.2.15 Maintain good housekeeping conditions and fire protection equipment.
- 2.2.16 Maintain an effective equipment inspection and maintenance program.
- 2.2.17 Provide proper and specific work task training for employees/inmates regarding the hazards of their jobs and how to work safely.
- 2.2.18 Correct unsafe work habits of employees/inmates as soon as they are observed.
- 2.2.19 Eliminate unsafe conditions under their control and promptly report those they cannot eliminate to the proper authority.
- 2.2.20 Conduct weekly toolbox meetings with all employees/inmates and maintain written records of these meetings. The written record shall include the date, topic discussed, comments, and attendees.
- 2.2.21 Ensure each employee/inmate understands that violations of the project safety program will not be tolerated and that proper disciplinary action will be administered, including removal from the Project for violation of safety policy.

3 GENERAL SAFETY REQUIREMENTS

- 3.1 **Laws and Regulations:**
Responsible project management representatives shall comply with and enforce all local, state and federal laws, rules, statutes and regulations of governing or regulatory bodies within the geographical scope of its operations. They will also cooperate with all regulatory agencies regarding job site safety and health, and allow full access to the project for visitation.
- 3.2 **Audit Procedures:**
All documentation regarding safety training, hazard communication, electrical safety programs, equipment safety programs, equipment inspection and maintenance records, and fire protection inspection shall be kept on the job site.
- 3.3 **Drug and Alcohol Policy:**
The possession or use of any non-prescribed drug or any alcohol beverage on the job site is strictly prohibited.

4 SPECIFIC REQUIREMENTS

- 4.1 **Emergency Procedures Guideline:**
 - 4.1.1 The Project Manager will set up emergency procedures for the following categories:
 - 4.1.1.1 Fire
 - 4.1.1.2 Injuries
 - 4.1.1.3 Injury to the general public

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS****Attachment #2
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- 4.1.1.4 Property damage, particularly to utilities; i.e., gas, water, sewage, electrical, telephone, or pedestrian and vehicle routes.
 - 4.1.1.5 Public demonstrations
 - 4.1.1.6 Bomb threats
 - 4.1.1.7 Other exposures at the construction site
- 4.1.2 In order that necessary emergency services are supplied promptly, the Project Manager shall:
- 4.1.2.1 Post in a conspicuous place, a list of emergency phone numbers, along with the type of information to be transmitted for each emergency situation.
 - 4.1.2.2 Delegate responsibility for making emergency calls.
- 4.1.3 It is the responsibility of the Project Manager to ensure immediate (5 min or less) reliable emergency medical response is available or to provide full time dedicated, trained emergency medical staff and facilities to be available to all employees/inmates. If employees/inmates are working with materials that could adversely affect their respiration, or are subject to electrical shock that could cause loss of the breathing function, and medical response is longer than 3 to 4 minutes, the Project Manager must adhere to the OSHA rules and regulations, 29 CFR 1926.50, regarding medical response for a construction site.
- 4.1.4 The Project Manager's emergency procedures should be reviewed regularly and, where necessary, adjusted to provide maximum effectiveness.
- 4.2 Protection of the Public:
- 4.2.1 The Project Manager shall take all necessary precautions to prevent injury to the public or damage to property of others. The term "public" shall include all persons not engaged in the project or others working under his/her direction. Precautions to be taken shall include, but not limited to, the following:
 - 4.2.1.1 Work shall not be performed in any area occupied by the public unless specified, permitted by the contract or in writing by the Project Manager.
 - 4.2.1.2 When it is necessary to maintain public use of work areas involving sidewalks, entrances to buildings, lobbies, corridors, aisles, stairways and vehicular roadways, the Project Manager shall protect the public with appropriate guardrails, barricades, temporary partition shields, and adequate visibility. Such protection shall guard against harmful radioactive rays or particles, flying materials, falling or moving materials and equipment, hot or poisonous materials, explosives and

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS**

**Attachment #2
ADC Contract No. 20-031-25**

- explosive atmospheres, flammable or toxic liquids and gasses, open flames, energized circuits or other harmful exposures.
- 4.2.1.3 Sidewalks, entrances to buildings, lobbies, corridors, aisles, doors or exits shall be kept clear of obstructions to permit safe ingress and egress of the public at all times.
- 4.2.1.4 Appropriate warnings, signs, and instructional safety signs shall be conspicuously posted where necessary. In addition, a signal shall control the movement of motorized equipment in areas where the public might be endangered.
- 4.2.1.5 Sidewalk sheds, canopies, catch platforms and appropriate fences shall be provided when it is necessary to maintain public pedestrian traffic adjacent to the erection, demolition or structural, alteration of outside walls on any structure. The protection required shall be in accordance with the laws and regulations of the regulatory bodies.
- 4.2.1.6 A temporary fence shall be provided around the perimeter of above ground operations adjacent to public areas except where a sidewalk shed or fence is, if provided by the contract or as required by Subparagraph 5 above. Perimeter fences shall be at least six feet high and/or in compliance with the laws and regulations of the regulatory bodies involved.
- 4.2.1.7 Guardrails shall be provided on both sides of vehicular and pedestrian bridges, ramps, runways and platforms. Pedestrian walkways elevated above adjoining surfaces, or walkways within six feet of the top of excavated slopes or vertical banks shall be protected with guardrails, except where sidewalk sheds or fences are provided as required by Subparagraph 5 above. Guardrails shall be made of rigid materials capable of withstanding a force of at least 200 pounds applied in any direction at any point in their structure. Their height shall be approximately 42-inches. Top rails and post may be 2-inches by 4-inches dressed wood or equal. Intermediate horizontal rails at mid-height and toe boards at platform level may be 1-inch by 6-inch wood or equal. Posts shall not be over eight feet apart.
- 4.2.1.8 Barricades meeting the requirements of the political subdivision involved shall be provided where sidewalk sheds, fences or guardrails as referenced above, are not required between work areas and pedestrian walkways, roadways or occupied buildings. Barricades shall be secured against accidental displacement and shall be maintained to perform the work. During the period a barricade is removed temporarily for the purposes of work, a watchman shall be placed at all openings.

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS****Attachment #2
ADC Contract No. 20-031-25**

- 4.2.1.9 Temporary sidewalks shall be provided when a permanent sidewalk is obstructed by the Trade Subcontractor's or any tier operations. They shall be in accordance with the requirements of the political subdivision involved. Guardrails shall be provided on both sides of temporary sidewalks.
- 4.2.1.10 Warning signs and lights including lanterns, torches, flares and electric lights, meeting requirements of the political subdivision involved, shall be maintained from dusk to sunrise along guardrails, barricades, temporary sidewalks and at every obstruction to the public. These shall be placed at both ends of such protection or obstructions and not over 20 feet apart alongside of such protection or obstructions.
- 4.3 Housekeeping
- 4.3.1 During the course of construction/renovation, housekeeping practices will be followed to keep the work areas, passageways, and stairs in and around the buildings or other structures, free from debris of all types.
- 4.3.1.1 This shall include scrap lumber and form lumber with protruding nails.
- 4.3.1.2 Combustible scrap and debris shall be removed at regular intervals. Containers shall be provided for the collection of scrap, trash and other debris.
- 4.4 Personal Protective Equipment:
- 4.4.1 The Project Manager shall be responsible for requiring the wearing of appropriate personal protective equipment in all operation where there is an exposure to hazardous conditions or where there is an indication of the need for using such equipment to reduce the hazard to employees/inmates. Such equipment will be used where engineering out the hazard is not feasible.
- 4.5 Flammable and Combustible Liquids:
- 4.5.1 Flammable and combustible liquids shall be stored and dispensed in compliance with regulations and rules established by the governing regulatory bodies.
- 4.5.2 Any leakage or spillage of flammable or combustible liquids shall be cleaned up immediately and disposed of promptly and safely.
- 4.5.3 Transfer of flammable liquids from one container to another shall require electrically bonding the containers.
- 4.5.4 Small quantities of flammable liquids that may be used at various points on the Job Site shall be handled in approved safety cans.

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- 4.5.5 No smoking, matches, or open flames will be permitted within 50 feet of the area where flammable liquids are used or transferred, unless conditions warrant greater clearance.
- 4.5.6 Fuel trucks will properly marked, contents clearly identified, posted and with proper fire protection.
- 4.5.7 Fuel tanks over 500 gallons will be diked, grounded, and protected from contact by vehicles on all sides. Proper identification of tanks and access for measurement will be maintained.
- 4.6 Tools – Hand and Power:
 - 4.6.1 All hand and power tools and equipment shall be maintained in a safe condition. The Project Manager shall be responsible for the condition of all tools or equipment used by employees/inmates.
 - 4.6.2 Power operated tools that are designed to accommodate guards shall be equipped with such guards while in use.
 - 4.6.3 Belts, gears, shafts, pulleys, sprockets, spindles, drums, flywheels, chains, or other reciprocating, rotating or moving parts of such equipment or tools shall be guarded if such parts are exposed to contact.
 - 4.6.4 Wrenches shall not be used when the jaws are sprung or worn to the point that slippage occurs.
 - 4.6.5 Impact tool such as wedges and chisels shall be kept free of mushroomed heads.
 - 4.6.6 Wooden handles of tool shall be kept free of splinters and cracks and shall be kept tight in the tool.
 - 4.6.7 All hand-held powered drills, fastener drivers, grinders with wheels greater than 2-inches in diameter, disc sanders, belt sanders, reciprocating saws, saber saws and similar operating power tools shall be equipped with a momentary contact off-on control and may have a lock-on control provided that turn off can be accomplished with a single motion of the same finger or fingers that turn it on.
 - 4.6.8 All other hand-held powered tools such as circular saws, chain saws, and percussion tools with positive accessory holding means, shall be equipped with a constant pressure switch that will shut off power when the pressure is released.
 - 4.6.9 The use of electrical cords for hoisting or lowering tools shall not be permitted.
 - 4.6.10 Pneumatic power tools shall be secured to the hose or whip by some positive means to prevent the tool from becoming accidentally disconnected. Each section of supply

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS**

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hose to pneumatic tool shall also be secured by some positive means to prevent accidental disconnection.

- 4.6.11 Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled.
 - 4.6.12 Pneumatic hoses shall not be used as a means of hoisting or lowering tools.
 - 4.6.13 Only employees/inmates who have been trained in the operation of the particular tool in use shall be allowed to operate a power-actuated tool.
 - 4.6.14 Power-actuated tools shall be tested each day before loading to see that safety devices are in proper working condition. The testing shall be done in accordance with the manufacturer's recommended pressure.
- 4.7 Earth Moving Equipment:
- 4.7.1 Operators will receive instructions on proper mounting and dismounting of equipment.
 - 4.7.2 Operators shall wear seat belts while vehicle is in motion.
 - 4.7.3 Equipment shall be in safe operating condition and inspected daily for proper braking and hydraulic systems and tires.
 - 4.7.4 Dozer, loader, scraper, backhoe buckets, glades and pans will be grounded before the operator dismounts.
 - 4.7.5 Prior to mounting any equipment, the operator will visually inspect the area not visible from the operator's station.
 - 4.7.6 Equipment will have audible warning devices in good working order.

**STANDARD WORK PROVISION
INMATE WORK PROGRAMS****Attachment #3
ADC Contract No. 20-031-25**

**LETTER OF INSTRUCTION
REQUEST FOR AUTHORIZATION****UTILIZING INMATE WORKERS FOR OPERATION OF OFF-ROAD MOBILE
EQUIPMENT**

Inmate Work Contracts between the Department and the Contractor provide authorization for assigned inmate workers to operate off-road mobile equipment under certain conditions. This Letter of Instruction provides the procedure for obtaining approval to utilize inmate workers on Contractor's off-road mobile equipment.

- 1 The Contractor shall provide written notice advising of the need to utilize inmate workers to operate specific off-road mobile equipment. The request shall include the following information:
 - 1.1 A complete list describing the type(s) of off-road mobile equipment to be operated;
 - 1.2 Identification of specific training, inmates will receive for each type of off-road mobile equipment; and
 - 1.3 A list of inmates, to include the inmate's Department identification number, for whom approval is being requested. The list shall reflect the type(s) of mobile equipment to be operated, specific to each inmate worker.
- 2 ADC shall acknowledge the Contractor's request and, after coordinating with institution officials, notify the Contractor in writing of those inmates approved to be trained to operate off-road mobile equipment. The Contractor shall not proceed with training until written notice of authorization is received from the Department.
- 3 Once approval to proceed with training is received, the Contractor shall provide safety and operational training to approved inmates for each type of specified off-road mobile equipment. The manufacturer's supplied training materials and/or materials developed in accordance with Occupational Safety and Health Act (OSHA) guidelines, for each specific type of mobile equipment, should meet the training requirements for each inmate operator. Copies of training materials shall be provided to ADC for record keeping purposes.
- 4 Once training is complete, the Contractor shall furnish documentary evidence of satisfactory completion of training for each inmate. The documentation shall include the inmate's certification by signature that he/she understands the operation and safety issues of each type of mobile equipment he/she has been trained to operate.
- 5 Following review of training documents provided by the Contractor, and/or designee, shall furnish the Contractor with notification of approval for individual inmates. Contractor shall maintain records of training and authorization for all inmate workers as long as they are engaged in this inmate work program.
- 6 The Contractor shall acquire and maintain applicable insurance in compliance with State requirements.

**CONTRACTOR
AUTHORIZED WORK LOCATION(s)**

**Attachment #4
ADC Contract No. 20-031-25**

1	Gabilondo-Zehentner Centennial County Service Center 275 Rio Rico Drive Rio Rico, Arizona 85648
2	Santa Cruz County (North) Tubac Facility 50 Bridge Road Tubac, Arizona 85646
3	Santa County Calabasas Park 2 Pendelton Drive Rio Roco, Arizona 85648
4	Robert Damon Park 950 Calle Calabasas Rio Rico, Arizona 85648
5	Ron Morriss Park 31 Calle Iglesia Tubac, Arizona 85646
6	Santa Cruz County Complex Building 2150 N. Congress Drive Nogales, Arizona 85621



**SANTA CRUZ COUNTY
PUBLIC WORKS DEPARTMENT
General Session: June 21, 2017**

To: Board of Supervisors
From: Jesus Valdez, P.E., Public Works Director
Through: Jennifer Sr. Johns, County Manager
Date: January 15, 2020

Subject: Discussion and Possible action to approve Intergovernmental Agreement 19-0007547, with the State of Arizona to designate them as the County's agent for the Project.

Recommendation: Approve the Intergovernmental Agreement 19-0007547, with the State of Arizona to designate them as the County's agent for the Project.

Background: The purpose of this project is to chip seal approximately 9.8 miles of roads in Rio Rico, Santa Cruz County of existing dirt and gravel roadways to reduce the amount of dust particulates in the air caused by daily traffic. Funding is from the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. Project cost is estimated at \$748,207

Financial Implications: The County is responsible for roughly 5.7% of the cost totaling \$45,226

Proposed Motions: "Mr. Chairman, I move to approve Intergovernmental Agreement 19-0007547, with the State of Arizona to designate them as the County's agent for the Project.

Attachments: IGA 19-0007547, Exhibit A, & Vicinity Map

ADOT CAR No.: IGA 19-0007547-I
AG Contract No.: P0012019003470
Project Location/Name: Santa Cruz
County Road Improvements
Type of Work: Chip Seal
Federal-aid No.: CMAQ-SSC-0(209)T
ADOT Project No.: T0232 01D/01C
TIP/STIP No.: SCC 20-01
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.: N.A

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
SANTA CRUZ COUNTY

THIS AGREEMENT is entered into this date _____, pursuant to the Arizona Revised Statutes (“A.R.S.”) §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the “State” or “ADOT”) and Santa Cruz County, acting by and through its CHAIRMAN and BOARD OF SUPERVISORS (the “County”). The State and the County are collectively referred to as “Parties.”

I. RECITALS

1. The State is empowered by A.R.S. § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The County is empowered by A.R.S. § 11-251 to enter into this Agreement and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.
3. The improvements proposed in this Agreement, include the chip seal of approximately 10.39 miles of roads in Rio Rico, Santa Cruz County of existing dirt and gravel roadways to reduce the amount of dust particulates in the air caused by daily traffic, (the “Project”). The Project will include residential and local streets bounded by Old Ruby Road to the west, Santa Cruz River to the south and Sonoita Creek to the north. The State will administer the Project, advertise, bid and award the construction phase of the Project.
4. The interest of the State in this Project is the acquisition of federal funds for the use and benefit of the County and authorization of such federal funds for the Project pursuant to federal law and regulations. The State shall be the designated agent for the County for the Project, if the Project is approved by Federal Highway Administration (FHWA) and funds for the Project are available.

THEREFORE, in consideration of the mutual terms expressed in this Agreement, it is agreed as follows:

II. SCOPE OF WORK

1. The Parties agree:
 - a. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project plans and specifications.
 - b. The final Project amount may exceed the initial estimate(s) identified in Exhibit A, and in such case, the County is responsible for, and agrees to pay, any and all actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The County acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all actual costs exceeding the final bid amount.
 - c. The County and ADOT will each separately file a Notice of Intent (NOI) under the Construction General Permit (CGP) with the Arizona Department of Environmental Quality (ADEQ) before construction begins, if applicable to the Project.
2. The State will:
 - a. Execute this Agreement, and if the Project is approved by FHWA and funds for the Project are available, be the County's designated agent for the Project.
 - b. After this Agreement is executed, and prior to performing or authorizing any work, invoice the County for the initial Project Development Administration (PDA) costs estimated at \$1,710.00. If PDA costs exceed the estimate during the development of design, notify the County, obtain concurrence prior to continuing with the development of design, and invoice as determined by ADOT and the County for additional costs to complete PDA for the Project. After the Project costs are finalized invoice or reimburse the County for the difference between actual costs and the amount the County has already paid for PDA.
 - c. After receipt of the PDA costs review design plans, specifications, cost estimates, and other such documents required for the construction bidding and construction of the Project, including scoping/design plans, and documents required by FHWA to qualify the Project for and to receive federal funds. Provide design review comments to the County as appropriate.
 - d. After completion of design and prior to bid advertisement, invoice the County for the actual PDA costs, as applicable, and the County's share of the Project construction costs, estimated at \$43,516.00. After the Project costs for construction are finalized, the State will either invoice or reimburse the County for the difference between estimated and actual costs. De-obligate or otherwise release any remaining federal funds from the scoping/design phase of the Project.

- e. After receipt of the actual PDA costs, if applicable, and the County's estimated share of the Project construction costs, submit all required documentation to FHWA with the recommendation that the maximum federal funds programmed for construction of this Project be approved. Should costs exceed the maximum federal funds available, it is understood and agreed that the County will be responsible for any overage.
 - f. After receipt of FHWA authorization, proceed to advertise for, receive and open bids award and enter into a contract with the firm for the construction of the Project. If the bid amounts exceed the construction cost estimate, obtain County concurrence prior to awarding the contract. After the Project is awarded, invoice the County for the difference between estimated and actual costs, if applicable.
 - g. Notify the County of substantial completion and final acceptance of the Project. At such time, file a Notice of Termination (NOT) with ADEQ transferring CGP responsibilities to the County, and provide a copy to the County indicating that the State's maintenance responsibility of the Project is terminated, as applicable.
 - h. Notify the County of substantial completion and final acceptance of the Project; coordinate with the County and turn over full responsibility of the Project improvements.
 - i. Not be obligated to maintain the Project, should the County fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.
3. The County will:
- a. Designate the State as the County's authorized agent for the Project.
 - b. Within 30 days of receipt of an invoice from the State, pay the initial PDA costs estimated at \$1,710.00. Agree to be responsible for actual PDA costs, if during the development of design, PDA costs exceed the initial estimate. Be responsible and pay for the difference between the estimated and actual PDA costs of the Project within 30 days of receipt of an invoice.
 - c. Prepare and provide design plans, specifications, cost estimates and other such documents required for the construction bidding and construction of the Project, including scoping/design plans and documents required by FHWA to qualify projects for and to receive federal funds; provide design review comments to the State as appropriate.
 - d. Enter into an agreement with the design consultant which states that the design consultant will provide professional post-design services as requires and requested throughout and at completion of the construction phase of the Project. After final acceptance of the Project, provide an electronic version of the drawings tot eh ADOT Project Manager.
 - e. After completion of design, within 30 days of receipt of an invoice from the State and prior to bid advertisement, pay to the State, any outstanding PDA costs and the County's share of the Project construction costs, estimated at \$43,516.00. Be responsible for and

pay the difference between the estimated and actual construction costs of the Project, within 30 days of receipt of an invoice.

- f. Be responsible for all costs incurred in performing and accomplishing the work as set forth under this Agreement, that are not covered by federal funding. Should costs be deemed ineligible or exceed the maximum federal funds available, it is understood and agreed that the County is responsible for these costs; payment for these costs shall be made within 30 days of receipt of an invoice from the State.
- g. Certify that all necessary rights-of-way have been or will be acquired prior to advertisement for bid and also certify that all obstructions or unauthorized encroachments of whatever nature, either above or below the surface of the Project area, shall be removed from the proposed right-of-way, or will be removed prior to the start of construction, in accordance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended; 49 CFR 24.102 Basic Acquisition Policies; 49 CFR 24.4 Assurances, Monitoring and Corrective Action, parts (a) & (b) and ADOT Right of Way Procedures Manual: 8.02 Responsibilities, 8.03 Prime Functions, 9.06 Monitoring Process and 9.07 Certification of Compliance. Coordinate with the appropriate State's Right-of-Way personnel during any right-of-way process performed by the County, if applicable.
- h. Certify that the County has adequate resources to discharge the County's real property related responsibilities and ensures that its Title 23-funded projects are carried out using the FHWA approved and certified ADOT Right of Way Procedures Manual and that they will comply with current FHWA requirements whether or not the requirements are included in the FHWA approved ADOT Right of Way Procedures Manual. (23 CFR 710.201)
- i. Not permit or allow any encroachments on or private use of the right-of-way, except those authorized by permit. In the event of any unauthorized encroachment or improper use, the County shall take all necessary steps to remove or prevent any such encroachment or use.
- j. Automatically grant to the State, by execution of this Agreement, its agents and/or contractors, without cost, the temporary right to enter County rights-of-way, as required, to conduct any and all construction and preconstruction related activities for the Project, on, to and over said County rights-of-way. This temporary right will expire with completion of the Project.
- k. Investigate and document utilities within the Project limits; submit findings to ADOT determining prior rights or no prior rights; approve an easement within the final right-of-way to re-establish the prior right location for those utilities with prior rights.
- l. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase Project costs. Be responsible for the cost of any County requested changes to the scope of work of the Project, such changes will require State and FHWA approval. Be responsible for any contractor claims for additional compensation caused by Project delay attributable to the County. Payment for these costs will be made to the State within 30 days of receipt of an invoice from the State.

- m. After notification of final acceptance by the State, assume and maintain full responsibility of the Project, including Storm Water Pollution Prevention Plans (SWPPP) inspections, maintenance, and required documentation, until final stabilization is reached. Provide the NOI number to the State and the Contractor, accept CGP responsibilities at time of transfer, and file an NOT with ADEQ when final stabilization is reached, as applicable.
- n. After completion and final acceptance of the Project, agree to maintain and assume full responsibility of the Project and all Project components.
- o. Pursuant to 23 USC 102(b), repay all federal funds reimbursements for preliminary engineering costs on the Project if it does not advance to right of way acquisition or construction within 10 years after federal funds were first made available.

III. MISCELLANEOUS PROVISIONS

1. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.
2. Any change or modification to the Project will only occur with the mutual written consent of both Parties.
3. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Project and all related deposits and/or reimbursements are made. Any provisions for maintenance shall be perpetual, unless assumed by another competent entity.
4. This Agreement may be cancelled at any time prior to the award of the Project contract, with 30 days written notice to the other Party. It is understood and agreed that, in the event the County terminates this Agreement, the County shall be responsible for all costs incurred by the State up to the time of termination. It is further understood and agreed that in the event the County terminates this Agreement, the State shall in no way be obligated to complete or maintain the Project.
5. The County shall indemnify, defend, and hold harmless the State, any of its departments, agencies, officers or employees (collectively referred to in this paragraph as the "State") from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the "Claims"), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the County, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The County's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the County which may be legally imputed to the State by virtue of the State's ownership or possession of land. The County's obligations under this paragraph shall survive the termination of this Agreement.

6. The State shall include Section 107.13 of the 2008 version of the Arizona Department of Transportation Standard Specifications for Road and Bridge Construction, incorporated into this Agreement by reference, in the State's contract with any and all contractors, of which the County shall be specifically named as a third-party beneficiary. This provision may not be amended without the approval of the County.
7. The cost of scoping, design, construction and construction engineering work under this Agreement is to be covered by the federal funds programmed for this Project, up to the maximum available. The County acknowledges that actual Project costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by FHWA as eligible for federal funds. Therefore, the County agrees to pay the difference between actual costs of the Project and the federal funds received.
8. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.
9. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.
10. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the County will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.
11. The County acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.
12. The County acknowledges compliance with federal laws and regulations and may be subject to the CODE OF FEDERAL REGULATIONS, TITLE 2, PART 200 (also known as The Uniform Grant Guidance). Entities that expend \$750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit in accordance with §200.331 Subpart F. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine months of the sub recipient fiscal year end.

ADOT – FMS
Attn: Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov
13. This Agreement shall be governed by and construed in accordance with Arizona laws.
14. This Agreement may be cancelled in accordance with A.R.S. § 38-511.
15. The County shall retain all books, accounts, reports, files and other records relating to the Agreement for five years after completion of the Project. These documents shall be subject

at all reasonable times to inspection and audit by the State. Such records shall be produced by the County at the request of ADOT.

16. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding "Non-Discrimination."
17. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.
18. In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by arbitration as is set forth for public works contracts if required by A.R.S. § 12-1518.
19. The Parties shall comply with the applicable requirements of A.R.S. § 41-4401.
20. The Parties shall certify that all contractors comply with the applicable requirements of A.R.S. §35-393.01.
21. The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.
22. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered electronically, in person, or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
 Joint Project Agreement Section
 205 S. 17th Avenue, Mail Drop 637E
 Phoenix, AZ 85007
JPABranch@azdot.gov

Santa Cruz County
 Attn: Jesus Valdez
 275 Rio Rico Dr.
 Rio Rico, AZ 85648
 520.375.7830
JValdez@santacruzcountyaz.gov

For Project Administration:

Arizona Department of Transportation
 Project Management Group
 205 S. 17th Avenue, MD 614E
 Phoenix, Arizona 85007
 (602) 712-7046

Santa Cruz County
 Attn: Jesus Valdez
 275 Rio Rico Dr.
 Rio Rico, AZ 85648
 520.375.7830
JValdez@santacruzcountyaz.gov

For Financial Administration:

Arizona Department of Transportation
 Project Management Group (or group

Santa Cruz County
 Attn: Jesus Valdez

requesting agreement)
205 S. 17th Avenue, Mail Drop 614E
Phoenix, AZ 85007
PMG@azdot.gov

275 Rio Rico Dr.
Rio Rico, AZ 85648
520.375.7830
JValdez@santacruzcountyaz.gov

23. Any revisions to the names and addresses above may be updated administratively by either Party, by contacting each other in writing.

24. In accordance with A.R.S. § 11-952 (D), attached and incorporated in this Agreement is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

SANTA CRUZ COUNTY

STATE OF ARIZONA
Department of Transportation

By _____
BRUCE BRACKER
Board of Supervisors

By _____
STEVE BOSCHEN, PE
Division Director

ATTEST:

By _____
TARA HAMPTON
Clerk of the Board

IGA 19-0007547-I

ATTORNEY APPROVAL FORM FOR THE SANTA CRUZ COUNTY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the SANTA CRUZ COUNTY, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

County Attorney

Date

EXHIBIT A

IGA 19-0007547-I Cost Estimate

T0232 01D/01C

The federal funds will be used for the scoping/design and construction of the Project, including the construction engineering (CE) and administration cost. The estimated Project costs are as follows:

T0232 01D (ADOT Project Development Administration (PDA) Cost

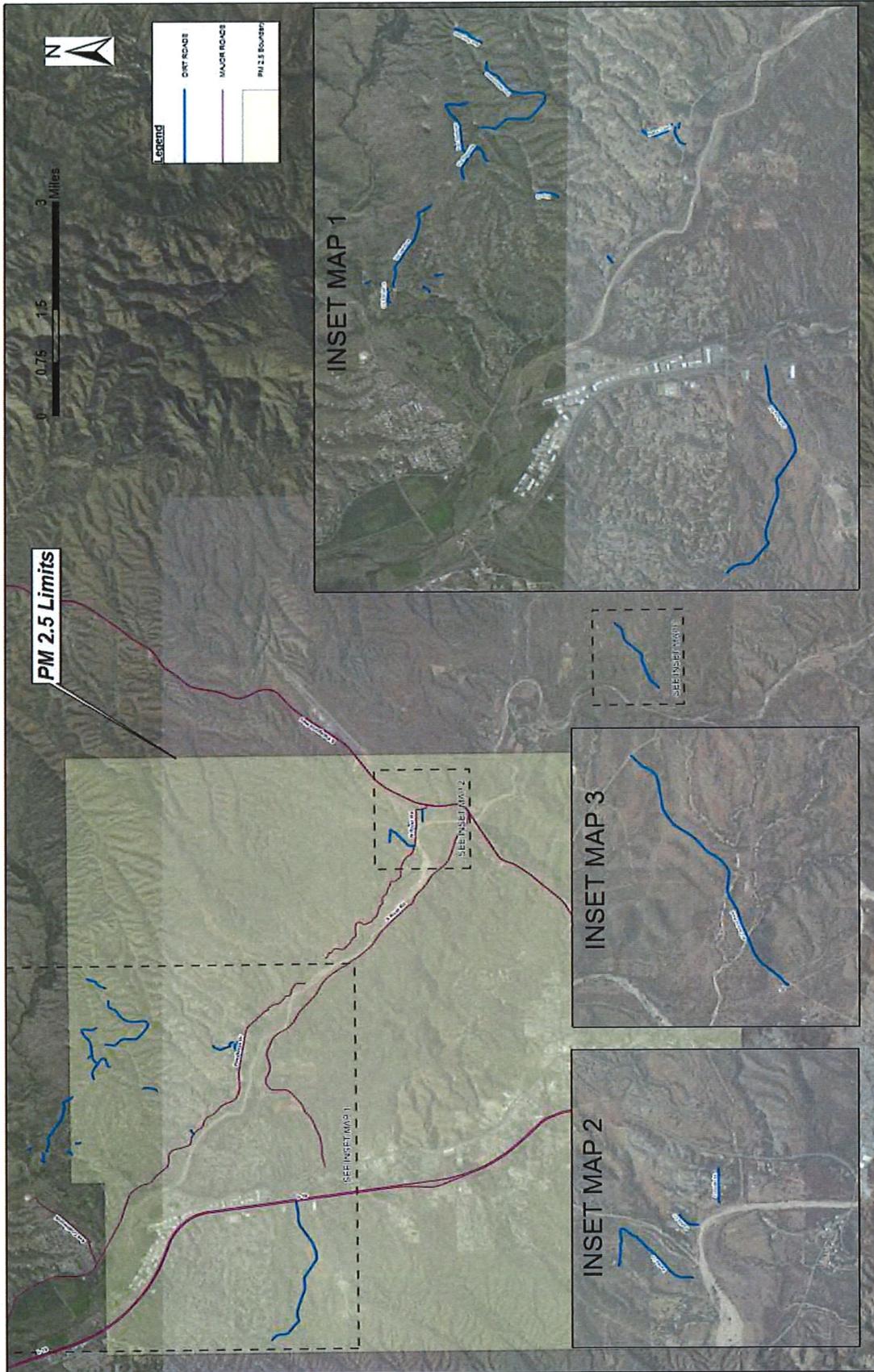
Federal-aid funds @ 94.3%	\$ 28,290.00
County's match @ 5.7%	<u>\$ 1,710.00</u>
Subtotal -PDA	\$ 30,000.00

T0232 01C (construction):

Federal-aid funds @ 94.3%	\$ 719,917.00
County's match @ 5.7%	<u>\$ 43,516.00</u>
Subtotal - Construction*	\$ 763,433.00
Estimated TOTAL Project Cost	\$ 793,433.00
Total Estimated County Funds	\$ 45,226.00
Total Federal Funds	\$ 748,207.00

* (Includes 7% CE (this percentage is subject to change, any change will require concurrence from the County) and 5% Project contingencies)

Vicinity Map



SANTA CRUZ COUNTY HEALTH DEPARTMENT

Jeff Terrell, Director
Health Services

(520) 375-7900



Interoffice Memorandum

To: Board of Supervisors
From: Jeff Terrell, Health Services Director
SUBJECT: REQUEST ADOPTION OF ORDINANCE 2019-03 THE SANTA CRUZ COUNTY HEALTH CODE
DATE: JANUARY 21, 2020
Cc: Jennifer St. John, County Manager

Recommendation:

Staff recommends the Board approval of the Adoption of Ordinance 2019-03 the Santa Cruz County Health Code to become effective February 1, 2020.

Background:

The Santa Cruz County Health Department is delegated authority from the Arizona Department of Health Services and the Arizona Department of Environmental Quality to regulate and license food establishments, public and semi-public swimming pools, hotels/motels, mobile home parks, septic systems as well as investigating complaints that could affect public health. With that delegated authority, the county can write and adopt ordinances, rules and code to accomplish the delegated duties. Currently the health department is enforcing the Santa Cruz County Sanitary code that was adopted in 1983. The code has been updated, edited for grammatical errors and for clarity.

Financial Implications:

No change in Funding.

Proposed Motion:

Move to approve the Adoption of Ordinance 2019-03 Santa Cruz County Health Code to become effective February 1, 2020.

SANTA CRUZ COUNTY HEALTH DEPARTMENT

Jeff Terrell, Director
Health Services

(520) 375-7900



Interoffice Memorandum

To: Board of Supervisors

From: Jeff Terrell, Health Services Director

SUBJECT: REQUEST ADOPTION OF ORDINANCE 2019-03 THE SANTA CRUZ COUNTY HEALTH CODE

DATE: DECEMBER 18, 2019

CC: Jennifer St. John, County Manager

Recommendation:

Staff recommends the Board approval of the Adoption of Ordinance 2019-03 the Santa Cruz County Health Code to become effective January 1, 2020

Background:

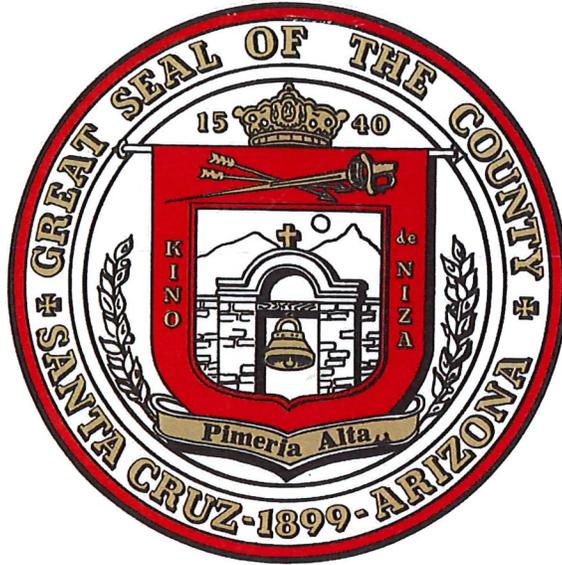
The Santa Cruz County Health Department is delegated authority from the Arizona Department of Health Services and the Arizona Department of Environmental Quality to regulate and license food establishments, public and semi-public swimming pools, hotels/motels, mobile home parks, septic systems as well as investigating complaints that could affect public health. With that delegated authority, the county can write and adopt ordinances, rules and code to accomplish the delegated duties. Currently the health department is enforcing the Santa Cruz County Sanitary code that was adopted in 1983. The code has been updated, edited for grammatical errors and for clarity.

Financial Implications:

No change in Funding.

Proposed Motion:

Move to approve the Adoption of Ordinance 2019-03 Santa Cruz County Health Code to become effective January 1, 2020.



SANTA CRUZ COUNTY HEALTH CODE

PROPOSED CHANGES

SANTA CRUZ COUNTY HEALTH SERVICES
2150 N. Congress Drive, Suite #115 - Nogales, AZ 85621

CHAPTER 1 – HEALTH PROVISIONS

Regulation 1 - Short title.

The ordinances codified herein and any future ordinances enacting rules and regulations that are adopted for inclusion herein may be cited and shall be known as the “health code.”

Regulation 2 - Scope and legal authority.

- A. The health code, adopted and contained herein, and the enforcement thereof by the Santa Cruz County Health Services Department (“department”) or any peace officer, shall be liberally construed and applied to protect the public health and prevent unhealthful or unsanitary conditions or public nuisances.
- B. These rules and regulations are adopted pursuant to Arizona Revised Statutes (A.R.S.) §§ 11-251, 36-136, 36-184, and 36-187.

Regulation 3 - Definitions.

The following definitions apply throughout the health code unless a different meaning is clearly indicated by the context or stated in the chapter of the health code where a definition appears:

- A. “A.A.C.” means Arizona Administrative Code.
- B. “A.R.S.” means Arizona Revised Statutes.
- C. “Board of Health” means the county board of health.
- D. “Board of Supervisors” means the county board of supervisors.
- E. “Certificate of approval to construct” means approval to construct or remodel a regulated establishment.
- F. “C.F.R.” means the Code of Federal Regulations.
- G. “County” means Santa Cruz County, Arizona.
- H. “Department” means the county health services department.
- I. “Fixed” means attached to the land in a physical place.
- J. “F.D.A.” means the federal Food and Drug Administration.
- K. “Health officer” means the director of the county health services department or his authorized representative.
- L. “License/Permit” means a written permit to operate, issued by the Santa Cruz County Health Services Department.
- M. “Person” means the state, a municipality, a district or other political subdivision, a cooperative, institution, corporation, company, firm, partnership or individual

- N. "Public nuisance" is defined in A.R.S. § 36-601 and this definition is incorporated herein by reference and adopted into the health code.
- O. "Regulated establishment" means an entity required to obtain a permit issued by the department in order to conduct all or some of its operations.
- P. "Requested inspection" means a health and sanitation inspection of a non-regulated establishment requested by the establishment or a regulating agency.

Regulation 4 - Plan approval required.

The following regulated establishments are required to submit plans and specifications for the department's approval for the construction or substantial alteration of their facilities:

- A. Food establishments;
- B. Ice manufacturing or beverage plants;
- C. Food manufacturers/Food processors;
- D. Wineries, breweries, and distilleries;
- E. Public and semi-public aquatic facilities;
- F. Motels, hotels, and tourist courts;
- G. Mobile home, recreational vehicle (R.V.), and travel trailer parks;
- H. Schools and their facilities regulated by Title 9 of the Arizona Administrative Code (A.A.C.);
- I. Campgrounds and children's camps; and
- J. Private sewage collection and disposal systems.

Regulation 5 - Application for approval to construct.

- A. Before any regulated establishment constructs or enters into a contract for the construction or substantial alteration of any facility listed in Regulation 4 of this chapter of the health code, above, it must apply to the department for approval. The application must be submitted at least thirty (30) days before the proposed start date of the project and shall be accompanied by the appropriate fee and the following:
 - 1. Scaled drawings from a registered architect/engineer or drafts person of the work to be done. Sufficient detail must be shown on the drawings to make clear to the department what work is to be done. All scaled drawings may be submitted in person or electronically, with the exception of those for mobile food, limited manufacturing, and catered food sites, which must be submitted in person;
 - 2. Complete specifications to supplement the drawings; and
 - 3. Additional data as may be required by the health officer, including a design report describing the project and the basis of design, design data, and other pertinent information necessary to give the health officer a clear understanding of the work to be undertaken.

- B. When such projects involve the installation, repair, or alteration of an on-site wastewater system, the provisions of Chapter 11, Regulation 3 of the health code must be complied with and a county Septic License must be obtained.

Regulation 6 - Certificate of approval to construct.

If plans and specifications submitted to the department comply with the requirements of the health code, the health officer will issue a certificate of approval to construct. If construction is not completed within one (1) year of the certificate's date of issuance, the certificate becomes void and invalid unless a written extension of time is granted by the health officer beforehand.

Regulation 7 - Construction in compliance with approved plans.

All work shall conform to the approved plans and specifications. Should it be necessary or desirable to make any material change in the design of the approved regulated establishment which will affect the capacity, hydraulic conditions, flow, operating unit, or sanitary feature of the proposed work, the regulated establishment shall submit revised plans and specifications, together with a written statement of the reason for the change, to the health officer for review. Before any material change is undertaken by the regulated establishment, it shall first be approved by the health officer before it is undertaken. Minor revisions not affecting the capacity, hydraulic conditions, flow, operating unit or sanitary feature of the regulated establishment will be permitted during construction without further approval, however, plans clearly showing such alterations must be filed with the department at the completion of the entire project.

Regulation 8 - Access to construction sites for inspection.

- A. The regulated establishment shall permit the health officer to inspect its construction site at any time prior to the issuance of a certificate of approval to construct.
- B. The health officer is permitted to inspect any regulated establishment during construction to ensure that work on it is being completed in accordance with department approved plans and specifications.

Regulation 9 - Notification required for final inspection.

The regulated establishment shall notify the department at least ten (10) days before the work is scheduled to be completed to allow the health officer to conduct a final inspection of the work.

Regulation 10 - Extension of certificate of approval to construct.

A regulated establishment may request a six (6) month extension of the certificate of approval to construct by submitting a written request to the department and the appropriate fee. Any additional six (6) month extensions shall be requested in the same manner. The department may deny an extension if the plans no longer comply with the health code.

Regulation 11 - Operating permit required.

- A. No person shall conduct an operation or operate a regulated establishment for which a permit is required without holding the necessary and valid operating permit to do so unless this is otherwise provided for in the health code.

- B. Applicants must complete an application form provided by the department.
- C. Applicants must comply with all applicable laws, rules, and regulations.
- D. Operating permits are valid for one (1) year from the date of issuance unless they are subsequently suspended or revoked.
- E. An operating permit is not transferable from person to person, place to place, or regulated establishment to regulated establishment.
- F. Operating permits must be placed in a conspicuous location visible to the public and approved by the department.
- G. An operating permit is required for the following:
 - 1. Food establishments, including each operation of a food establishment;
 - 2. Ice manufacturing or beverage plants;
 - 3. Food manufacturers/Food processors;
 - 4. Wineries, breweries, and distilleries;
 - 5. Public and semi-public aquatic facilities;
 - 6. Motels, hotels, resorts, and tourist courts;
 - 7. Mobile home, recreational vehicle (R.V.) and travel trailer parks;
 - 8. Schools and their facilities regulated by Title 9 of the A.A.C.;
 - 9. Campgrounds and children's camps;
 - 10. Solid waste haulers; and
 - 11. Liquid and industrial waste haulers.
- H. Operating permit and late fees.
 - 1. A regulated establishment shall renew its operating permit annually and pay an annual operating permit fee prior to the expiration date of the operating permit.
 - 2. If a regulated establishment fails to renew its operating permit and pay the annual operating fee prior to the expiration date of the operating permit, the department shall assess a late payment fee against the regulated establishment in addition to the operating permit fee. The regulated establishment shall pay the annual operating permit fee and late payment fee within thirty (30) days from the expiration date of the operating permit.
 - 3. If a regulated establishment fails to pay the annual operating permit fee and late payment fee within thirty (30) days from the expiration date of the operating permit, its operating permit shall no longer be valid and the regulated establishment shall immediately cease its operations.

4. A regulated establishment holding an invalid operating permit may apply to the department for a new operating permit and it will be subject to compliance with all current applicable laws, rules, and regulations.
 5. A regulated establishment that operates without a valid operating permit may be subject to having notices posted at its entrances stating that it does not possess the mandatory operating permit. The regulated establishment shall not remove or alter these notices until it obtains a valid operating permit.
- I. The department may suspend an operating permit upon written notice to the permit holder that an immediate and imminent danger to public health exists. Where the danger to the public is not immediate and imminent, the department must provide five (5) days written notice to the permit holder of the imminent suspension of the operating permit before it is actually suspended.
 - J. A regulated establishment shall allow the health officer to inspect its facility at any time.

Regulation 12 – Fees.

- A. A regulated establishment shall pay an inspection fee to the department before the health officer conducts an inspection.
- B. The department shall assess this fee according to the current fee schedule established by the county board of supervisors.

Regulation 13 - Hearing procedure.

- A. **Notice of adverse action.** The department shall notify a regulated establishment of any adverse action that has been taken or will be taken against it by the department. In providing this notification, the department shall inform the regulated establishment of its right to appeal the department's action.
- B. **Right of appeal.** A regulated establishment adversely affected by the actions of the department may submit a request for appeal to the health officer. The request must be written and submitted within ten (10) days from the date the notice of the adverse action is provided by the department. In the event the adverse action is taken pursuant to A.R.S. § 36-601(B), the regulated establishment's time for submitting an appeal is fifteen (15) days. If the regulated establishment does not submit a timely, written request for appeal, the department's action becomes final.
- C. **Appointment of hearing officer.** Upon receiving a request for appeal, the director of the department shall appoint a hearing officer to hold a hearing on the matter within twenty (20) days from the date the director receives the timely, written request for appeal. The hearing officer shall be an impartial person trained in law and knowledgeable of the health code and any other applicable laws, rules, or regulations.
- D. **Notification of hearings.** The hearing officer shall notify a regulated establishment that has submitted a timely, written request for appeal of the date, time, and place for the hearing on the appeal.
- E. **Rights of parties at hearing.** The regulated establishment and department may appear on their own behalf or through counsel, submit evidence, and examine witnesses by direct, cross, and redirect examinations. A corporation shall appear only through counsel or a corporate officer.

- F. **Conduct of hearing.** The hearing officer shall conduct the hearing in a manner consistent with due process under the federal and Arizona constitutions and any other applicable law. Witnesses shall be sworn in before testifying and their testimony shall be recorded either by manual transcription or a recording device. The cost of transcribing such testimony shall be paid for by the party requesting the transcription. The hearing officer shall receive all relevant, probative, or material evidence and shall exclude all irrelevant, immaterial, or unduly repetitious evidence. The formal rules of evidence need not be followed. The party who initiated the appeal bears the burden of proof and it is by a preponderance of the evidence. The hearing officer may issue subpoenas pursuant to A.R.S. § 12-2212.
- G. **Hearing officer's recommendation.** Within five (5) days from the hearing's completion, the hearing officer shall submit a written recommendation to the health officer who affirms or denies the appeal. This recommendation shall contain findings of fact and conclusions of law in support of the recommendation.
- H. **Health Director's decision.** Within three (3) days of receiving the hearing officer's recommendation, the health director shall notify the regulated establishment of his or her decision to either affirm or deny the appeal. The health director's decision is final and may not be appealed.
- I. **Notice.** Whenever the department is required to provide notice, it shall provide it in a manner that is reasonably calculated under the then-existing circumstances to inform the recipient of the notice of an action that has been or will be taken against it. The department may provide notice by certified mail plus regular mail, personal service, or hand-delivery and it is effective at the time of the mailing, personal service, or hand-delivery, whichever is earlier.

Regulation 14 - Violation; Penalty.

- A. A person or regulated establishment who violates any provision of the health code is guilty of a Class 3 misdemeanor offense, as provided for by A.R.S. § 36-191, unless otherwise indicated herein or elsewhere in the A.R.S. The penalties for a misdemeanor offense are set forth in A.R.S. § 13-707.
- B. The health officer may refer a violation of the health code to a peace officer for investigation or to the county attorney's office for prosecution.
- C. The health officer may seek injunctive relief in a court of law against a person or regulated establishment that violates any provision of the health code.
- D. The health officer may proceed against a person or regulated establishment as authorized under A.R.S. § 36-602.

CHAPTER 2 – FOOD ESTABLISHMENTS

Regulation 1 - Applicability.

All food establishments in the county must comply with the Chapters 1 and 2 of the health code, the 2017 Food and Drug Administration (F.D.A.) Food Code, including Annex 1, subpart 8-903, and Annex 7, Guide 3-B, 21 Code of Federal Regulations (C.F.R.) 117, and Title 9, Chapter 8, Article 1 of the Arizona Administrative Code (A.A.C.). Any conflicts or inconsistencies between these legal authorities are resolved in the following order of priority: (1) Health code; (2) F.D.A. Food Code; (3) C.F.R.; and (4) A.A.C.

Regulation 2 - Definitions.

- A. "Annual temporary food establishment" means a temporary food establishment that may operate at multiple special events and only provides non-potentially hazardous or non-time/temperature controlled for safety (T.C.S.) food.
- B. "Commissary" means an approved fixed-food establishment that stores, prepares, portions, or packages food for service elsewhere or that provides a service area for mobile food establishments.
- C. "Farmers market" means an organized group of stalls or booths where farmers or other vendors sell their produce or food products directly to consumers.
- D. "Micro market" means an unattended food establishment where commercially prepackaged T.C.S. food, or ready-to-eat fruits and vegetables are offered for sale to employees of a business.
- E. "Mobile food establishment" means a food establishment that is designed to be readily moveable and mounted on a motorized vehicle frame or vehicle-drawn, a pushcart, or a structure that is not permanently attached to the land.
- F. "New establishment" means an establishment that is new, an existing establishment that has changed ownership, or an establishment that has been closed for more than six (6) months and has changed ownership.
- G. "Priority Item" (1) Means a provision in the 2017 FDA Food Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that directly controls the hazard.

(2) Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing.
- H. "Priority Foundation Item" (1) Means a provision in the 2017 FDA Food Code whose application supports, facilitates or enables one or more PRIORITY ITEMS.

(2) Priority Foundation Item includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping and labeling.
- I. "Pushcart" means a non-self-propelled vehicle that is limited to serving ready-to-eat foods.

- J. "Ready-to-eat foods" means food that that is normally eaten in its raw state or any other food, including a processed food, for which it is reasonably foreseeable that the food will be eaten without further processing that would significantly minimize biological hazards.
- K. "Re-inspection" means an inspection to check whether violations of the health code or any other applicable law have been corrected.
- L. "Routine inspection" means a comprehensive inspection determining compliance with all aspects of the health code and any applicable law.
- M. "Seasonal food establishment" means a temporary food establishment that operates for a period of no more than four (4) months on a predetermined schedule in conjunction with a single or regular event at a single location.
- N. "T.C.S. food" means food that is time and temperature controlled for food safety.
- O. "Temporary food establishment" means a food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event.

Regulation 3 - Mobile food establishments; Generally.

A. Construction requirements.

1. Exterior.

- a. A mobile food establishment must permanently affix the business name to at least two (2) structural sides of the unit in four (4) inch or taller lettering. The business name must be clearly visible to the consumer at the service window, at any entrance to the mobile food establishment, and on at least one (1) other side of the establishment.
- b. Food service openings are limited to two hundred and sixteen (216) square inches each (e.g., twelve [12] inches tall x eighteen [18] inches wide), and must be equipped with a screen (sixteen [16] mesh per square inch minimum) or solid door that must be closed when not in use. Multiple service openings must be at least eighteen (18) inches apart from each other.
- c. All waste disposal connections must be of different size or type than those used for supplying potable water. The waste connection must be located lower than the water inlet connection to prevent contamination of the potable water system. Wastewater outlets must be greater than one (1) inch and potable water inlets must be no larger than three-quarters (3/4) of an inch unless otherwise approved by the department. Potable water system inlets must be capped when not in use.
- d. All exterior water system connections must include an approved backflow prevention device.

2. Interior.

- a. The cab or driving portion must be completely separated from the food preparation and serving areas by a wall or door.
- b. Doors to the food preparation and serving areas must be self-closing and kept closed.

- c. A three-compartment sink equipped with two integral metal drain boards must be permanently installed. Each compartment must either be at least twelve (12) inches wide, twelve (12) inches long, and ten (10) inches deep or ten (10) inches wide, fourteen (14) inches long, and ten (10) inches deep, and each drain board must be at least one hundred and forty-four (144) square inches. A metal shelf may be used instead of one (1) drain board, if approved by the department.
- d. A self-contained hand washing sink of at least nine (9) inches wide, nine (9) inches long, and five (5) inches deep with integral splash-guards must be permanently installed with a potable water tank with a minimum ten (10) gallon capacity and fifteen (15) percent greater capacity waste tank. The flow rate of hot and cold water to the sink basin must be at least one-half (1/2) gallon per minute.
- e. Interior walls and ceilings must be light in color.
- f. A pressurized potable water system, supplying hot and cold water, with a minimum capacity of thirty (30) gallons, must be permanently installed. A liquid waste storage tank with a capacity at least fifteen (15) percent larger than the potable water storage tank is required for all mobile food establishments serving any open food or drink. This provision does not apply to pushcarts.

B. Additional operating permit requirements.

- 1. Mobile food establishments must operate from an approved commissary and provide a commissary agreement to the department as a part of the documents submitted during a plan review for a new permit, at permit issuance or renewal, and upon request of the department or health officer. Trucks and pushcarts that only sell or dispense individually packaged, commercially processed items from an approved source are exempt from providing a commissary agreement.
- 2. Mobile food establishments must notify the department of any substantial changes to their daily operations within one (1) week of the change. A global tracking device must be permanently installed on the mobile unit.
- 3. Mobile food establishments serving T.C.S. food must log their visits to the approved commissary or fixed food establishment. The log must be in a format approved by the department and kept with the commissary at all times.

C. Operations.

- 1. Mobile food establishments must report at least daily to their approved commissary for supplies, food storage, vehicle and equipment cleaning, waste disposal, and service operations.
- 2. T.C.S. food must be prepared on the same day of sale or service. T.C.S. food must not be held over from a previous day's operation unless otherwise approved by the department. Time without temperature control may not be used by mobile food establishments.
- 3. Food preparation must be limited to cooking, reheating, or assembling ingredients that have been prepared at the commissary.
- 4. All food preparation and storage must be done at the commissary or inside the mobile unit unless the department approves a deviation from this rule.

5. When in transit, all windows and vents to the food preparation area must be closed and all food must be completely covered or wrapped or placed in closed containers.
 6. All tea except instant tea must be brewed with boiling water.
 7. Food offered for self-service must be wrapped or packaged in a manner that prevents contamination.
 8. Ice for consumption or ice that contacts food must be made from potable water.
 9. Bacon-wrapped hotdogs must be pre-wrapped at the commissary.
 10. Mobile food establishments must not reuse consumer service ware.
 11. Mobile food establishments must not connect to water or waste water systems except during servicing operations at a commissary or as approved by the department.
 12. All water tanks, pumps and hoses must be flushed and sanitized before being placed in service after construction, repair, modification, or periods of non-use longer than seven (7) days. Potable water tanks must be flushed and sanitized monthly.
 13. Wastewater holding tanks must be emptied into an approved sewage disposal system.
 14. The potable water tank must be filled using an approved food grade potable water hose that is not used for any other purpose.
 15. Grease must be disposed of in a manner approved by the department (e.g., using a tallow company or storing and disposing the greasing at a landfill).
 16. When a mobile food establishment operates at the same site for more than two (2) hours, sanitary toilet facilities for employees must be available within two hundred (200) feet of the unit. Mobile food establishments located further than two hundred (200) feet from a sanitary toilet must provide a portable toilet unit for employees.
 17. Mobile food establishments selling or dispensing open food or beverages must provide employees with hot and cold potable water, hand washing soap, and sanitary towels.
 18. The operating area must be kept clean and free from refuse at all times.
 19. A mobile food establishment must not be located within one hundred (100) feet of a petting, riding, or holding area for animals unless dust and runoff are controlled.
- D. Commissary.
1. All commissaries, including qualifying restaurants, must obtain a permit as a commissary.
 2. A commissary located outside of the county must provide a copy of its current operating permit issued by the applicable health services department (or its equivalent) and a copy of a health inspection report issued by its regulatory authority within the previous six (6) months.

3. A commissary may service a limited number of mobile food establishments. The health officer determines the maximum number of mobile food establishments that a commissary is able to support based on the menu items, volume of food being prepared or stored, capacity of the commissary equipment, and capacity of the mobile unit equipment.
4. Reports.
 - a. A commissary must submit reports to the department disclosing the names, addresses, and operating license numbers of all mobile food establishments using the commissary in accordance with the following schedule:
 - i. Monthly and annually at the time of permit renewal for the commissary;
 - ii. Within ten (10) days after a commissary adds or removes a mobile food establishment; and
 - iii. Upon request by the department or health officer.
 - b. Failure to submit any report to the department is grounds for the revocation of the commissary's operating permit.
5. Servicing area.
 - a. A commissary must provide a servicing area for the mobile food establishment. Within the servicing area, separate areas must be provided for:
 - i. Flushing and drainage of liquid wastes;
 - ii. Potable water servicing; and
 - iii. Loading and unloading of food and related supplies.
 - b. The surfaces in the servicing area must be constructed of smooth non-absorbent material, such as concrete or machine-laid asphalt, and must be maintained in good repair, kept free of visible dirt and debris, and graded to drain.
 - c. If the servicing area has walls, they must be maintained in good condition and kept sanitary.
 - d. Potable water servicing equipment must be installed according to applicable plumbing requirements and must be stored and handled in a way that protects the water and equipment from contamination.

Regulation 4 - Temporary, seasonal, and farmers market food establishments.

A. Available permits.

1. A food establishment may obtain a temporary, seasonal, or annual temporary permit based on the duration and location of its operations. Annual temporary permits are limited to non-potentially hazardous food or non-T.C.S. food.

2. A food establishment offering only food samples of 2 ounces or less, may obtain a temporary, seasonal, or annual temporary sampling permit.
3. A food establishment or an event coordinator may obtain a permit fee reduction for an event organized by another governmental agency or a non-profit 501(c)(3) organization that provides an attestation that a portion of the profits will be reinvested in future development of the event or be used to benefit the local community.

B. Permit duration and location limitations.

1. Temporary permits are valid for up to fourteen (14) days and for a single location and event.
2. Seasonal permits are valid for up to one hundred and twenty (120) days and for a single location and event.
3. Annual permits are valid for up to one (1) year and for multiple locations.
4. A food establishment must apply for a permit at least fourteen (14) days prior to an event to avoid a late fee.

C. Restricted Operations.

1. Food preparation is limited to cooking, reheating, or assembling ingredients that have been prepared in a fixed-food establishment that has a current operating permit or is otherwise approved by the department.
2. A food establishment utilizing a commissary or food establishment located outside of the county must provide the department with a copy of its current operating permit issued by the applicable health services department (or its equivalent) and an inspection report issued by its regulatory authority within the past six (6) months.
3. T.C.S. food must be prepared on the same day of sale or service. T.C.S. food must not be held over from a previous day's operation unless otherwise approved by the department. Time without temperature control may not be used.
4. Menu items are limited to those listed on the operating permit application.

D. Minimum structural requirements.

1. Overhead protection.
 - a. A food establishment must have overhead protection from the weather.
2. Floors.
 - a. Floors must be constructed of concrete, asphalt, tight wood, or some other cleanable material and kept in good repair.
 - b. Dirt or gravel, when graded to drain, may be used as sub-flooring when covered with a removable platform or heavy tarp material that is kept clean.
3. Walls.

- a. Food establishments must have the capacity to erect walls when necessary to protect food from blowing dust, insects, and any other possible contaminants.

E. Equipment.

1. Equipment must be located and installed to prevent food contamination and facilitate cleaning.
2. Cooking equipment may be located outside the overhead protection if required by the fire department.

F. Ware-washing.

1. A three (3) bin setup is required for the washing, rinsing, and sanitizing of utensils and equipment on site.
2. Acceptable sanitizers include chlorine, quaternary ammonia, or iodine. Test strips must be available to check the concentration of the sanitizer.
3. A food establishment that does not have such a ware-wash setup must possess sufficient quantities of food preparation and service items to avoid reuse of contaminated items.

G. Water.

1. All water must be potable.
2. Food establishments must have sufficient hot water for hand washing, and for cleaning and sanitizing equipment.
3. When the distribution system for the potable water is by a hose conveyance, the hose must be a "food grade" hose that has not been used for any other purpose.
4. Proper backflow prevention must be provided.

H. Waste.

1. All sewage, including liquid waste, must be disposed of according to applicable law.
2. A mobile unit may not be connected to a fixed water supply unless the unit uses a sanitary sewage disposal system.
3. All connections must prevent the potential of cross-connection.

I. Hand washing.

1. A convenient hand washing station with warm running water, soap, individual paper towels, and a waste container must be available for food service worker hand washing. The hand washing station must be set up and operational prior to food service workers handling food or utilizing food contact surfaces. The station must be designated for hand washing only and must be accessible at all times. Multiple hand washing stations may be required if the booth is large or has several food service workers.

2. Gravity flow hand washing stations must have an off/on function allowing the water to run without constant pressure at the point of water discharge.
3. Food establishments operating under an annual permit must provide a hand sink capable of generating pressurized hot water with integral waste water collection.

J. Food storage and protection.

1. Food must be transported and stored in a manner to protect it from cross-contamination and maintain its temperature within the T.C.S. food parameters.
2. Ice used for food storage must either be stored in containers that drain continuously or are drained as often as necessary to prevent the accumulation of water and to prevent the mouth contact point of any canned or bottled beverage from submersion.
3. Food must be served in a manner that protects it from contamination by the consumer.

K. Food samples.

1. All unwrapped food products that have not been distributed by the end of the business day must be discarded.
2. No public self-service sampling is allowed. Each sample must be handed to the customer or placed in single-service containers.
3. A physical barrier, such as an approved sneeze guard, must be in place at the sampling area to prevent contamination of any samples left exposed to the public.
4. Only single-service utensils and containers may be used for serving samples.
5. A lined waste container that is easily accessible to the public must be provided at the sampling area.

Regulation 5 – Food manufacturer/Food processor

All food manufacturers/food processors in the county must comply with the health code, 21 C.F.R. 117, and Title 9, Chapter 8, Article 1 of the A.A.C. Any conflicts or inconsistencies are resolved in the following order of priority: (1) Health code; (2) 21 C.F.R. 117; and (3) A.A.C.

Regulation 6 - Food safety certification and training.

- A. All food establishments must have a person in charge on the premises during all times of operation. These employees must be certified by the American National Standards Institute (A.N.S.I.)/ASTM International Standard E2659-09
- B. All food employees must have food handler training and the documentation may be shown by the following:
 1. A valid Food Employee certificate, or identification card, issued by another county within the State of Arizona; or

2. A valid Food Employee certificate of successful completion of a food handler training course given by the Department; or
 3. A valid Food Employee certificate of successful completion of a third party food handler training course that meets all State of Arizona statutory requirements, including compliance with the American National Standards Institute/ASTM International Standard E2659-09.
- C. A certificate issued under paragraphs 2 and 3 of Regulation 6 B, shall expire three (3) years from the date of issue.

Regulation 7 - Enforcement.

- A. Any of the following incidents or circumstances shall result in the immediate closure of a food establishment by the department:
1. Sewage back up in the food preparation, cleaning, sanitizing, or food service areas;
 2. Failure to appropriately retain or dispose of sewage;
 3. Interruption of electrical or water service for more than one (1) hour;
 4. Inability to maintain T.C.S. food at proper temperatures;
 5. Lack of functional hand washing facilities;
 6. Apparent onset of a foodborne illness outbreak;
 7. Flooding;
 8. Fire or activation of a fire suppression system;
 9. Use of poisonous or toxic materials that result in contamination of food or food contact surfaces;
 10. For fixed food and mobile food establishments, lack of hot water under pressure for more than twenty-four (24) hours;
 11. For a temporary, seasonal, or farmers market food establishments, a priority item violation that cannot be corrected during the department's inspection; or
 12. Any grossly unsanitary condition or circumstance that may endanger public health.
- B. Violations that result in probationary status:
1. Five (5) or more priority or priority foundation violations during an inspection.
 2. A pattern of non-compliance, which means:
 - a. Three (3) violations of a priority or priority foundation item in the same risk factor; or
 - b. Four (4) violations of the same good retail practices within six (6) routine inspections or re-inspections.

3. Willfully obstructing or failing to cooperate with an inspection.

C. Within ten (10) days of being placed on probationary status a food establishment must:

1. Correct all violations;
2. Provide a written corrective action plan showing, for each of the violations identified, the actions it will take or has taken to correct the violations and to prevent future violations;
3. Register staff identified by the department to take a department-taught food service worker training at the food establishment's expense;
4. Pass a re-inspection; and
5. Pay a fine of one hundred and ninety dollars (\$190.00) for an initial probationary status or three hundred and eighty dollars (\$380.00) for a second probationary status within twelve (12) months.

D. Revocation of operating permit; New operating permit required.

1. A food establishment that fails to either satisfy the requirements in subsection C or a written accommodation from the department that allows it to keep its permit shall have its operating permit revoked.
2. A food establishment whose operating permit has been revoked must obtain a new operating permit and meet all current code requirements. An owner who has an operating permit revoked more than two (2) times during a three (3) year period is ineligible for a new operating permit.

E. Public Display of Grade Cards:

1. Upon initial inspection of a food establishment or if a renovation or other change in the establishment makes the grade card inconspicuous, the regulatory authority shall designate the location for posting the grade card. The grade card shall be located in a conspicuous place where it may be readily observed by the public upon entering the food establishment. If the person in charge of the food establishment objects to the location designated by the regulatory authority then the person in charge may suggest an alternative location which meets the criteria of this Rule.
2. When an inspection of a food establishment is made, the regulatory authority shall remove the existing grade card, issue a new grade card, and post the new grade card in the same location where the grade card was previously posted as long as that location remains conspicuous. The person in charge of the food establishment shall keep the grade card posted at the designated location at all times. The grade card may be posted in another location which meets the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.
3. On a mobile food unit and pushcart, the grade card shall be located where it is visible to the public when purchasing food. The grade card shall be maintained on the mobile food unit and

pushcart and may be removed during transport to operating locations and the person in charge shall repost the grade card in the original location prior to commencing operation.

F. Inspections and Re-inspections:

1. Upon entry into a food establishment, the regulatory authority shall provide identification and the purpose in visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the person in charge, the regulatory authority shall invite an employee to accompany the regulatory authority on the inspection. Following the inspection, the regulatory authority shall offer to review the results of the inspection with the person in charge or employee, as applicable.
2. The grading of food establishments shall be conducted using an inspection form furnished by the regulatory authority. The form shall provide for the following information:
 - a. The name and mailing address of the food establishment
 - b. The name of the permit holder;
 - c. The permit status and score given;
 - d. Standards of construction and operation;
 - e. An explanation for all points deducted;
 - f. The signature of the regulatory authority; and
 - g. The date.
3. The grading of food establishments shall be based on the standards of operation and construction as set forth in **(SCCHC Chapter 1 Regulation 4 and 5)**
4. The Food Establishment Inspection form shall be used to document points assessed for violation of the rules of this Section as follows:
 - a. Violation of Chapter 2 of the Food Code as related to person in charge present, certification by accredited program or performs duties shall equal no more than 2 points.
 - b. Violation of Chapter 2 of the Food Code as related to management awareness, policy present, and allergy awareness shall equal no more than 3 points.
 - c. Violation of Chapter 2 of the Food Code as related to proper use of reporting, restriction, and exclusion shall equal no more than 3 points.
 - d. Violation of Chapters 2 and 3 of the Food Code as related to proper eating, tasting, drinking, or tobacco use shall equal no more than 2 points.
 - e. Violation of Chapter 2 of the Food Code as related to no discharge from eyes, nose, and mouth shall equal no more than 1 point.
 - f. Violation of Chapter 2 of the Food Code as related to hands clean and properly washed shall equal no more than 4 points.
 - g. Violation of Chapter 3 of the Food Code as related to no bare hand contact with ready-to-eat food or approved alternate method properly followed shall equal no more than 3 points.
 - h. Violation of Chapters 5 and 6 of the Food Code as related to handwashing facilities supplied and accessible shall equal no more than 2 points.

- i. Violation of Chapters 3 and 5 of the Food Code as related to food obtained from an approved source shall equal no more than 2 points.
- j. Violation of Chapter 3 of the Food Code as related to food received at proper temperature shall equal no more than 2 points.
- k. Violation of Chapter 3 of the Food Code as related to food in good condition, safe, and unadulterated shall equal no more than 2 points.
- l. Violation of Chapter 3 of the Food Code as related to required records available, shell-stock tags, and parasite destruction shall equal no more than 2 points.
- m. Violation of Chapter 3 of the Food Code as related to food separated and protected shall equal no more than 3 points.
- n. Violation of Chapter 4 of the Food Code as related to food-contact surfaces cleaned and sanitized shall equal no more than 3 points.
- o. Violation of Chapter 3 of the Food Code as related to disposition of returned, previously served, reconditioned, and unsafe food shall equal no more than 2 points.
- p. Violation of Chapter 3 of the Food Code as related to cooking time and temperatures shall equal no more than 3 points.
- q. Violation of Chapter 3 of the Food Code as related to reheating for hot holding shall equal no more than 3 points.
- r. Violation of Chapter 3 of the Food Code as related to cooling time and temperatures shall equal no more than 3 points.
- s. Violation of Chapter 3 of the Food Code as related to hot holding temperatures shall equal no more than 3 points.
- t. Violation of Chapter 3 of the Food Code as related to cold holding temperatures shall equal no more than 3 points.
- u. Violation of Chapter 3 of the Food Code as related to date marking and disposition shall equal no more than 3 points.
- v. Violation of Chapter 3 of the Food Code as related to time as a public health control procedures and records shall equal no more than 2 points.
- w. Violation of Chapter 3 of the Food Code as related to consumer advisory provided for raw or undercooked foods shall equal no more than 1 point.
- x. Violation of Chapter 3 of the Food Code as related to pasteurized foods used and prohibited foods not offered shall equal no more than 3 points.
- y. Violation of Chapter 3 of the Food Code as related to food additives approved and properly used shall equal no more than 1 point.
- z. Violation of Chapter 7 of the Food Code as related to toxic substances properly identified, stored, and used shall equal no more than 2 points.
- aa. Violation of Chapters 3, 4 and 8 of the Food Code as related to compliance with variance, specialized process, and HACCP plan shall equal no more than 2 points.
- bb. Violation of Chapter 3 of the Food Code as related to pasteurized eggs used where required shall equal no more than 1 point.
- cc. Violation of Chapters 3 and 5 of the Food Code as related to water from an approved source shall equal no more than 2 points.
- dd. Violation of Chapter 8 of the Food Code as related to variance obtained for specialized processing methods shall equal no more than 1 point.
- ee. Violation of Chapters 3 and 4 of the Food Code as related to proper cooling methods used or adequate equipment for temperature control shall equal no more than 1 point.
- ff. Violation of Chapter 3 of the Food Code as related to plant food properly cooked for hot holding shall equal no more than 1 point.

- gg. Violation of Chapter 3 of the Food Code as related to approved thawing methods used shall equal no more than 1 point.
 - hh. Violation of Chapter 4 of the Food Code as related to thermometers provided and accurate shall equal no more than 1 point.
 - ii. Violation of Chapter 3 of the Food Code as related to food properly labeled or original container shall equal no more than 2 points.
 - jj. Violation of Chapters 2 and 6 of the Food Code as related to insects and rodents not present or no unauthorized animals or persons shall equal no more than 2 points.
 - kk. Violation of Chapters 3 and 6 of the Food Code as related to contamination prevented during food preparation, storage, and display shall equal no more than 2 points.
 - ll. Violation of Chapter 2 of the Food Code as related to personal cleanliness shall equal no more than 1 point.
 - mm. Violation of Chapters 3 and 4 of the Food Code as related to wiping cloths properly used and stored shall equal no more than 1 point.
 - nn. Violation of Chapters 3 and 7 of the Food Code as related to washing fruits and vegetables shall equal no more than 1 point.
 - oo. Violation of Chapter 3 of the Food Code as related to in-use utensils properly stored shall equal no more than 1 point.
 - pp. Violation of Chapter 4 of the Food Code as related to utensils, equipment, and linens properly stored, dried and handled shall equal no more than 1 point.
 - qq. Violation of Chapter 4 of the Food Code as related to single-use and single-service articles properly stored and used shall equal no more than 1 point.
 - rr. Violation of Chapter 3 of the Food Code as related to gloves used properly shall equal no more than 1 point.
 - ss. Violation of Chapters 3 and 4 of the Food Code as related to equipment, food and non-food contact surfaces approved, cleanable, properly designed, constructed and used shall equal no more than 2 points.
 - tt. Violation of Chapter 4 of the Food Code as related to ware-washing facilities installed, maintained, used, and test strips shall equal no more than 1 point.
 - uu. Violation of Chapter 4 of the Food Code as related to non-food contact surfaces clean shall equal no more than 1 point.
 - vv. Violation of Chapter 5 of the Food Code as related to hot and cold water available and adequate pressure shall equal no more than 2 points.
 - ww. Violation of Chapter 5 of the Food Code as related to plumbing installed and proper backflow devices shall equal no more than 2 points.
 - xx. Violation of Chapter 5 of the Food Code as related to sewage and wastewater properly disposed shall equal no more than 2 points.
 - yy. Violation of Chapters 5 and 6 of the Food Code as related to toilet facilities properly constructed, supplied, and cleaned shall equal no more than 1 point.
 - zz. Violation of Chapters 5 and 6 of the Food Code as related to garbage and refuse properly disposed and facilities maintained shall equal no more than 1 point.
 - aaa. Violation of Chapters 4 and 6 of the Food Code as related to physical facilities installed, maintained, and clean shall equal no more than 1 point.
 - bbb. Violation of Chapters 4 and 6 of the Food Code as related to meets ventilation and lighting requirements and designated areas used shall equal no more than 1 point.
 - ccc. Violation of A.R.S. 36-601.01 Smoke Free Arizona in compliance or out of compliance.
5. In filling out the inspection form, points may be deducted only once for a single occurrence or condition existing within or outside of the food establishment. Deductions shall be based on

actual violations of the rules of this Section observed during the inspection. The regulatory authority shall take zero, one-half, or a full deduction of points depending upon the severity or the recurring nature of the core item violations. Priority items or priority foundation items may be corrected during the inspection and no more than one-half of the total point value shall be deducted when the violation meets the following criteria:

- a. The priority item or priority foundation item violation was not documented on the previous inspection; and
 - b. Correction of the item is documented on the inspection form.
6. At the time of inspection, if a priority item or priority foundation item violation is observed and not corrected, the regulatory authority shall take one-half or a full deduction of points depending upon the severity or the recurring nature of the violation. The regulatory authority shall specify a time frame of no more than ten (10) calendar days to correct the priority items or priority foundation items.
7. In determining whether items or areas of a food establishment are clean for purposes of enforcing the rules set forth in this Section and grading a food establishment, the regulatory authority shall consider, among other things:
- a. The age of the accumulated material;
 - b. The relative percentage of items which are clean and not clean;
 - c. The cleaning practices of the food establishment; and
 - d. The health risk posed by the circumstances.
8. Upon request of the permit holder or his or her representative and after all applicable re-inspection fees have been paid, a re-inspection shall be made. In the case of a food establishment that requests an inspection for the purpose of raising the grade, and that holds an unrevoked permit, the regulatory authority shall make an unannounced inspection within fifteen (15) days from the date of the request.
9. In the case of food establishments that have been closed for failure to comply with the rules of this Section, a re-inspection to consider the issuance or reissuance of a permit shall be made at the earliest convenience of the regulatory authority once all applicable re-inspection fees have been paid.

G. Grading:

1. The grading of food establishments is based on a system of scoring. A food establishment that earns a score of at least:
 - a. 90 percent shall receive a grade of Excellent;
 - b. 80 percent and less than 90 percent shall receive a grade of Good;
 - c. 70 percent and less than 80 percent shall receive a grade of Satisfactory;
 - d. 69 percent and less shall receive a grade of Probationary;

Permits shall be issued a probationary status in accordance with **[SCCHC Chapter 2, Regulation 7(B)]** for food establishments receiving a score of less than 70 percent.

2. The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card shall be approved as meeting the standards in this Paragraph by the department. The rating shall be 1 inch in height. No other public displays representing sanitation level of the establishment may be posted by the regulatory authority, except for sanitation awards issued by the local health department. Sanitation awards shall be in a different color and size from the grade card and must be labeled as an award.
- H. Suspension and reinstatement of permits for temporary, seasonal, or farmers market food establishments.
1. An operating permit will be suspended where priority or priority foundation violations are not corrected immediately.
 2. The operating permit will be reinstated upon successful re-inspection by a health officer.

Regulation 8 – Micro-market requirements; General.

- B. A micro-market may only be located where access can be limited to employees of the business.
- C. The area of a micro-market in which food is displayed is limited to three hundred (300) square feet or less.
- D. All micro-market display units must be certified by an A.N.S.I.-accredited certification program and comply with the National Automatic Merchandising Association Standards (N.A.M.A.S.).
- E. All micro-market display units offering T.C.S. food must have a self-closing door and an automatic shut-off that prevents the equipment from opening when there is a power failure, mechanical failure, or other condition that prevents food from being maintained at safe temperatures. After any automatic shut-off occurs, the equipment may not be used until the equipment is serviced and restocked with food that has been maintained at safe temperatures.
- F. Pre-packaged food items must be appropriately labeled in accordance with § 3-602.11 of the F.D.A. Food Code.

Regulation 9 – Pet friendly patio; General.

- A. A food establishment must obtain a pet friendly patio permit before animals, other than service animals, are allowed in or on the food establishment premises. To obtain a pet friendly patio permit a food establishment must have the following:
1. Separate entrance to the pet friendly patio from the exterior of the food establishment; and
 2. Sign with at least one-half (1/2) inch letters stating, "Pet Friendly Patio – Access only through outdoor patio," posted at the front entrance of the food establishment and easily visible to the public.
- B. A food establishment with a pet friendly patio must comply with the following requirements:

1. No food may be prepared in the pet friendly patio, including mixing drinks and serving ice, however, a beverage glass may be filled in the outdoor patio area from a pitcher or other container that has been filled inside the food establishment.
2. The pet friendly patio must be continuously kept free of visible pet hair, dander, and other pet-related waste and debris.
3. The pet friendly patio must be hosed down or mopped and sanitized with animal-friendly chemicals at the beginning of each shift during which food or beverages are served (breakfast, lunch, dinner, or late hours). If a food establishment has continuous food or beverage service without designated shifts, the pet friendly patio must be hosed down or mopped, and sanitized with animal-friendly chemicals every six (6) hours that the food establishment is open for business, however, such cleaning is not required if no pet has been present on the pet friendly patio since the last cleaning.
4. Waste created from a pet's bodily functions must be immediately cleaned-up with animal-friendly chemicals. The food establishment must provide bags and a bag-lined fly-tight container for the use by customers for pet waste disposal. The contents of the fly-tight container must be disposed of outside of the food establishment in an appropriately covered waste receptacle.
5. Equipment used to clean the pet friendly patio must be kept separate from other cleaning equipment and must not be used in other areas of the food establishment.
6. Employees must not touch or otherwise handle a pet while serving food or beverages or handling tableware.
7. Customers must keep all pets on a short leash or inside of a pet carrier and remain in control of the pets while the pets are in the pet friendly patio.
8. Pets are not allowed on any seat, chair, table, countertop, or similar surface or on a customer's lap while the pets are in a pet friendly patio.
9. Pets shall not be allowed to have contact with re-useable food service dishes or utensils. Pets shall only have contact with disposable single-service containers or pet-owner provided containers that provide food and water to the pets.
10. All pet friendly patio surfaces shall be constructed of materials that are smooth, durable, and easily cleanable.

Regulation 10 – Latex gloves.

Latex gloves may not be used in direct contact with food.

Regulation 11 – Violation; Penalty.

A person violating any provision of the health code is subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

CHAPTER 3 - AQUATIC HEALTH CODE

Regulation 1 - Adoption of aquatic health code.

Title 9, Article 8, §§ 801 through 813 of the A.A.C., including all revisions, technical corrections, and published supplements thereto, are hereby adopted as the county aquatic health code and incorporated herein by reference for the purposes of regulating the management and operation of aquatic facilities or venues, public or semi-public swimming pools or spas (including spa pools and hot tubs), and bathing places, issuing permits, and collecting permit fees, subject to the additions, insertions and changes set forth in Rule 2 below.

Regulation 2 - Insertions and changes.

A. Specific definitions noted below in A.A.C. § R9-8-801 are modified or added as follows:

1. "Aquatic facility" means a physical place that contains an aquatic venue and its support infrastructure.
2. "Aquatic venue" means an artificially constructed structure or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purpose. Such structures do not necessarily contain standing water, so water exposure may occur via contact, ingestion, or aerosolization. Examples include public or semi-public swimming pools or spas (including spa pools and hot tubs), wading pools, wave pools, lazy rivers, surf pools, waterslides, landing pools, spray/splash pads, and other interactive water venues.
3. "Barrier" means a fence, wall, building, or landscaping that obstructs access to an aquatic facility or venue or a public or semi-public swimming pool or spa (including spa pools and hot tubs).
4. "Enclosure" means an uninterrupted constructed feature or obstacle used to surround and secure an area in order to deter or effectively prevent unpermitted, uncontrolled, and unfettered access to the area.
5. "Qualified operator" means a person responsible for the operation and maintenance of the water and/or air quality systems and associated infrastructure of the aquatic facility who has successfully completed a department approved operator training course to operate an aquatic facility.
6. "Renovated" means a major modification to an existing aquatic facility or venue, public or semi-public swimming pool or spa (including spa pools and hot tubs), or bathing place, or any other condition that requires design approval under R18-5-203 of the A.A.C.

B. Additional Requirements.

1. Barriers and enclosures.
 - a. General requirements.

- i. All required barriers and enclosures shall be maintained to prevent unauthorized entry by persons to a protected space.
 - b. Gates and doors.
 - i. All primary public access gates or doors serving as part of an enclosure shall have functional self-closing and self-latching components.
 - ii. Required self-closing and self-latching gates and doors serving as part of a guarded enclosure may be maintained in the open position when the aquatic venue is open and staffed.
- C. Qualified operators.
 - 1. A qualified operator of an aquatic facility shall complete an operator training course approved by the department.
 - 2. A qualified operator shall have a current certificate or written documentation acceptable to the department showing completion of an operator training course.
 - a. Original or copies of the certificate or documentation for each qualified operator employed or contracted by the site shall be available at the aquatic facility for inspection by the department.
 - b. Originals of the certificate or documentation shall be made available to the department upon request.
 - 3. Qualified operator availability.
 - a. A qualified operator shall be on site or immediately available within two (2) hours during all hours of operation at an aquatic facility with a:
 - i. Public swimming pool;
 - ii. Public spa;
 - iii. Variance; or
 - iv. History of non-compliance with the health and/or aquatic health code.
 - b. All other aquatic facilities shall have a contract with a qualified operator for a minimum of two (2) visits per week and for assistance when needed.
 - c. Written documentation of these visits of contracted qualified operators shall be made available to the department upon request.

Regulation 3 - Permit required.

- A. No person shall operate an aquatic facility or venue, public or semi-public swimming pool or spa (including spa pools and hot tubs), or bathing place unless they have a valid permit to do so from

the department and are in compliance with the health and aquatic health code and any other applicable law.

- B. Before a permit to operate is issued, applicants for the permit for a newly constructed or renovated aquatic facility or venue, public or semi-public swimming pool or spa (including spa pools and hot tubs), or bathing place shall demonstrate compliance with Title 18, Chapter 5, Article 2, §§ 201 through 251 of the A.A.C., as follows:
 - 1. Providing a copy of an engineer's certificate of completion (or its functional equivalent) issued by the Arizona Department of Environmental Quality (A.D.E.Q.); or
 - 2. Obtaining an approval from the department following an inspection by the department.

CHAPTER 4 - MANUFACTURED OR MOBILE HOME PARKS AND RECREATIONAL VEHICLE (R.V.) PARKS

Regulation 1 - Scope.

All manufactured or mobile home parks and R.V. or travel trailer parks in the county shall comply with the rules and regulations adopted in Chapters 1 and 4 of the health code and Title 9, Chapter 8, Article 5 of the A.A.C.

Regulation 2 - Definitions.

All definitions adopted in Chapter 1 of the health code and the following specific definitions apply to this chapter:

- A. "Camping trailer" means a canvas folding structure mounted on wheels and designed for travel, recreation, or vacation use.
- B. "Dependent trailer" means a trailer which is dependent upon a service building for toilet and lavatory facilities.
- C. "Garbage container" means metal or approved plastic twenty (20) to thirty (30) gallon containers used to store refuse at individual premises.
- D. "Mobile home" means a transportable, dwelling unit, suitable for year-round occupancy, and containing the same water supply, waste disposal, and electrical conveniences as immobile housing.
- E. "Mobile home lot" means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- F. "Mobile home park" means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations, or R.V. or travel trailer parks. This definition does not apply to a parcel of land in which all mobile homes, R.V.s, or travel trailers thereon are occupied by the owner of the land and his or her immediate family or to areas that local, state, or federal governments provide for recreational purposes or overnight parking, where posted restrictions for use of such areas are provided.
- G. "Mobile home stand" means that part of a parcel of land reserved for the placement of the mobile home or its appurtenant structures and/or additions.
- H. "Motor home" means a portable, temporary dwelling used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle.
- I. "Pick-up coach" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.
- J. "Plumbing" or "plumbing systems" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes, or building drains and shall include their respective joints and connections, devices, receptacles, or appurtenances within the proper lines of the premises, and shall also include potable water piping and water heaters and their vents.
- K. "Recreational vehicle" or "R.V." has the same meaning as in A.R.S. § 33-2102.

- L. "Refuse" means putrescible and non-putrescible solid and semi-solid waste except human excreta and includes garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes.
- M. "Refuse containers" or "rubbish containers" means covered metal containers of a size of one-half (1/2) of a cubic yard or larger, which may be owned by the owner of a parcel of land or a refuse collection agency.
- N. "Sanitary station" means a facility used for removing and disposing of waste from trailer holding tanks.
- O. "Self-contained trailer" means a trailer which can operate independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located on it.
- P. "Service building" means a structure housing toilet, lavatory, and such other facilities as may be required by this chapter of the health code.
- Q. "Service sink" means a slop sink with a flushing rim for the disposal of liquid waste from trailers.
- R. "Sewer connection" means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home park.
- S. "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot or parking space.
- T. "Trailer space" means a parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.
- U. "Trailer stand" means that part of an individual trailer space which has been reserved for the placement of a single trailer and its necessary structures.
- V. "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, or vacation uses, and permanently identified as a travel trailer by its manufacturer and factory equipped for travel on roads. It includes camping trailers, motor homes, and pick-up coaches.
- W. "Travel trailer parking area" means a mobile home park which has been planned for the placement of travel trailers for transient use.
- X. "Water connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home, R.V., or travel trailer.
- Y. "Water riser pipe" means that portion of the water supply system serving the mobile home or R.V. park or travel trailer parking area which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot or travel trailer space.
- Z. "Watering station" means a facility for supplying water storage tanks of trailers with potable water.

Regulation 3 - Permit required.

- A. No person shall operate a mobile home park without holding a current and valid permit to operate issued by the health officer in accordance with Chapter 1 of the health code.
- B. The health officer shall not issue a permit to operate a new or extensively remodeled mobile home park until plans and specifications for the mobile home park have been submitted and approved in accordance with Chapter 1, Regulation 4 of the health code.
- C. The permit shall be posted in a conspicuous place and shall not be removed or moved by anyone except the health officer.
- D. Permits to operate a mobile home park shall be valid for one (1) year from date of issue or as otherwise specified by the health officer and shall be renewed in accordance with the requirements of Chapters 1 and 4 of the health code.

Regulation 4 – Permit; Suspension.

- A. The health officer may, without prior warning or notice, suspend any permit to operate a mobile home park if any of the following occurs:
 - 1. The holder of the permit does not comply with requirements of the health code;
 - 2. The operation of the mobile home park does not comply with the requirements of this chapter;
 - 3. The operation of the mobile home park creates a substantial hazard to public health; or
 - 4. The water, gas, and/or electrical services to the mobile home park are suspended.
- B. Any person who has been adversely affected by the actions of the health officer may appeal the action in accordance with Chapter 1, Regulation 13 of the health code.

Regulation 5 - Inspection.

An inspection of a mobile home park may be performed at least one (1) time per year. Additional inspections shall be performed as often as necessary to enforce the provisions of the health code.

Regulation 6 - Access.

The health officer or representatives of the health officer, after properly identifying themselves, shall be permitted to enter a mobile home park at any time for the purpose of making inspections to enforce or determine compliance with the health code.

Regulation 7 - Record of inspection.

Whenever an inspection of a mobile home park is made, the findings of the health officer or representatives of the health officer shall be recorded on an inspection form that summarizes the applicable requirements of the health code.

Regulation 8 - Exemptions.

This chapter of the health code does not apply to mobile home subdivisions, as defined in A.R.S. § 32-2101, which have been subdivided in accordance with all applicable local or state laws.

Regulation 9 - Food service requirements.

- A. The storage, preparation, and serving of food by a food establishment at the mobile home park shall comply with the requirements of Chapter 2 of the health code.
- B. A separate inspection shall be made of the food establishment in accordance with Chapter 2 of the health code.
- C. This regulation does not apply to "pot luck" gatherings of the park tenants or guests.

Regulation 10 - Drinking water – Ice.

- A. Where drinking fountains are provided, the fountain shall feature a stream of water projected at an angle towards a person’s mouth and a guard preventing the mouth from being placed directly against the orifice projecting the stream of water from the fountain. The orifice is not permitted to be submerged. The bowl of the fountain shall be constructed of non-absorbent, easily cleanable material.
- B. Ice shall be obtained from a public water system or private well approved by the Arizona Department of Water Resources (A.D.W.R.) and shall be stored and handled so as to prevent its contamination.
- C. Ice-making or dispensing equipment shall meet the requirements of Chapter 2 of the health code.

Regulation 11 - Water supply.

- A. General.
 - 1. Each mobile home park shall be provided with an adequate and safe water supply from an approved source. Whenever a mobile home park finds it necessary to develop a new source or sources of supply, complete plans and specifications of the proposed water system shall be submitted to the health officer in accordance with Chapter 1 of the health code for his or her prior approval before any construction is started.
- B. Source of Supply.
 - 1. Every well or suction line of a water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. The following minimum distances between wells and various sources of contamination are required:

Contamination Source	Distance to Well or Suction Line (in Feet)
Building Sewer	50
Disposal Field	100
Dry Well	50
Seepage Pit	100
Septic Tank	50

2. No well-casing, pumping machinery, or suction pipes shall be placed in any pit, room, or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed unless such room, whether above or below ground, has free drainage by gravity to the surface of the ground.
3. The treatment of a private water supply shall be in accordance with applicable laws and regulations. Private water systems must be tested bi-annually for bacteria, nitrates, nitrites, and meet the water quality standards for such tests as set by the Arizona Department of Environmental Quality (A.D.E.Q.) for a Public Water System starting at time of license renewal.

C. Water Storage Facilities.

1. All water storage reservoirs shall be covered, watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

D. Water Distribution System.

1. The water supply system of the mobile home park shall be connected to all mobile homes or travel trailers, buildings, and other facilities requiring water.
2. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the health officer.
3. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.
4. The system shall be designed and maintained to provide a pressure of not less than twenty (20) pounds per square inch under normal operating conditions at service buildings and other locations requiring potable water supply.

E. Water Supply.

1. The water supply shall be capable of supplying a minimum of one hundred and fifty (150) gallons per day per mobile home.

F. Individual Water-Riser Pipes and Connections.

1. Individual water-riser pipes shall be located within the confined area of the mobile home lot or trailer space at a point where the water connection will approximate a vertical position.
2. On new construction or where extensive remodeling is done, water riser pipes shall be at least three-quarters (3/4) of an inch in diameter. The water outlet shall be capped when a trailer coach does not occupy the trailer space.
3. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
4. Underground stop and waste valves shall not be installed on any water service.

Regulation 12 - Sewage disposal.

A. General.

1. The liquid wastes from all mobile home parks shall be discharged into a public sewerage system, in compliance with applicable local ordinances or codes, or into separate sewage disposal facilities approved by the health officer.
2. Separate sewage disposal facilities will not be approved where, in the opinion of the health officer, a public sewer is available.
3. Where separate sewage disposal facilities are proposed, the design, construction, and operation of such systems shall be in accordance with the health code. Plans and specifications for such systems shall be submitted to the health officer and approval received prior to the start of construction.
4. No sewage treatment plant effluent, swimming pool wastewater, or other wastewater shall be deposited on the ground except in a manner approved by the health officer.

B. Individual sewer connections.

1. On all new construction or extensive remodeling, the sewer riser pipe shall have at least a nominal inside diameter of four (4) inches and shall be trapped below the ground surface and shall be so located on the mobile home lot or trailer space that the sewer connection to the trailer coach drain outlet will approximate a vertical position.
2. The sewer connection (as defined in Chapter 4 Regulation 2 of the health code) shall have a nominal inside diameter of at least three (3) inches and the slope of any portion thereof shall be at least one-fourth (1/4) of an inch per foot. The sewer connection shall consist of one pipeline only without any branch fittings. All joints shall be watertight.
3. All materials used for sewer connections shall be semi-rigid, corrosive-resistant, non-absorbent, and durable. The inner surface shall be smooth.
4. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser.

Regulation 13 - Refuse storage, collection, and disposal.

- A. The storage, collection, and disposal of refuse in all mobile home parks shall be in accordance with the health code and shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, fire hazards, or air pollution. Outside storage areas or enclosures shall have dumpsters stored on a smooth non-absorbent material.
- B. The owner or operator of any mobile home park shall be responsible for the removal of any animal excreta and other refuse accumulated on common areas of the mobile home park or mobile home lots and vacant trailer spaces. On any occupied trailer space or mobile home lot, such removal shall be the responsibility of the occupant of the trailer or mobile home located at that space.
- C. All refuse shall be stored in fly-tight, watertight, and rodent-proof containers. Containers shall be provided in sufficient numbers and capacities to properly store all refuse awaiting collection.
- D. Garbage containers, if used, shall be maintained free of odors and be equipped with tight-fitting covers. Garbage containers shall be maintained so that they do not create a public nuisance.

- E. All refuse containers shall be cleaned as often as necessary to prevent a public nuisance.
- F. Refuse collection stands shall be provided for all refuse containers and shall be designed to prevent containers from being tipped, so as to minimize spillage and container deterioration and to facilitate cleaning around them.
- G. All refuse shall be collected at least two (2) times per week. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

Regulation 14 - Insect and rodent control.

- A. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health officer.
- B. Mobile home parks shall be maintained free of accumulations of debris which may provide insect and rodent harborage and infestation or breeding places for flies, mosquitoes, and other pests.
- C. Storage areas shall be maintained so as to prevent insect and rodent harborage and infestation. Lumber, pipe, and other building material shall be properly stored so as to prevent insect and rodent harborage and infestation.
- D. Where the potential for insect and rodent harborage and infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- E. The growth of brush, weeds, and grass shall be controlled to prevent the infestation and harborage of ticks, chiggers, and other noxious insects. Mobile home parks shall be maintained so as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Regulation 15 - Grounds requirements and maintenance.

- A. The minimum size of mobile home spaces and the minimum space between mobile homes and travel trailers shall be in compliance with the requirements of the county planning and zoning code and that of other agencies of the county and any applicable incorporated cities and towns within the county.
- B. Grounds maintenance.
 - 1. Grounds of all mobile home parks shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - 2. Grounds of all mobile home parks shall be kept clean and free of accumulations of refuse, animal excreta, and debris.
 - 3. There shall be no evidence of fly, roach, mosquito, or rodent infestation, harborage, or breeding.

4. Conditions of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the property’s occupants. No portions of the property subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that may expose persons or property to hazards.
5. The ground surface in all parts of every mobile home stand or travel trailer space shall be graded and equipped to drain all surface water in a safe, efficient manner.

Table Regulation 16 – FIXTURE REQUIREMENTS

Parking Spaces*	Toilets		Urinals	Lavatories		Showers		Other Fixtures**
	Men	Women	Men	Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1	1 Service sink with a flushing rim***
16-30	1	1	1	1	1	1	1	
31-45	2	2	1	3	3	1	1	
46-60	2	3	2	3	3	2	2	
61-80	3	4	2	4	4	2	2	
81-100	3	4	2	4	4	3	3	
* Parking spaces for dependent trailers.								
** Additional fixtures including laundry trays, clothes—washing machines (one [1] for every thirty [30]).								
*** A service sink with a flushing rim shall be provided for disposal of liquid wastes unless a sanitary station is conveniently accessible for this purpose.								

Regulation 16 - Service building and other community service facilities.

- A. General. The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities of a manufactured or mobile home park or R.V. park, such as:
 1. Management office;
 2. Repair shops;
 3. Storage areas;
 4. Sanitary facilities;
 5. Laundry facilities;
 6. Indoor recreation areas; or
 7. Commercial uses supplying essential goods or services for the exclusive use of park occupants.
- B. Service buildings.

1. A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in mobile home parks which provide spaces for dependent trailers. Service buildings shall be conveniently located with a radius of approximately two hundred (200) feet to the spaces to be served in accordance with, "Table Regulation 16 - Fixture Requirements," above.
 2. For parking areas having more than one hundred (100) travel trailer spaces there shall be provided:
 - a. One (1) additional toilet and lavatory for each sex per each additional thirty (30) travel trailer spaces;
 - b. One (1) additional shower for each sex per each additional forty (40) travel spaces; and
 - c. One (1) additional men's urinal per each additional one hundred (100) travel trailer spaces.
 2. When a mobile home park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities at the park shall exceed those required by the schedule for trailer spaces and shall instead be based on the total number of persons using such facilities.
 3. Where a park is designed for and exclusively limited to use by self-contained trailers, no public sanitary facilities shall be required.
- C. Exemptions. Any person desiring to furnish temporary facilities for accommodating a travel trailer rally or other group of trailers assembled for the purpose of group travel, shall apply to the health officer for a permit to engage in such activity. The requirements for a service building and other sanitary physical facilities may be waived by the health officer if he or she determines that public health will not be endangered. Nevertheless, the location of the site, the facilities which are provided, and the method of conducting such rally must be acceptable to the health officer before he or she issues a permit specifying the location of the site. The period of operation of the rally or group assembly shall not exceed ten (10) days.

Regulation 17 - Structural requirements of buildings.

- A. All portions of the structure shall be properly protected from damage by ordinary uses, decay, corrosion, termites, and other destructive elements. Exterior portions of the structure shall utilize materials and construction methods that prevent the entrance and penetration of moisture and weather precipitation.
- B. All rooms containing sanitary or laundry facilities shall have:
 1. Sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall either be constructed of dense, non-absorbent, and waterproof material or covered with moisture-resistant material;
 2. At least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them; and
 3. Either at least one (1) easily opened window or a mechanical device that adequately ventilates the room.

- C. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- D. Illumination levels shall be maintained as follows:
 - 1. General seeing tasks: Five foot candles.
 - 2. Laundry room work area: Forty foot (40) candles.
 - 3. Toilet room, in front of mirrors: Forty (40) foot candles.
- E. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.
- F. Cooking shelters, barbecue pits, fireplaces, and wood-burning stoves shall be located, constructed, maintained, and used to minimize fire hazards and prevent a public nuisance, both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Regulation 18 - Responsibility of park management.

- A. The permit holder shall operate the mobile home park in accordance with the requirements of this chapter and shall provide adequate supervision to maintain the mobile home park, its facilities, and equipment in good repair and sanitary condition.
- B. The mobile home park management shall notify all occupants of all applicable rules and regulations of this chapter of the health code and inform them of their duties and responsibilities under this chapter.
- C. The mobile home park management shall supervise the placement of each mobile home stand, which includes securing its stability and installing all utility connections.
- D. The mobile home park management shall notify the health officer immediately of the name of any occupant or employee suspected or known to have a communicable or contagious disease within the park.

Regulation 19 - Responsibility of park occupant.

- A. All mobile home park occupants shall comply with all applicable rules and regulations of this chapter of the health code and shall maintain their trailer coach space, its facilities, and its equipment in good repair and in a clean and sanitary condition.
- B. All mobile home park occupants shall be responsible for the proper placement of their mobile home on its stand and proper installation of all utility connections in accordance with the instructions of the mobile home management.
- C. No owner or person in charge of a dog, cat, or other animal shall permit it to run at large or to create a public nuisance while in the limits of any mobile home park.

Regulation 20 - Travel trailer parks.

A. Water supply.

1. Each travel trailer parking area shall be provided with one (1) or more easily accessible water supply outlets for filling trailer water storage tanks.
2. Such water supply outlets shall consist of at least one (1) water hydrant and the necessary appurtenances thereto and shall be protected against the hazards of backflow and back siphonage.

B. Sewer connections.

1. Pipe used for sewer connections shall be of a type and size approved by the health officer.

C. Sewage disposal.

1. Travel trailer park sewage disposal may be accomplished by the following methods:
 - a. A sewer connection at each parking area; or
 - b. The use of sanitary stations.
2. A sanitary station shall consist of at least a trapped, four (4) inch nominal inside diameter sewer riser pipe.
3. Each travel trailer parking area shall be provided with a sanitary station in the ratio of one (1) for every one hundred (100) trailer spaces or fractional part thereof.
4. Sanitary stations shall be screened from other activities by visual barriers such as fences, walls, or natural growth and shall be separated from any trailer space by a distance of at least fifty (50) feet.
5. Under no circumstances will sinks or holding tanks be discharged to the surface of the ground.

D. Temporary travel trailer sites and rallies.

1. Any person desiring to furnish temporary facilities for accommodating a travel trailer rally or other group of trailers assembled for the purpose of group travel, shall apply to the health officer for a permit to engage in such activity. The requirements for a service building and other sanitary physical facilities may be waived by the health officer if he or she determines that public health will not be endangered. Nevertheless, the location of the site, the facilities which are provided, and the method of conducting such rally must be acceptable to the health officer before he or she issues a permit specifying the location of the site. The period of operation of the rally or group assembly shall not exceed ten (10) days.

Regulation 21 – Violation; Penalty.

Any person violating any regulation adopted in this chapter of the health code shall be subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

CHAPTER 5 – LODGING ESTABLISHMENTS

Regulation 1 - Scope.

All hotels, motels, bed and breakfasts, and tourist courts in the county shall comply with all the sections and subsections adopted in Chapter 1 of the health code, Title 9, Chapter 8, Article 13 of the Arizona Administrative Code (A.A.C.), and the specific sections adopted in this chapter of the health code.

Regulation 2 - Definitions.

All definitions adopted in Chapter 1 of the health code and the following specific definitions apply to this chapter:

- A. "Dwelling unit" means any suite, room, cottage, bedroom, or any other unit established by a hotel, motel, or tourist court for temporary occupancy by a person or persons.
- B. "Hotel," "motel," "bed and breakfast," or "tourist court" means any place of two (2) or more dwelling units where sleeping accommodations are available to a person or persons for occupancies of less than seven (7) days.
- C. "Plumbing" or "plumbing systems" means and includes the water supply distributing pipes, fixtures, fixture traps, soil, waste pipes, vent pipes, and building drains with their devices, appurtenances, and connections either within or adjacent to the hotel, motel, or tourist court.
- D. "Refuse" means all putrescible and non-putrescible solid and semi-solid wastes except human excreta but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes.

Regulation 3 - Permit required.

- A. No person shall operate a hotel, motel, or tourist court without holding a current and valid permit to operate one issued by the health officer in accordance with Chapter 1 of the health code.
- B. The health officer shall not issue a permit to operate until plans and specifications for the hotel, motel, or tourist court have been submitted to and approved by him or her in accordance with Chapter 1 of the health code.
- C. The permit shall be posted in a conspicuous place and shall not be removed or moved except by the health officer.
- D. Permits to operate a hotel, motel, or tourist court shall be valid for one (1) year from date of issuance unless otherwise specified by the health officer and shall be renewed in accordance with the requirements of this chapter and Chapter 1 of the health code.

Regulation 4 - Permit—Suspension.

- A. The health officer may, without warning or notice, suspend any permit to operate a hotel, motel, or tourist court if the:
 - 1. Holder of the permit does not comply with the requirements of this chapter;

2. Operation of the hotel, motel, or tourist court does not comply with the requirements of this chapter of the health code;
3. Operation of the hotel, motel, or tourist court constitutes a substantial hazard to public health;
or
4. Water, gas, and/or electricity services to the facility are suspended.

- B. Any hotel, motel, or tourist court may appeal the health officer's action in accordance with Chapter 1, Regulation 13 of the health code.

Regulation 5 - Inspection.

An inspection of each hotel, motel, or tourist court shall be performed at least one (1) time per year. Additional inspections shall be performed as often as necessary for the enforcement of this chapter of the health code.

Regulation 6 - Access.

Representatives of the health officer, after presenting county-issued identification, shall be permitted to enter any hotel, motel, or tourist court at any time during its regular business hours for the purpose of making inspections to determine if the provisions of the health code are being complied with.

Regulation 7 - Record of inspection.

- A. Whenever an inspection of a hotel, motel, or tourist court is made, the findings shall be recorded on an inspection form by the health officer. The inspection form shall summarize the applicable requirements of the health code.
- B. A copy of the completed inspection form shall be furnished to the person in charge of the hotel, motel, or tourist court at the conclusion of the inspection.

Regulation 8 - Food service requirements.

A. Compliance.

1. The storage, preparation, and serving of food shall comply with the requirements of Chapter 2 of the health code.
2. A separate inspection shall be made of the food operation in accordance with Chapter 2 of the health code.

B. Drinking water—Ice.

1. Where drinking fountains are provided, the fountain shall feature a stream of water projected at an angle towards the mouth of a person and a guard preventing the mouth from being placed directly against the orifice projecting the stream of water. The orifice is not permitted to be submerged. The bowl of the fountain shall be constructed of non-absorbent, easily cleanable material.

2. All glasses and multi-use utensils furnished to each dwelling unit shall be cleaned and sanitized in an approved manner after each occupancy. Single-service paper and plastic drinking utensils may be used.
3. Ice shall be obtained from a source approved by the department and shall be stored and handled in such a manner as to prevent contamination.
4. Ice-making or dispensing equipment shall meet the requirements of Chapter 2 of the health code.

Regulation 9 - Refuse disposal.

- A. All refuse shall be disposed of in accordance with the requirements of the health code.
- B. The owner or operator of any hotel, motel, or tourist court shall be responsible for the removal of refuse, debris, animal excreta, and any other refuse accumulated on the premises of the hotel, motel, or tourist court.
- C. Garbage containers shall be thoroughly cleaned as often as necessary to prevent a public nuisance.
- D. Outside storage areas or enclosures shall have dumpsters stored on a smooth, non-absorbent material.
- E. All refuse containers shall be maintained in good repair and kept tightly covered.

Regulation 10 - Grounds maintenance.

- A. Grounds of hotels, motels, and tourist courts shall be properly drained.
- B. Grounds of hotels, motels, and tourist courts shall be kept clean and free of accumulations of refuse, debris, animal excreta, and any other refuse accumulated on its premises.
- C. There shall be no evidence of fly, roach, mosquito, or rodent breeding or infestation.

Regulation 11 - Dwelling units—Ventilation and maintenance.

- A. Dwelling units shall be of sufficient size to afford ample circulation of air and freedom of movement, however, a minimum of one hundred (100) square feet of floor area shall be provided for each unit exclusive of its bathroom, closet, kitchen, and any similar ancillary facilities.
- B. Floors of all rooms shall be of such construction so as to be easily cleaned and shall be kept clean and in good repair.
- C. The walls and ceilings of all rooms shall be of a finish that will permit easy cleaning and they shall be kept clean and in good repair.
- D. Where windows are relied upon to provide ventilation to the dwelling unit, the minimum area of the windows shall be equal to at least twenty (20) percent of the unit's floor area exclusive of its bathroom, closet, kitchen, and any similar ancillary facilities.
- E. A minimum of twenty-five (25) percent of the dwelling unit's window area shall be capable of being opened unless some other satisfactory means of ventilating the unit is provided.

- F. Dwelling unit windows capable of being opened shall be effectively screened.
- F. Furniture, drapes, carpets, and other accessories of the dwelling unit shall be kept clean and in good repair.
- G. Dwelling units shall be maintained free of insects, rodents, and other vermin.
- H. The provisions of A.R.S. Title 36, Chapter 13, Article 2 relating to gas appliances shall be met.

Regulation 12 - Bedding.

- A. The beds, mattresses, pillows, and bed linen (e.g., sheets, pillow slips, blankets, etc.) used in all hotels, motels, and tourist courts shall be kept clean and free of insects, rodents, and other vermin and shall be maintained in good repair and properly stored when not in use.
- B. Each bed, bunk, cot, or other sleeping place shall be provided with pillow slips and under and top sheets for the use of persons. Sheets and pillow slips shall be adequately sized to completely cover the mattress and pillow.
- C. Clean linen shall be provided to each new guest and shall be changed at least two (2) times each week when the guest's occupancy exceeds one week.

Regulation 13 - Toilet and lavatory requirements.

- A. Toilet, lavatory, and bathing facilities—Cleanliness and maintenance.
 - 1. Adequate and convenient toilet, lavatory, and bathing facilities shall be provided in the dwelling units of all hotels, motels, and tourist courts and they shall be maintained in a safe and sanitary condition at all times.
 - 2. Toilet, lavatory, and bathing facilities shall be well-lighted and well-ventilated.
 - 3. Floors of all toilet, lavatory, and bathing facilities shall be of easily cleanable construction, kept clean, and in good repair and, where necessary, slope to properly located drains.
 - 4. Walls and ceilings of all toilet, lavatory, and bathing facilities shall be of easily cleanable construction and be kept clean and in good repair.
 - 5. Hot and cold water and soap shall be provided in all toilet, lavatory, and bathing facilities.
 - 6. Clean individual towels shall be furnished for each guest in all toilet, lavatory, and bathing facilities.
- B. Central toilet rooms—Cleanliness and maintenance
 - 1. Separate and plainly marked central toilet rooms for each sex may be provided by hotels, motels, and tourist courts in addition to the toilet, lavatory, and bathing facilities they are required to have in each of their dwelling units. Hotels, motels, and tourist courts with central toilet rooms are still required to comply with Regulation 13, subsection A of this chapter of the health code, above.

2. Central toilet rooms shall provide not less than one (1) toilet and one (1) lavatory. At least one (1) urinal shall be provided in each central toilet room designated for men
3. Central toilet rooms shall be well-lighted and well-ventilated. Where gravity or mechanical ventilation is provided, the ventilation ducts for the toilet rooms shall not be connected into ventilation ducts from or to any dwelling unit.
4. Floors of all central toilet rooms shall be of easily cleanable construction, kept clean, and in good repair and, where necessary, slope to properly located drains.
5. Walls and ceilings of all central toilet rooms shall be of easily cleanable construction and be kept clean and in good repair.
6. Hot and cold water and soap shall be provided in all central toilet rooms.
7. Department approved hand-drying devices such as disposable paper towels or hand dryers shall be available for each guest in all central toilet rooms.

Regulation 14 - Water supply approval required.

- A. Each hotel, motel, or tourist court shall be provided with an adequate and safe water supply from an approved source. Whenever a hotel, motel or tourist court finds it necessary to develop a source or sources of supply, complete plans, and specifications of the proposed water system shall be submitted to Arizona Department of Environmental Quality (A.D.E.Q.) for prior approval before any construction is started.
- B. The treatment of a private water supply shall be in accordance with applicable laws and regulations. Private water systems must be tested bi-annually for bacteria, nitrates, nitrites, and meet the water quality standards for such tests as set by the Arizona Department of Environmental Quality (A.D.E.Q.) for a Public Water System starting at time of license renewal.

Regulation 15 - Sewage disposal.

- A. The liquid wastes from all hotels, motels, or tourist courts shall be discharged into a public sewerage system in compliance with applicable local ordinances or codes or into separate sewage disposal facilities approved by the health officer.
- B. Separate sewage disposal facilities will not be approved where, in the opinion of the health officer, a public sewer is available.
- C. Where separate sewage disposal facilities are proposed, the design, construction, and operation of such systems shall be in accordance with the health code. Plans and specifications for such systems shall be submitted to the health officer and approval received from him or her prior to the start of construction.
- D. No sewage treatment plant effluent, swimming pool waste, or other waste water shall be deposited on the ground except in a manner approved by the health officer.

Regulation 16 - Notification of disease.

- A. The owner or operator of a hotel, motel, or tourist court shall report to the health officer the name of any guest or employee suspected or known to have a contagious disease in accordance with A.R.S. § 36-622.

- B. Every dwelling unit, after being occupied by a person known or suspected of having a contagious disease, shall be rendered non-contagious by disinfection, fumigation, or by other treatment methods as specified by the health officer before any further occupancy occurs.

Regulation 17 – Violation; Penalty.

Any person violating any provisions adopted in this chapter shall be subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

CHAPTER 6 - SCHOOLS

Regulation 1 – Adoption of school code.

Title 9, Chapter 8, §§ 701 through 711 of the Arizona Administrative Code (A.A.C.), including all revisions, technical corrections, and published supplements thereto, are hereby incorporated herein by reference and adopted as the county School Code for regulating the design, construction, management, and operation of public school facilities, and the issuance of permits and collection of permit fees, subject to the insertions and changes set forth in Regulation 2 of this chapter of the health code, below. Copies of the above-referenced A.A.C. rules are available from the Arizona Secretary of State.

Regulation 2 – Insertions and changes.

The material incorporated by reference in Regulation 1 of this chapter of the health code, above, is modified as follows:

- A. The specific definition in A.A.C. § R9-8-701 is modified as follows: “Department” means the county health services department.

Regulation 3 – Permit required.

No person shall operate a school without a valid permit to do so from the department or without complying with the health code and any other applicable state or county regulation.

Regulation 4 – Plans required.

No school shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the construction, alteration, or premises have been submitted to and approved by the department. Any construction, alteration, or addition to a school shall be made in accordance with the plans and specifications approved by the department. The owner or operator of the school, or an authorized agent of either, shall certify in writing that the plans and specifications comply with Title 9, Chapter 8 of the A.A.C.

Regulation 5 – Violation; Penalty.

Any person violating any provision of this chapter of the health code shall be subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

CHAPTER 7 - CAMPS AND CAMPGROUNDS

Regulation 1 – Adoption of camp ground code.

Title 9, Chapter 8, §§ 601 through 617 of the Arizona Administrative Code (“A.A.C.”), including all revisions, technical corrections, and published supplements thereto, are hereby incorporated herein by reference and adopted as the county Camps and Campgrounds Code for regulating the design, construction, management, and operation of camps and campgrounds and the issuance of permits and collection of permit fees, subject to the insertions and changes set forth in Regulation 2 of this chapter of the health code, below. Copies of the above-referenced A.A.C. rules are available from the Arizona Secretary of State.

Regulation 2 – Permit—Required.

No person shall operate a camp or campground without a valid permit to do so from the department or without complying with the health code and any other applicable state or county regulation.

Regulation 3 – Plans—Required.

No camp or campground shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the construction, alteration, or addition have been submitted to and approved by the department. Any construction, alteration, or addition to the camp or campground shall be made in accordance with the plans and specifications approved by the department. The owner or operator of the camp or campground, or an authorized agent of either, shall certify in writing that the plans and specifications comply with Title 9, Chapter of the A.A.C.

Regulation 4 – Violation; Penalty.

Any person violating any provision of this chapter of the health code shall be subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

CHAPTER 8 - RODENTS, INSECTS, AND VERMIN

Regulation 1 – Definitions.

- A. "Infestation" means a presence of vermin sufficient to materially affect public health and safety.
- B. "Vermin" means rodents, lice, bedbugs, roaches, flies, or other animals or arthropods.

Regulation 2 – Infestation or harborage.

- A. Infestation or harborage of vermin in or about any residential or non-residential building or structure is hereby declared to be dangerous to public health.
- B. No person shall cause, maintain, or permit the infestation or harborage of vermin in or on a residential or non-residential building or structure.
- C. The owner, occupant, or person in control of a residential or non-residential building or structure shall take all reasonable measures to prevent the infestation or harborage of vermin therein.
- D. If infestation or harborage of vermin occurs, the owner, occupant, or person in control of a residential or non-residential building or structure shall take all necessary and proper steps to eliminate the infestation or harborage and to prevent its recurrence.

Regulation 3 – Mosquitoes.

- A. No person shall cause, maintain or permit any accumulation of water in which mosquitoes breed or are likely to breed.
- B. The owner, occupant, or person in control of any place where mosquitoes are breeding shall take all necessary and proper steps to eliminate the mosquito breeding and to prevent its recurrence.

Regulation 4 – Honeybees.

- A. Any condition or place that constitutes a feral colony of honeybees not currently maintained by a beekeeper and poses a health or safety hazard to the public is hereby declared to be a public nuisance and dangerous to public health.
- B. The owner, occupant, or person in control of any place where a feral colony of honeybees not currently maintained by a beekeeper is present shall take all necessary and proper steps to eliminate the infestation and harborage of the honeybees and to prevent its recurrence.

Regulation 4 – Violation; Penalty.

Any person violating any provision adopted in this chapter of the health code shall be subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

CHAPTER 9 - ANIMALS

Regulation 1 - Definitions.

- A. "Animal" means all non-human mammals, livestock, birds, fowls, and reptiles.
- B. "Animal venue" means fair, educational farm, petting zoo, or similar event where public contact with animals may occur.
- C. "Piggery" means a place where swine are kept, such as a pigsty.
- D. "Populous district" means a neighborhood with an average density of two (2) or more families per acre.

Regulation 2 – Keeping of animals.

- A. All animals shall be kept and maintained in a manner that does not create a public nuisance.
- B. Piggeries
 - 1. No piggery shall be built or maintained on:
 - a. Marshy ground or land subject to overflow;
 - b. Within two-hundred (200) feet of any stream, canal, or other water supply source; or
 - c. Within three-hundred (300) feet of an inhabited house or public meeting house on an adjoining property.
 - 2. When garbage is fed to swine, it must be heat-treated in accordance with Arizona Administrative Code (A.A.C.) § R3-2-302 and any other applicable law.
 - 3. All garbage unconsumed by the swine shall be removed daily and disposed of in accordance with any applicable law.
 - 4. No organic material offering harborage for flies shall be allowed to accumulate on the piggery.
 - 5. All garbage shall be handled and fed to the swine upon platforms of concrete or some other impervious material.
 - 6. Un-slaked lime, hypochlorite of lime, borax, mineral oil, or other measures approved by the department shall be used daily and sufficiently to prevent a public nuisance.
 - 7. In populous districts, any corral, barn enclosure, or other structure for the purpose of housing, keeping or caring for any animal or animals shall be fifty (50) feet away from all property lines unless it is a fly-tight enclosure approved by the department.
 - 8. Any animal weighing over one-hundred (100) pounds shall be restricted from coming within one-hundred (100) feet of any dwelling or any person or persons on adjacent properties.

Regulation 3 – Animal venues.

- A. The following species of animals are prohibited from being displayed in an animal venue:
 - 1. Non-human primates;
 - 2. Deer mice or other wild mice of the genus *peromyscus*;
 - 3. Wild or feral animals such as bats, skunks, raccoons, foxes, wolf-hybrids, or coyotes except when they are used for an educational display under A.A.C. § R12-4-401 by a person who has complied with provisions of Article 4, Title 12 of the A.A.C., obtained a permit or license issued by the Arizona Game and Fish Department, and is experienced in handling the animal; or
 - 4. Any other animal determined by the department based on an existing public health concern.
- B. All animals shall be kept and maintained in a manner that does not create a public nuisance.
- C. Animals must have up-to-date vaccinations appropriate to their species.
 - 1. If the animal is a dog, cat, or ferret, it must have current immunization against rabies and this must be documented by one of the following forms of proof:
 - a. A dog license issued by a state or county agency;
 - b. A rabies immunization certificate from a veterinarian licensed under Title 3, Chapter 11 of the A.A.C.; or
 - c. A receipt for veterinary services showing the administration of a rabies vaccine.
- D. Animals must be provided with adequate food and potable water.
- E. Guidelines
 - 1. The venue shall be designed with animal areas, non-animal areas, and transition areas between the animal and non-animal areas.
 - 2. Signs shall be posted in transition areas informing visitors of the following:
 - a. The location of hand-washing sinks;
 - b. That contact with animals, animal areas, and/or animal feces may be associated with an increased risk of disease, especially for young children; and
 - c. That eating and drinking is prohibited in animal areas.
 - 3. Staff members shall be assigned to monitor animal contact areas.
 - 4. Animal areas shall be kept clean to limit public contact with manure and animal bedding.
 - 5. Feeding of animals should only occur where it can be controlled (e.g., over a barrier).
 - 6. Hand-washing stations shall be located at the exit of animal areas and must:
 - a. Have potable water, soap, and department approved hand-drying devices such as disposable paper towels or hand dryers;

- b. Be accessible to children; and
- c. Approved hand sanitizer may be provided in addition to hand-washing stations but not in lieu of hand-washing stations.

Regulation 4 – Manure storage and disposal.

- A. Manure must be completely removed from stables, yards, or other animal enclosures one (1) time per week, or as often as necessary to maintain a sanitary condition.
- B. Manure shall be disposed of by sanitary landfill, composting, or incineration, or it may be used as fertilizer in a manner that does not create insect breeding or create a public nuisance.
- C. Adequate fly-tight containers approved by the department must be provided for the storage of manure unless it is completely removed from the premises one (1) time per week or in another manner approved by the department.
- D. Manure shall not be accumulated in any place where it can affect a source of drinking water or create a public nuisance.

Regulation 5 – Water and feed.

- A. Drinking water troughs must be provided with overflow drainage and the overflow drainage must not create a public nuisance.
- B. Spillage and leftovers from animal feeding must be disposed of in a manner that does not create a public nuisance.

Regulation 6 – Disposal of dead animals.

- A. Routine disposal of dead animals shall occur in accordance with A.A.C. § R18-13-311. A carcass of a deceased animal must be disposed of within seventy-two (72) hours of the animal's death or the discovery of the carcass, whichever is earlier, in order to prevent a public nuisance.
- B. The following are acceptable methods for the routine disposal of carcasses:
 - 1. Burial
 - a. A carcass may be disposed of by burial on the property where the animal died if this is done with the approval of the property owner. Animals that have died off of the owner's property may be moved onto the owner's property for disposal purposes.
 - b. A carcass must be buried to such a depth that no part of it is nearer than three (3) feet to the natural surface of the ground. Every part of the carcass must be covered with at least three (3) feet of soil within twenty-four (24) hours of its placement in the ground.
 - c. Carcass burial must be:
 - i. At least one-hundred (100) feet from any well, spring, or body of surface water, such as a river, stream, lake, or pond, or at least fifty (50) feet from an intermittent stream;
 - ii. At least one-hundred (100) feet from any residence not owned by the owner of the

animal that makes up the carcass;

- iii. At least fifty (50) feet from any property line;
 - iv. Not in a low-lying area subject to seasonal flooding;
 - v. Within a one-hundred (100) year flood plain; or
 - vi. In any manner that will impact ground water.
- d. Each burial site is limited to one-thousand (1,000) pounds of carcasses or one (1) livestock animal weighing more than one thousand (1,000) pounds.
- 2. Rendering;
 - 3. Incineration or thermal processing; or
 - 4. Any other method approved by the department.

CHAPTER 10 - SOLID WASTE

Regulation 1 - General provisions.

A. Responsibility.

1. The owner, agent, or occupant of any real property shall ensure that the storage and disposal methods described in this chapter of the health code are complied with as to all solid waste accumulated on the real property.
2. No person shall place or deposit any solid waste onto any public street, road, alley, or right of way, or onto the real property of another.

B. Definitions. All definitions in Chapter 1 of the health code and the following specific definitions shall apply to the collection, storage, and disposal of solid waste:

1. "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding usable quantities of groundwater to wells and springs.
2. "Ashes" means residue from the burning of any combustible material.
3. "Base flood" means a flood that has a one (1) percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in one-hundred (100) years on the average over a significantly long period.
4. "Collection agency" means a person who hauls solid waste for others as a governmental service, for a fee, or for other remuneration.
5. "Contingency plan" means an organized, planned, and coordinated course of action to be followed in the event of a fire, explosion, or discharge or release of water into the environment that has the potential to endanger human health and the environment. Financial planning to identify resources for the initiation of such action is a part of contingency plan development.
6. "Cover material" means soil or other suitable material that is spread and compacted on the top and side slopes of disposed solid wastes in order to control vectors, gases, erosion, fires, and infiltration of precipitation; support vegetation; provide trafficability; or assure an aesthetic appearance.
7. "Disposal area" means a refuse transfer facility, incinerator, sanitary landfill, processing plant, or any other handling or disposal facility utilized in the disposal of solid waste.
8. "Garbage" means rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.
9. "Hazardous waste" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or to that of living organisms because such wastes are non-degradable, persistent in nature, non-degradable magnified, potentially lethal, or may otherwise cause or tend to cause detrimental cumulative effects.
10. "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas which are inundated by the base flood.

11. "Ground water" means water below the land surface in the zone of saturation.
12. "Incineration" means the controlled process by which combustible solid, liquid, or gaseous wastes are burned and changed into non-combustible gases.
13. "Infectious waste" means: (1) equipment, instruments, utensils, and fomites of a disposal nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must therefore be isolated as required by public health agencies; (2) laboratory wastes such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (i.e., any substance that may harbor or transmit pathogenic organisms) attendant thereto; or (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.
14. "Leachate" means liquid containing dissolved or suspended materials that emerge from solid waste.
15. "Manure" means animal, household pet, or fowl excreta including cleanings from premises, barns, stables, yards, pens, conveyances, or cages used for stabling, transporting, keeping or penning animals, domestic pets, or fowl.
16. "Restricted sanitary landfill" means a sanitary landfill which has been approved by the health officer for limited use.
17. "Recharge zone" means as area through which water enters an aquifer.
18. "Rubbish" means non-putrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal, cans, yard clipping, wood, glass, bedding, crockery, and similar materials.
19. "Runoff" means the portion of precipitation that drains from an area as surface flow.
20. "Sanitary landfill" means a land disposal site employing an engineering method of disposing of solid wastes on land in a manner that minimized environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying and compacting cover material at the end of each operating day.
21. "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, private, or individual wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics or effects.
22. "Sole source aquifer" means those aquifers which solely or principally supply drinking water to a large percentage of a populated area.
23. "Solid waste" means all putrescible and non-putrescible solid and semi-solid wastes except human excreta but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, hazardous waste, infectious waste, and industrial wastes.
24. "Solid waste storage container" means containers approved by the health officer for storage of solid waste pending final disposal.

25. "Vector" means a carrier that is capable of transmitting pathogens from one organism to another.

26. "Wetlands" means swamps, marshes, bogs, and similar areas that support a prevalence of vegetation adapted for life in saturated soil conditions.

C. Inspections.

1. The health officer shall inspect any real property, structures, containers, processes, equipment, or vehicles used for collection, storage, transportation, disposal, or reclamation of solid waste as necessary to ensure the health code is complied with.

Regulation 2 - Collection agencies.

A. Permits to operate.

1. No person shall haul solid waste for others as a governmental service, for a fee, or for other remuneration without holding a current and valid permit issued to them by the health officer.

2. Permits shall not be transferable from person to person.

3. All permits shall expire one (1) year from the date of issuance.

B. License for vehicle.

1. No vehicle used by a collection agency for the collection and transportation of solid waste shall be operated without a current and valid license issued by the health officer.

2. Every vehicle shall be inspected and approved annually by the health officer prior to the issuance or renewal of the license.

3. Each license shall be affixed to the vehicle in a place designated by the health officer and shall be legible at all times.

4. Licenses are not transferable from vehicle to vehicle.

5. All licenses shall expire one (1) year from date of issuance.

C. Collection required.

1. Where solid waste collection is available, the following solid waste is required to be collected:

a. Garbage;

b. Ashes;

c. Rubbish;

d. Household pet manure; and

e. Small dead animals which do not exceed seventy-five (75) pounds in weight, if they are securely wrapped and not prohibited by Chapter 9, Regulation 6 of the health code.

C. Solid waste not acceptable for collection.

1. The following solid waste is not considered acceptable for collection but may be collected at the discretion of a collection agency providing special facilities or equipment required by the health officer for the collection and disposal of such wastes:
 - a. Dangerous materials or substances, such as poisons, acids, caustics, infected materials, radioactive materials, or explosives;
 - b. Materials resulting from the repair, excavation, or construction of building and structures;
 - c. Solid wastes resulting from industrial processes;
 - d. Animals exceeding seventy-five (75) pounds in weight, condemned animals, animals from pet shops, veterinary clinics/hospitals, laboratories, slaughterhouses, or other animals normally considered industrial waste;
 - e. Sludge; or
 - f. Manure except household pet manure.

D. Notices required.

1. All collection agencies shall provide each household or business establishment they serve with notice of the requirements governing the storage and collection of solid waste and shall include the following information in the notice:
 - a. Definitions;
 - b. Places to be served;
 - c. Places not to be served;
 - d. Scheduled day or days of collection;
 - e. Materials acceptable for collection;
 - f. Materials not acceptable for collection;
 - g. Preparation of solid waste for collection;
 - h. Types and size of containers permitted;
 - i. Points from which collections may be made; and
 - j. Necessary safeguards for collectors.

E. Suspension of permit.

1. The health officer may suspend any person or entity's permit to operate as a collection agency if the operation of the agency constitutes one of the following:
 - a. Violation of the regulations of the health code;

- b. Violation of any condition contained in a permit issued under this chapter of the health code;
- c. Substantial hazard to public health or the environment; or
- d. Public nuisance.

F. Suspension of license.

- 1. The health officer may suspend the vehicle license of a collection agency when he or she observes:
 - a. Solid waste being dropped or blown from the collection agency vehicle during transportation due to faulty equipment; or
 - b. A collection agency vehicle not being maintained in accordance with this chapter of the health code.

Regulation 3 - Storage of solid waste.

A. Responsibility.

- 1. All solid waste shall be stored in accordance with the requirements of this regulation of the health code. The owner, agent, or occupant of any real property where solid waste accumulates shall provide a sufficient number of suitable and approved containers for receiving and storing the solid waste and shall keep all solid waste therein except as otherwise provided for in this regulation.

B. Container requirements for residential solid waste.

1. Containers for garbage.

- a. Each owner, agent, or occupant of any residential premise where garbage accumulates shall provide watertight containers of not more than thirty-two (32) gallons that have lids and handles.
- b. Containers shall be constructed of galvanized metal, however, containers made from thermoplastic meeting the National Sanitation Foundation (N.S.F.) Standard No. 21, incorporated herein by reference, and that meets the requirements of section (B)(1)(a) of this regulation of the health code, above, may be used.
- c. Properly designed and manufactured plastic bags not containing polyvinyl chloride (P.V.C.), having a minimum thickness of two (2) mils, and meeting the requirements of N.S.F. Standard No. 21 may be used.

2. Containers for rubbish.

- a. Rubbish and ashes shall be stored in durable containers. Bulky rubbish such as tree trimmings, newspaper, weeds, and large cardboard boxes shall be handled as directed by the collection agency. Where garbage separation is not required, containers for the storage of mixed rubbish and garbage shall meet the requirements specified in section A of this regulation of the health code, above.

3. Containers for household pet manure.

- a. Household pet manure may be placed with residential garbage so long as it is securely wrapped.

C. Containers for infectious waste.

1. Hypodermic needles and other infectious waste shall not be placed in the same containers as other solid waste but shall instead be placed in separate containers that are tightly covered and painted yellow to designate their contents and that make clear to the collection agency that special precautions are required. No other solid waste container or receptacle shall be painted yellow. Hypodermic needles shall be broken before being placed into the containers.

D. Containers for hazardous waste.

1. Containers used for the storage of hazardous wastes shall comply with the rules and regulations of the Arizona Department of Health Services for the storage, collection, and disposal of hazardous wastes.

E. Container requirements for commercial solid waste.

1. Each commercial establishment shall provide solid waste containers as required for residential garbage.
2. Any commercial establishment where the volume of commercial solid waste cannot be conveniently contained in residential type garbage containers shall provide metal containers or bins, or enclosures constructed of non-combustible material. These receptacles shall be of a type approved by the health officer and compatible with the type of collection equipment used by the collection agency. All metal containers or bins, or enclosures shall have suitable hatches doors, and covers to prevent material from overflowing, spilling, or scattering onto surrounding premises, and they shall be maintained in a sanitary condition.

F. Container maintenance.

1. All containers for the storage of solid waste shall be maintained in a manner that prevents the creation of a public nuisance or menace to public health.
2. The lids or covers of solid waste containers shall be kept securely in place at all times.
3. Containers that are broken or otherwise fail to meet the requirements of this regulation of the health code shall be replaced by its owner with containers approved by the department.

Regulation 4 - Collection and transportation of solid waste.

A. Frequency.

1. The frequency of collection of solid waste shall be in accordance with regulations of the collection agency but not less than that shown in the following schedules:
 1. Garbage only: Two (2) times per week.
 2. Solid waste with garbage: Two (2) times per week.

3. Rubbish and ashes: As often as necessary to prevent fly breeding and creation of a public nuisance.
4. Persons not using a collection agency shall dispose of their solid waste with the frequency described in section (A)(1) of this regulation of the health code, above.

B. Placement of residential containers.

1. Receptacles or containers for garbage or residential rubbish shall be placed for collection where designated by the collection agency.
2. Containers shall not remain adjacent to a street or curb except on regular collection days.

C. Placement of commercial establishment containers.

1. Containers, receptacles, bins, or enclosures used by a commercial establishment shall be placed where designated by the collection agency.
2. Containers shall not be placed beneath a fire escape, or in a manner that restricts the opening of an exit door, or under a ground floor window unless the window is fire-resistant.

D. Vehicles.

1. Vehicles used to collect and transport garbage or solid waste containing garbage shall have covered, watertight, and metal bodies that are easily cleanable. In addition, the vehicles shall be maintained in good repair and cleaned frequently to prevent insect breeding or the creation of a public nuisance.
2. Vehicles used to collect and transport solid waste shall be loaded and moved in such a manner that their contents, including ashes, will not fall, leak, or spill from them. Where spillage occurs, it shall be immediately picked up by the collection agency and returned to the vehicle's container compartment.
3. Vehicles used to collect and transport rubbish or manure shall be of such construction so as to prevent the leakage or spillage of its contents and shall feature a cover that prevents the blowing of its contents or the creation of a public nuisance.

Regulation 5 - Disposal of solid waste.

A. General.

1. All solid waste shall be disposed of by a method or methods included in this regulation of the health code and shall include rodent, insect, and public nuisance control at the places or places of disposal.
2. Carcasses of large animals shall be disposed of in accordance with Chapter 9, Regulation 6 of the health code.
3. All disposal areas shall be maintained and operated in accordance with the requirements of the health code.
4. Manure shall be disposed of by sanitary landfill, composting, or incineration, or it may be used as fertilizer in a manner that does not create insect breeding or create a public nuisance.

B. Permit to operate.

1. All solid waste disposal operations must have a permit issued by the health officer before beginning operations.
2. Permits are not transferable from person to person or location to location.

C. Methods of disposal.

1. Disposal of solid waste shall be accomplished by one or more of the following methods:
 - a. Sanitary landfill.
 - i. Where sanitary landfill operations are proposed or utilized, the requirements of Regulation 4 of this chapter of the health code, above, must be complied with.
 - b. Incineration or thermal processing.
 - i. Where incineration or thermal processing is to be employed, the plans and specifications, along with any other information necessary to evaluation the project, shall be submitted by the collection agency to the health officer for his or her approval prior to the commencement of the incineration or thermal processing.
 - c. Composting.
 - i. Where composting is to be employed, the plans and specifications, along with any other information necessary to evaluate the site and the project, shall be submitted by the collection agency to the health officer for his or her approval prior to the commencement of the composting.
 - d. Hog Feeding. This method of disposal shall only be approved under the following conditions:
 - i. Garbage is collected and stored in suitable containers;
 - ii. Approved vehicles are used for collection of the garbage;
 - iii. Garbage is effectively heat-treated in accordance with Chapter 9, Regulation 2 of the health code and A.R.S. § 3-2667; and
 - iv. All remaining solid waste, including non-edible garbage, is collected and disposed of separately by methods approved by the health officer.

Regulation 6 - General provisions—Suspension and revocation.

A. Procedures for suspension.

1. The health officer may summarily suspend a permit or license issued under this chapter of the health code if a serious or repeated violation of any provision of this chapter of the health code

occurs or if the permit or license holder, or an agent of either, interferes with the ability of the health officer to enforce the health code.

2. Whenever the health officer suspends a permit or a license issued under this chapter of the health code, he or she shall issue a written notice of its suspension to the permit or license holder and indicate the reasons why the permit or license was suspended. In addition, the health officer shall notify the permit or license holder that they may appeal this decision by submitting a written request for appeal, within ten (10) days from the date the department provided the notice, to the health officer, in accordance with Chapter 1, Regulation 13 of the health code. If no timely, written request for an appeal is submitted by the permit or license holder, the suspension shall be sustained and cannot be undone unless the provisions of subsection B of this chapter of the health code, below, are met.

B. Reinstatement of suspended permit or license.

1. The health officer may end the suspension of a permit or license at any time after confirming, either by an inspection or hearing held pursuant to subsection (A)(1) of this regulation of the health code, that the requirements of this chapter of the health code have been satisfied.

C. Revocation of permit or license.

1. The health officer may revoke a permit or license issued under this chapter of the health code if a serious or repeated violation of any provision of this chapter of the health code occurs or if the permit or license holder, or an agent of either, interferes with the ability of the health officer to enforce the health code.
2. Prior to revoking a permit or license, the health officer shall issue the permit or license holder a written notice of intent to revoke it and indicate the reasons why the permit or license is to be revoked. In addition, the health officer shall notify the permit or license holder that they may appeal this decision by submitting a written request for appeal, within ten (10) days from the date the department provided the notice, to the health officer, in accordance with Chapter 1, Regulation 13 of the health code. If no timely, written request for appeal is submitted by the permit or license holder, the revocation becomes final and cannot be undone.

D. Service of notice.

1. Whenever a notice of suspension or revocation is provided by the health officer, it shall be given in a manner that is reasonably calculated, under the then-existing circumstances, to inform a permit or license holder of the action the health officer took or will take. The health officer may provide notice by certified mail plus regular mail, personal service, or hand-delivery and it is effective at the time of the mailing, personal service, or hand-delivery, whichever is earlier. A copy of this notice shall be filed in the department's records.

E. Hearings.

1. A hearing on a timely, written request for appeal shall be conducted in accordance with Chapter 1, Regulation 13 of the health code.

F. Application after revocation.

1. Whenever revocation of a permit or license becomes final, the holder of the revoked permit or license may submit a written application for a new permit or license to the health officer.

Regulation 7 – Violation; Penalty

Any person violating any provision adopted in this chapter shall be subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

CHAPTER 11 – LIQUID WASTE

ON-SITE WASTEWATER TREATMENT FACILITIES

Regulation 1 – Purpose.

The purpose of this ordinance is to preserve the health and welfare of the citizens of the county and to protect land, water, groundwater, and other natural resources within the county through regulation of minimum requirements related to site investigation for and proper design and installation of on-site wastewater treatment facilities.

Regulation 2 - Definitions.

- A. "On-Site wastewater treatment facility" means a conventional septic tank system or alternative system installed at a site to treat and dispose of wastewater, predominately of human origin, generated at the site.
- B. "On-Site wastewater permit" means a written permit, stamp, or seal of approval issued by the county.

Regulation 3 - On-Site wastewater permit—Required.

- A. No person shall begin construction of a new on-site wastewater treatment facility or the repair or alteration of an existing on-site wastewater treatment facility without an on-site wastewater permit from the county and the Arizona Department of Environmental Quality (A.D.E.Q.), if applicable).
- B. Before an on-site wastewater permit for construction of an on-site wastewater system in an unincorporated area of the county is issued, zoning clearance approval must first be obtained from the county's office of Community Development.
- C. Before an on-site wastewater permit for construction of an on-site wastewater treatment facility in an incorporated area of the county or within a community facilities district, wastewater improvement district, or sanitary district is issued, written approval from the agency or district responsible for wastewater disposal must be presented to the department.
- D. An on-site wastewater treatment permit shall be issued only to a contractor, as defined in A.R.S. § 32-1101, or to an owner or lessee of a lot on condition that said owner or lessee performs all labor in connection with the installation of the individual sewage disposal system except that they may contract for certain portions of the work to be done by contractors.
- E. Any contractor, as defined in A.R.S. § 32-1101, who undertakes, offers to undertake, or purports to have the capacity to construct, install, alter, repair, improve, or add to a septic tank or leach field must be duly licensed by the department pursuant to guidelines promulgated by the health officer. The same is true for a contractor who provides mechanical or structural service for any such improvement to a septic tank or leach field.

Regulation 4 - Site investigation.

- A. All site investigations, must include surface, sub-surface site and soil characterizations and percolation tests, and shall be conducted in accordance with requirements of Title 18, Chapter 9, Articles 1 and 3 of the Arizona Administrative Code (A.A.C.).

- B. Site investigations shall only be performed by individuals having knowledge and competence in the subject area and who have a license in good standing or are otherwise qualified in one of the following categories:
 - 1. Arizona-registered professional engineer;
 - 2. Arizona-registered geologist;
 - 3. Arizona-registered sanitarian;
 - 4. A certificate of training from a course recognized by the A.D.E.Q.; or
 - 5. Qualified under another category designated in writing by the A.D.E.Q. or health officer.
- C. A person performing a site investigation pursuant to the requirements of A.A.C. § R18-9-A310 shall:
 - 1. Notify the county at least forty-eight (48) hours prior to conducting a site investigation; and
 - 2. Provide the location of the site investigation, the time it is scheduled to begin, and a telephone contact number.
- D. Site investigation activities performed and reported without prior notification to the county are invalid and cannot be used to fulfill the site investigation submittal requirements found in A.A.C. § R18-9-A309(B)(1).

Regulation 5 - Alternative systems.

Approval for Alternative systems must be obtained from the A.D.E.Q.

Regulation 6 - Approval to discharge.

No on-site wastewater treatment facility shall be covered or operated until the department completes a final construction inspection and issues an approval to discharge from the on-site wastewater treatment facility.

Regulation 7 - Operational responsibility.

A person shall operate a permitted on-site wastewater treatment facility so that:

- 1. Flows to the facility consist of typical sewage and does not include any motor oil, gasoline, paint, varnish, solvent, pesticide, fertilizer, or other material not generally associated with toilet flushing, food preparation, laundry, or personal hygiene;
- 2. Flows to facility do not contain hazardous wastes or hazardous substances;
- 3. If the sewage contains a component of non-residential flow such as food preparation, laundry service, or another source, the sewage is adequately pretreated by an interceptor or other approved device;
- 4. Flows to the facility do not exceed the design flow specified in the approval to discharge; and
- 5. The facility does not create an unsanitary condition or a public nuisance.

SEPTIC TANK CLEANERS AND INDUSTRIAL WASTE HAULERS

Regulation 8 - Collection, storage, transportation, and disposal—Sewage and industrial waste.

- A. The collection, storage, transportation, and disposal of all human excreta and industrial waste shall be carried out in a sanitary manner which does not endanger the public health or create a public nuisance.
- B. Each vehicle for collection and transportation of the waste shall be equipped with a leak-proof and fly-tight container.
- C. All portable containers, pumps, hose, tools, and other implements shall be stored within a covered and fly-tight enclosure when not in use.
- D. Contents to be removed shall be transferred as quickly as possible by means of portable fly-tight containers or suitable suction pump and hose to the transportation container. The transportation container shall be tightly closed and made absolutely fly-tight immediately after the contents have been transferred. Where portable containers are used, they must be kept fly-tight while being transported to and from the vehicles. Any waste dropped or spilled in the process of collection shall be carefully cleaned up immediately and the area properly disinfected and decontaminated.
- E. The pump and discharge line shall be free from leaks. The downspout shall not be more than twelve (12) inches from the ground level when in use.
- F. The shut-off valve shall be of a quick-close type which will not permit sewage to splash or flood the area surrounding a manhole.
- G. All trucks, tools, and equipment shall be maintained in good repair at all times and when not in use shall be stored in a clean and sanitary condition. At the end of each day's work, all portable containers, suction pumps, hose, and other tools shall be cleaned and disinfected or otherwise decontaminated.
- H. No person shall dispose of any waste (e.g., sewage or industrial) except as allowed on the permit issued by the health officer.
- I. Industrial waste shall not be deposited in to the sewerage system without the written approval of the operator of the sewage disposal system.

Regulation 9 - Permits to operate.

- A. No person shall engage in the activities of a septic tank cleaner or an industrial waste hauler without holding a current and valid permit issued by the health officer in accordance with Chapter 11, Regulation 3 of the health code.
- B. The permit shall include a list of approved dumping sites.
- C. Each truck shall have the number of the permit and the name and telephone number of its owner plainly and durably inscribed in contrasting colors on the side door panels of the cab and the rear face of the tank in figures not less than three (3) inches high. These numbers shall be legible at all times.
- D. Classification of trucks as to size, type of waste hauled, or other categorization, restriction, or requirement may be imposed by the health officer and shall be stated on the permit.

E. All permits shall expire one (1) year from the date of issuance.

Regulation 10 - Truck license.

A. No truck shall be operated without a current and valid license issued by the health officer.

B. Every truck shall be inspected and approved annually by the health officer prior to the issuance or renewal of the license.

C. Each license shall be affixed to the truck in a place designated by the health officer and shall be legible at all times.

D. Licenses are not transferable from truck to truck.

E. All licenses shall expire one (1) year from the date of issuance.

Regulation 11 - Suspension of permit.

The health officer may suspend any permit to operate as a septic tank cleaner or industrial waste hauler if operation by the permit holder constitutes a:

1. Violation of the provisions of this chapter of the health code or of any conditions in a permit issued pursuant to this chapter of the health code;
2. Substantial hazard to public health or the environment; or
3. A public nuisance.

Regulation 12 - Suspension of license.

The health officer may suspend the truck license when there is evidence that:

1. Sewage or industrial waste is being dropped or spilled during transportation due to faulty equipment; or
2. The truck is not being maintained in accordance with the requirements of this chapter of the health code.

Regulation 13 - Procedures for suspension.

Whenever the health officer suspends a permit or a license issued under this chapter of the health code, he or she shall issue a written notice of its suspension to the permit or license holder and indicate the reasons why the permit or license was suspended. In addition, the health officer shall notify the permit or license holder that they may appeal this decision by submitting a written request for appeal, within ten (10) days from the date the department provided the notice, to the health officer, in accordance with Chapter 1, Regulation 13 of the health code. If no timely, written request for an appeal is submitted by the permit or license holder, the suspension shall be sustained and cannot be undone unless the provisions of Regulation 14 of this chapter of the health code, below, are met.

Regulation 14 - Reinstatement of suspended permits of licenses.

The health officer may end the suspension of a permit or a license at any time after confirming, either by an inspection or a hearing held pursuant to Regulation 17 of this chapter of the health code, that the requirements of this chapter of the health code have been satisfied.

Regulation 15 - Revocation of permit and license.

- A. The health officer may revoke a permit or license issued under this chapter of the health code if a serious or repeated violation of any provision of this chapter of the health code occurs or if the permit or license holder, or an agent of either, interferes with the ability of the health officer to enforce the health code.
- B. Prior to revoking a permit or license, the health officer shall issue the permit or license holder a written notice of intent to revoke it and indicate the reasons why the permit or license is to be revoked. In addition, the health officer shall notify the permit or license holder that they may appeal this decision by submitting a written request for appeal, within ten (10) days from the date the department provided the notice, to the health officer, in accordance with Chapter 1, Regulation 13 of the health code. If no timely, written request for appeal is submitted by the permit or license holder, the revocation becomes final and cannot be undone.

Regulation 16 - Service of notice.

Whenever a notice of suspension or revocation is provided by the health officer, it shall be given in a manner that is reasonably calculated, under the then-existing circumstances, to inform a permit or license holder of the action the health officer took or will take. The health officer may provide notice by certified mail plus regular mail, personal service, or hand-delivery and it is effective at the time of the mailing, personal service, or hand-delivery, whichever is earlier. A copy of this notice shall be filed in the department's records.

Regulation 17 – Hearings.

A hearing on a timely, written request for appeal shall be conducted in accordance with Chapter 1, Regulation 13 of the health code.

Regulation 18 - Application after revocation.

Whenever revocation of a permit or license becomes final, the holder of the revoked permit or license may submit a written application for a new permit or license to the health officer.

Regulation 19 – Violation; Penalty.

Any person violating any rules adopted in this chapters shall be subject to the penalties prescribed in Chapter 1 of the health code.

CHAPTER 12 - PUBLIC RESTROOMS

Regulation 1 - Purpose.

All toilet facilities which are made available for the use of employees or patrons of an establishment or that are for the use of the general public shall comply with the provisions of this chapter of the health code unless there are specifically applicable requirements stated elsewhere in the health code.

Regulation 2 - Definitions.

All definitions adopted in Chapter 1 of the health code and the following specific definitions apply to all restrooms in the county:

- A. "Employee restrooms" means restrooms the use of which is restricted to employees of an establishment and which the public is not permitted to use.
- B. "Public restrooms" means restrooms in commercial and industrial establishments, food establishments, hospitals, public buildings, comfort stations, service stations, public parks, schools, airports, bus and railroad stations, or other places the public is invited to or which are frequented by the public without special permission or special invitation, and includes other installations (whether free or paid) where restrooms are installed so that their use is similarly unrestricted.

Regulation 3 - Requirements.

- A. Every place where persons are employed shall have an approved method of human excreta disposal installed.
- B. In every place where toilet facilities are installed for the use of employees or the general public, such facilities shall be installed in accordance with the requirements of A.R.S. § 34-406(F).
- C. It shall be the duty of the management of the establishment to maintain all employee and/or public restrooms in a clean and sanitary condition at all times.

Regulation 4 - Toilet facilities.

- A. The pressure and volume of water shall be sufficient to ensure effective flushing of toilets and urinals.
- B. Toilets and urinals shall be constructed of vitreous or other department approved material, the surface of which is smooth hard, impervious, and not easily corrodible. In addition, the toilets and urinals shall be of rim-flush type and be properly vented and trapped. All joints to the toilets and urinals shall be tight. The toilets and urinals shall be designed to prevent back-siphonage of their contents and to provide ample flushing action to ensure cleanliness. All toilets and urinals shall be kept clean and in good repair.
- C. All toilets and urinals shall be located in well-lighted and well-ventilated rooms and shall be conveniently accessible to approved handwashing facilities.
- D. Toilet rooms shall be kept clean and in good repair and provided with an adequate supply of toilet paper.

Regulation 5 - Lavatory facilities.

A. Lavatory facilities shall comply with the following requirements:

1. The lavatory shall be composed of vitreous or other approved material, the surface of which is smooth, hard, impervious and not readily corrodible. Taps connected with the lavatory shall be so installed as to discharge at least one (1) inch above the level at which the lavatory will overflow upon the floor.
2. The water supply used in connection with a lavatory shall comply with the requirements of the health code.
3. Soap in a suitable dispensing container and department approved hand-drying devices such as disposable paper towels or hand dryers shall be provided for the users of the lavatory facilities.

Regulation 6 - Public nuisance declaration.

Restrooms which are not kept in a clean and sanitary condition or in good repair are specifically declared to be a public nuisance and dangerous to public health.

Regulation 7 – Violation; Penalty.

Any person violating any provision adopted in this chapter shall be subject to the penalties prescribed in Chapter 1, Regulation 14 of the health code.

State of Arizona
Department of Liquor Licenses and Control

Created 09/11/2019 @ 02:35:20 PM

Local Governing Body Report

LICENSE

Number: _____ Type: 013 FARM WINERY
 Name: VINO BANDITO DE SONOITA
 State: Pending
 Issue Date: _____ Expiration Date: _____
 Original Issue Date: _____
 Location: 60 LONE MESQUITE COURT
 ELGIN, AZ 85611
 USA
 Mailing Address: PO BOX 27126
 SCOTTSDALE, AZ 85255
 USA
 Phone: (480)266-0515
 Alt. Phone: _____
 Email: BROOKELOWRYIDE@GMAIL.COM

AGENT

Name: BROOKE LOWRY IDE
 Gender: Female
 Correspondence Address: PO BOX 27126
 SCOTTSDALE, AZ 85255
 USA
 Phone: (480)266-0515
 Alt. Phone: _____
 Email: BROOKELOWRYIDE@GMAIL.COM

OWNER

Name: VINO BANDITO DE SONOITA LLC
 Contact Name: BROOKE LOWRY IDE
 Type: LIMITED LIABILITY COMPANY
 AZ CC File Number: 1943811 State of Incorporation: AZ
 Incorporation Date: 04/10/2019
 Correspondence Address: PO BOX 27126
 SCOTTSDALE, AZ 85255
 USA
 Phone: (480)266-0515
 Alt. Phone: _____
 Email: BROOKELOWRYIDE@GMAIL.COM

Officers / Stockholders

Name: _____ Title: _____ % Interest: _____

BROOKE LOWRY IDE

MEMBER

100.00

VINO BANDITO DE SONOITA LLC - MEMBER

Name: BROOKE LOWRY IDE
Gender: Female
Correspondence Address: PO BOX 27126
SCOTTSDALE, AZ 85255
USA
Phone: (480)266-0515
Alt. Phone:
Email: BROOKELOWERYIDE@GMAIL.COM

APPLICATION INFORMATION

Application Number: 76104
Application Type: New Application
Created Date: 09/11/2019

QUESTIONS & ANSWERS

013 Farm Winery

- 1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.
No
- 2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.
Yes
- 3) Are you a tenant? (A person who holds the lease of a property; a lessee)
No
- 4) Is there a penalty if lease is not fulfilled?
No
- 5) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
No
- 6) Are you the owner?
Yes
- 7) Are you a purchaser?
No
- 8) Are you a management company?
No
- 9) Is the Business located within the incorporated limits of the city or town of which it is located?
No
If no, in what City, Town, County or Tribal/Indian Community is this business located?
SANTA CRUZ COUNTY
- 10) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
ZERO
- 11) Have you provided a diagram of your premises?
Yes
- 12) Is there a drive through window on the premises?
No
- 13) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
NONE
- 14) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
Yes
If yes, what is your estimated completion date?
12/01/2019

19 SEP 11 10:41 AM 2 (3)



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

804,783

QUESTIONNAIRE
 A.R.S. § 4-202, 4-210
 Type or Print with **Black Ink**

The fees allowed by R19-1-102 will be charged for all dishonored checks.

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 76104

1. Check the Appropriate Box →

<input checked="" type="checkbox"/> Controlling Person	<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Premises Manager <small>(complete all questions except #12)</small>
--------------------------------------------------------	-------------------------------------------	-------------------------------------------------------------------------------------------------

2. Name: IDE BROOKE LOWRY Birth Date:
Last First Middle (NOT a public record)

3. Social Security #: Driver License #: State: Arizona

4. Place of birth: ALBQ, NM USA Height: 5'8" Weight: 150 Eyes: BLU Hair: BLN
City State COUNTRY (not county)

5. Name of current/most recent spouse: IDE DAVID JOSEPH Birth Date:
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? Yes No If yes, what is your date of residency:

7. Daytime telephone number: 480-266-0515 E-mail address: BROOKELOWRYIDE@GMAIL.com

8. Business Name: Vino Bandito de Sonoita Business Phone: 480,266,0515

9. Business Location Address: 60 Lone Mesquite Ct Elgin, AZ Santa Cruz 85611
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS <small>(Street Address, City, State & Zip)</small>
8/2014	CURRENT	Homemaker	10230 E. Mountain Spring Rd AZ, 85255

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
03/11	CURRENT	10230 E. Mountain Spring Rd Scottsdale, AZ 85255

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. Yes No
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? Yes No
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202,4-210 Yes No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

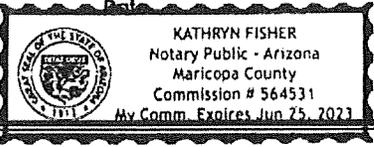
If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

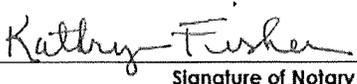
I (Print Full Name) BROOKE L. IDE hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature:  State of Arizona county of Maricopa
The foregoing instrument was acknowledged before me this

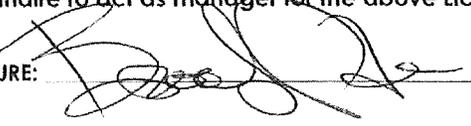
My Commission Expires on: 06/25/2023 26th Day of August, 2019
Day Month Year



KATHRYN FISHER
Notary Public - Arizona
Maricopa County
Commission # 564531
My Comm. Expires Jun 25, 2023


Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: BROOKE IDE SIGNATURE: 



19 SEP 11 11:47 AM

State of Arizona
Department of Liquor Licenses and Control
800 W. Washington 5th Floor
Phoenix, AZ 85007
(602) 542-5141

ARIZONA STATEMENT OF CITIZENSHIP
OR ALIEN STATUS FOR STATE PUBLIC BENEFITS

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I - APPLICANT INFORMATION

INDIVIDUAL OWNER/AGENT NAME (Print or type) BROOKE LOWRY IDE

SECTION II - CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? [X] Yes [] No

If Yes, indicate place of birth:

City Albuquerque State (or equivalent) New Mexico Country or Territory U.S.A.

If you answered Yes, 1) Attach a legible copy of a document from the attached list.

2) Name of document: Passport + Az license
Go to Section IV.

If you answered No, you must complete Section III and IV.

SECTION III – ALIEN STATUS DECLARATION

To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

Name of document provided

Qualified Alien Status (8 U.S.C. §§ 1621(a)(1), -1641 (b) and (c))

- 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- 2. An alien who is granted asylum under Section 208 of the INA.
- 3. A refugee admitted to the United States under Section 207 of the INA.
- 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- 7. An alien who is a Cuban/Haitian entrant.
- 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States.

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

- 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C))

- 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- 13. A foreign national not physically present in the United States.

Otherwise Lawfully Present

- 14. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

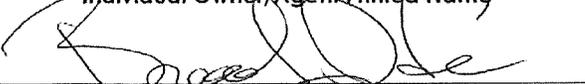
SECTION IV - DECLARATION

All applicants must complete this section.

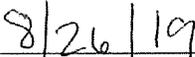
I declare under penalty of perjury under the laws of the state of Arizona that the answers and evidence I have given are true and correct to the best of my knowledge.



 Individual Owner/Agent Printed Name



 Individual Owner/Agent Signature



 Today's Date

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed***
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

2019-WINE-00495-O

DEPARTMENT OF THE TREASURY – ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

BASIC PERMIT

(Under Federal Alcohol Administration Act)

1. PERMIT NUMBER

AZ-W-21071

2. DATE OF PERMIT

08/24/2019

3. REGISTRY NUMBER (if applicable)

BWN-AZ-21066

4. DATE OF APPLICATION

04/29/2019

5. NAME AND ADDRESS OF PERMITTEE (Number and street, city or town, State and Zip Code)

VINO BANDITO DE SONOITA LLC

DBA: VINO BANDITO VINEYARDS

60 LONE MESQUITE CT

ELGIN, AZ 85611



6. TRADE NAMES AUTHORIZED BY THIS PERMIT (Trade name approval does not constitute approval as a brand name for labeling purposes. If needed, list on reverse or use continuation sheet.)

7. PERMIT GRANTED FOR (ONE TYPE OF OPERATION ONLY)

Pursuant to the application of the date indicated in item 4, you are authorized and permitted to engage, at the above address, in the business of:

- a. Distilled Spirits - distiller rectifier (processor) warehouseman and/or warehouseman and bottler and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the distilled spirits so distilled or rectified, or warehoused and bottled, or the wines so rectified,
- b. Wine - producer and blender blender and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the wine so produced or blended,
- c. Importer - importing into the United States the following alcoholic beverages: while so engaged, to sell, offer to deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so imported,
- d. Wholesaler - Purchasing for resale at wholesale the following alcoholic beverages: while so engaged, to receive or to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so Purchased.

19 SEP 11 10:11 AM '19

This Permit is conditioned upon your compliance with the Federal Alcohol Administration Act; the Twenty-first Amendment and laws relating to its enforcement; all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect to them; the Federal Water Pollution Control Act; and, all applicable regulations made pursuant to law which are now, or may hereafter be, in force.

This basic permit is effective from the date shown above and will remain in force until suspended, revoked, annulled, voluntarily surrendered, or automatically terminated.

THIS PERMIT WILL AUTOMATICALLY TERMINATE THIRTY DAYS AFTER ANY CHANGE IN PROPRIETORSHIP OR CONTROL OF THE BUSINESS, unless an application for a new basic permit is made by the transferee or permittee within the thirty day period. If an application for a new basic permit is timely filed, the outstanding basic permit will continue in effect until the application is acted on by the District Director, Alcohol and Tobacco Tax and Trade Bureau.

THIS PERMIT IS NOT TRANSFERABLE. ANY CHANGE IN THE TRADE NAME, CORPORATE NAME, MANAGEMENT OR ADDRESS OF THE BUSINESS COVERED BY THIS PERMIT, OR ANY CHANGE IN STOCK OWNERSHIP (MORE THAN 10%) MUST BE REPORTED TO THE NATIONAL REVENUE CENTER OR PUERTO RICO FIELD OFFICE WITHOUT DELAY.

THIS IS AN <input checked="" type="checkbox"/> ORIGINAL PERMIT	<input type="checkbox"/> AMENDED PERMIT
REASON FOR AMENDMENT	DATE OF AMENDMENT

SIGNATURE AND TITLE OF AUTHORIZED TTB OFFICIAL

Jenifer V. Wilson

FOR JOHN J. MANFREDA, ADMINISTRATOR

TTB F 5170.2 (1/2005)

CLASS: [REDACTED]
ENDORSEMENTS: None
RESTRICTIONS: None

Rev 02/14/2014

You Must Report a Change of Address Within 10 Days

[REDACTED]

[REDACTED]

State of Arizona
Department of Liquor Licenses and Control

Created 12/03/2019 @ 09:15:20 AM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	HABANEROS RESTAURANT		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	40 AVENIDA GOYA TUBAC, AZ 85646 USA		
Mailing Address:	12135 N SEASONS LOOP ORO VALLEY, AZ 85755 USA		
Phone:	(520)240-2160		
Alt. Phone:			
Email:	JORGEMLEON57@HOTMAIL.COM		

AGENT

Name:	ARMANDO FUENTES GILL JR
Gender:	Male
Correspondence Address:	6590 N PASEO DE GABRIEL TUCSON, AZ 85741 USA
Phone:	(520)609-0547
Alt. Phone:	
Email:	AFG7719@GMAIL.COM

OWNER

Name:	GILL DISTRIBUTION LLC	
Contact Name:	AMANDO FUENTES GILL JR	
Type:	LIMITED LIABILITY COMPANY	
AZ CC File Number:	L11794799	State of Incorporation: AZ
Incorporation Date:	02/02/2005	
Correspondence Address:	6590 N PASEO DE GABRIEL TUCSON, AZ 85741 USA	
Phone:	(520)609-0547	
Alt. Phone:		
Email:	AFG7719@GMAIL.COM	

Officers / Stockholders

Name:	Title:	% Interest:
-------	--------	-------------

ARMANDO FUENTES GILL JR
DEBRA ANN GILL

ManaGER-LLC
MEMBER

75.00
25.00

GILL DISTRIBUTION LLC - ManaGER-LLC

Name: ARMANDO FUENTES GILL JR
Gender: Male
Correspondence Address: 6590 N PASEO DE GABRIEL
TUCSON, AZ 85741
USA
Phone: (520)609-0547
Alt. Phone:
Email: AFG7719@GMAIL.COM

GILL DISTRIBUTION LLC - MEMBER

Name: DEBRA ANN GILL
Gender: Female
Correspondence Address: 6590 N PASEO DE GABRIEL
TUCSON, AZ 85741
USA
Phone: (520)405-1121
Alt. Phone:
Email: DAG7719@YAHOO.COM

MANAGERS

Name: ARMANDO FUENTES GILL JR
Gender: Male
Correspondence Address: 6590 N PASEO DE GABRIEL
TUCSON, AZ 85741
USA
Phone: (520)609-0547
Alt. Phone:
Email: AFG7719@GMAIL.COM

APPLICATION INFORMATION

Application Number: 83357
Application Type: New Application
Created Date: 11/12/2019 12/3/19 AP

QUESTIONS & ANSWERS

012 Restaurant

- 1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.

Yes

- 2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.
Yes
- 5) Are you a tenant? (A person who holds the lease of a property; a lessee)
Yes
A Document of type LEASE is required.
- 6) Is there a penalty if lease is not fulfilled?
Yes
What is the penalty?
Landlord Lockout
- 7) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
No
- 8) Are you the owner?
No
- 9) Are you a purchaser?
No
- 10) Are you a management company?
No
- 11) Is the Business located within the incorporated limits of the city or town of which it is located?
No
If no, in what City, Town, County or Tribal/Indian Community is this business located?
Santa Cruz County
- 12) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
None-Capital Contributions
- 13) Have you provided a diagram of your premises?
Yes
- 14) Is there a drive through window on the premises?
No
- 15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
Yes-Contiguous
- 16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
No
- 17) Have you provided a Restaurant Operation Plan form?
Yes
- 18) Have you provided a Records Required for Audit form?
Yes

DOCUMENTS

DOCUMENT TYPE	FILE NAME	UPLOADED DATE
QUESTIONNAIRE	Armando Q ASF AZDL.pdf	11/12/2019
QUESTIONNAIRE	Debra Q.pdf	11/12/2019
DIAGRAM/FLOOR PLAN	Floor Plan.pdf	11/12/2019
MENU	Menu.pdf	11/12/2019
RECORDS REQUIRED FOR AUDIT	Records Req For Audit.pdf	11/12/2019
RESTAURANT OPERATION PLAN	Rest Op Plan.pdf	11/12/2019
LEASE	Sect. 5.pdf	11/12/2019

State of Arizona
Department of Liquor Licenses and Control

IP

Created 12/03/2019 @ 09:15:25 AM

Local Governing Body Report

LICENSE

Number:	INP120009241	Type:	INP INTERIM PERMIT
Name:	HABANEROS RESTAURANT		
State:	Active		
Issue Date:	12/03/2019	Expiration Date:	03/17/2020
Original Issue Date:	12/03/2019		
Location:	40 AVENIDA GOYA TUBAC, AZ 85646 USA		
Mailing Address:	12135 N SEASONS LOOP ORO VALLEY, AZ 85755 USA		
Phone:	(520)240-2160		
Alt. Phone:			
Email:	JORGEMLEON57@HOTMAIL.COM		

AGENT

Name:	ARMANDO FUENTES GILL JR
Gender:	Male
Correspondence Address:	6590 N PASEO DE GABRIEL TUCSON, AZ 85741 USA
Phone:	(520)609-0547
Alt. Phone:	
Email:	AFG7719@GMAIL.COM

OWNER

Name:	GILL DISTRIBUTION LLC	
Contact Name:	AMANDO FUENTES GILL JR	
Type:	LIMITED LIABILITY COMPANY	
AZ CC File Number:	L11794799	State of Incorporation: AZ
Incorporation Date:	02/02/2005	
Correspondence Address:	6590 N PASEO DE GABRIEL TUCSON, AZ 85741 USA	
Phone:	(520)609-0547	
Alt. Phone:		
Email:	AFG7719@GMAIL.COM	

Officers / Stockholders

Name:	Title:	% Interest:
-------	--------	-------------

ARMANDO FUENTES GILL JR
DEBRA ANN GILL

ManaGER-LLC
MEMBER

75.00
25.00

GILL DISTRIBUTION LLC - ManaGER-LLC

Name: ARMANDO FUENTES GILL JR
Gender: Male
Correspondence Address: 6590 N PASEO DE GABRIEL
TUCSON, AZ 85741
USA
Phone: (520)609-0547
Alt. Phone:
Email: AFG7719@GMAIL.COM

GILL DISTRIBUTION LLC - MEMBER

Name: DEBRA ANN GILL
Gender: Female
Correspondence Address: 6590 N PASEO DE GABRIEL
TUCSON, AZ 85741
USA
Phone: (520)405-1121
Alt. Phone:
Email: DAG7719@YAHOO.COM

MANAGERS

Name: ARMANDO FUENTES GILL JR
Gender: Male
Correspondence Address: 6590 N PASEO DE GABRIEL
TUCSON, AZ 85741
USA
Phone: (520)609-0547
Alt. Phone:
Email: AFG7719@GMAIL.COM

APPLICATION INFORMATION

Application Number: 83362
Application Type: New Application
Created Date: ~~11/12/2019~~ 12/3/19 (AP)

QUESTIONS & ANSWERS

INP Interim Permit

- 1) Enter License Number currently at location
012120004940
- 2) Is the license currently in use?
Yes
- 3) Will you please submit section 5, page 6, of the license application when you reach the upload page?
Yes
A Document of type INTERIM NOTARY PAGE is required.

DOCUMENTS

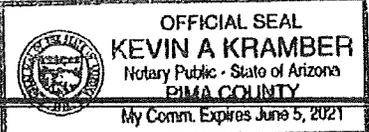
DOCUMENT TYPE	FILE NAME	UPLOADED DATE
INTERIM NOTARY PAGE	Sect. 5.pdf	11/12/2019

SECTION 5 Interim Permit

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S.§4-203.01. For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for, **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01(A)

1. Enter license number currently at the location: 012120004940
2. Is the license currently in use? Yes No If no, how long has it been out of use? N/A

NOTARY	
<p>I (Print Full Name) <u>Jorge Manuel Leon Uribe</u> hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.</p> <p>Signature: <u>[Signature]</u></p> <p>My Commission Expires on: <u>06/05/2021</u> Date</p>	<p>State of <u>Arizona</u> County of <u>Pima</u></p> <p>The foregoing instrument was acknowledged before me this <u>8TH</u> Day of <u>NOVEMBER</u>, <u>2019</u> Day Month Year</p> <p><u>[Signature]</u> Signature of Notary</p>
	

SECTION 6 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND \$22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

- a) Date Incorporated/Organized: _____ State where Incorporated/Organized: _____
- b) AZ Corporation or AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S.§4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND \$22 PROCESSING FEE PER CARD.

1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle
2. Assignee's Name: _____
Last First Middle
3. License Number: _____

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ, 85007-2934
 www.azliquor.gov
 (602) 542-5141

DLLC USE ONLY
 Job #: 33357

RESTAURANT OPERATION PLAN

19 DEC 3 10:41 AM '18

1. Name of restaurant (Please print): HABANEROS RESTAURANT

2. List equipment below by Make, Model, and Capacity : (PROVIDE THE FOLLOWING ITEMS ONLY, NO ATTACHMENTS)

Grill	1-2' SS CHAR GRILL, 1-3 1/2' SS CHAR GRILL, 1-3' SS FLAT TOP GRILL
Oven	1-4' SS 8 BURNER GAS STOVE TOP w/OVEN, 1-3' SS 6 BURNER GAS STOVE TOP w/OVEN + 2-2 DOOR
Freezer	1-2 1/2' SINGLE DOOR FLOOR UNIT, 1-8' SS DOUBLE DOOR UPRIGHT (BASKET FREEZER)
Refrigerator	1-4 1/2' SS 2 DOOR SAND WALKER, 1-6' SS 2 DOOR SAND WALKER, 1-8 1/2' X 8 1/2' SS WALK IN, 1-8' UPRIGHT
Sink	1-2' SS SINK, 2-1 1/2' X 1' SS HAND SINK, 1-8' SS 3 COMP. w/FAUCET & SPRAYER, 1-4' MOP SINK
Dish Washing Facilities	1- COMM. DISHWASHER
Food Preparation Counter (Dimensions)	1-7' SS PREP TABLE, 1-6' SS PREP, 1-2 1/2' SS PREP
Other	1- COMM. ICE MACHINE, 2- COMM. SEPT. MICROWAVE, 1-14' SS HOOD w/ANSUL, 1-7' SS HOOD w/ANSUL

1- SS 2 BASKET FAT FRYER, 2- COMM. SEPT. MICROWAVE

3. Attach a copy of your full menu including prices (examples: Breakfast, Lunch, Dinner, and Nonalcoholic beverages). 1-4' SS 9 COMP. WARMER

4. List the seating capacity for:

- a. Restaurant dining area of your premises: [80]
 (Do not include patio seating)
- b. Bar area of your premises: [+ 5]
- c. Total dining and bar seating capacity of your premises: [= 85]

5. What Type of dinnerware and utensils are utilized within your restaurant?

- Reusable Disposable Both

6. Does your restaurant have a bar area that is distinct and separate from the dining area? YES No

(If yes, what percentage of the public floor space does this area cover?) 10 %

7. What percentage of your public premises is used primarily for restaurant dining?

(Do not include kitchen, bar, hi-top tables, or game area.) 90 %

8. Does your restaurant contain any games, televisions, or any other entertainment? YES No
 (If yes, specify what types and how many (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

1-32" Flat Screen

9. Do you have live entertainment or dancing? YES No
 (If yes, what type and how often 8.5
 example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

1-3/4 P. LIVE MUSIC (TWICE MONTH)

10. Use space below to list how many employees for each position to fully staff your business.

Position	How many
Cooks	3
Bartenders	0
Hostesses	1
Managers	1
Servers	6
Other (Dishwasher)	2
Other ()	
Other ()	

I, Amando Fuentes Guill Jr., hereby declare that I am the APPLICANT filing this application. I have read this application and the contents and all statements true, correct and complete.

X [Signature]
 (Signature of APPLICANT)

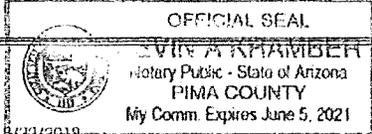
NOTARY

State of Arizona County of Pima

The foregoing instrument was acknowledged before me this 8th day of November 2019
 Day Month Year

My Commission Expires on: 06/05/2021 Date

[Signature]
 Signature of Notary Public





Arizona Department of Liquor Licenses and
Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

RECORDS REQUIRED FOR AUDIT
Applies to Series 11 (Hotel/Motel W/Restaurant) & Series 12 (Restaurant) Only

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

1. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
2. A list of *all* food and liquor vendors
3. The restaurant menu used during the audit period
4. A price list for alcoholic beverages during the audit period
5. Mark-up figures on food and alcoholic products during the audit period
6. A recent, *accurate* inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
7. Monthly Inventory Figures - beginning and ending figures for food and liquor
8. Chart of accounts (copy)
9. Financial Statements-Income Statements-Balance Sheets
10. General Ledger
 - A. Sales Journals/Monthly Sales Schedules
 - 1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
 - 2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
 - 3) Dated Guest Checks
 - 4) Coupons/Specials/Discounts
 - 5) Any other evidence to support income from food and liquor sales
 - B. Cash Receipts/Disbursement Journals
 - 1) Daily Bank Deposit Slips
 - 2) Bank Statements and canceled checks
11. Tax Records
 - A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
 - B. Income Tax Return - city, state and federal (copies)
 - C. Any supporting books, records, schedules or documents used in preparation of tax returns
12. Payroll Records
 - A. Copies of all reports required by the State and Federal Government
 - B. Employee Log (A.R.S. §4-119)
 - C. Employee time cards (actual document used to sign in and out each work day)
 - D. Payroll records for all employees showing hours worked each week and hourly wages

13. Off-site Catering Records (must be complete and separate from restaurant records)

- A. All documents which support the income derived from the sale of food off the license premises.
- B. All documents which support purchases made for food to be sold off the licensed premises.
- C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

**REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH
A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).**

A.R.S. §4-210(A)7

The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. §4-205.02(G)

For the purpose of this section:

- 1. "Restaurant" means an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food
- 2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises, regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

NOTARY

I, (Print Full Name) Armando Fuentes Cue Jr., have read and understand all aspects of this statement

X (Signature) Armando Fuentes Cue Jr.
Controlling Person / Agent

State of Arizona County of Pima
the foregoing instrument was acknowledged before me this
8th of November 2019
Day of Month Year

My commission expires on: 06/05/2021

OFFICIAL SEAL
KEVIN A KRAMBER
Notary Public - State of Arizona
PIMA COUNTY
My Comm. Expires June 5, 2021

[Signature]
Signature of NOTARY PUBLIC

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

19 DEC 3 11:44 AM '08



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE
A.R.S. §4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks.

804-816

ATTENTION APPLICANT: This is a legally binding document. Please type or print in black ink. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 83351

1. Check the Appropriate Box

Form with checkboxes: [X] Controlling Person, [X] Agent, [] Premises Manager (complete all questions except #12)

2. Name: Guillermo Armando Fuentes Birth Date: [REDACTED]

3. Social Security #: [REDACTED] Driver License #: [REDACTED] State: Arizona

4. Place of birth: Tucson AZ USA Height: 5'11" Weight: 245 Eyes: Blue Hair: Brown

5. Name of current/most recent spouse: Guillermo Desha Ann Birth Date: [REDACTED]

6. Are you a bona fide resident of Arizona? [X] Yes [] No If yes, what is your date of residency: 1969

7. Daytime telephone number: (520) 609-0547 E-mail address: AFC7719@gmail.com

8. Business Name: HABANEROS RESTAURANT Business Phone: 520/240/2160

9. Business Location Address: 40 Avenida Coya Tubac AZ Santa Cruz 85646

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

Table with 4 columns: FROM Month/Year, TO Month/Year, DESCRIBE POSITION OR BUSINESS, EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip). Row 1: 01/2005, CURRENT, CO-OWNER, ANN DISTRIBUTION ESP. N. PASO DE CABALLER TUBAC, AZ 85646

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
07/2010	CURRENT	6590 N. PASO DE CABALLER TULSON, AZ 85741

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? Yes No
If you answered YES, then answer #13 below. If NO, skip to #14.
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? Yes No
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202, 4-210 Yes No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement.
Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

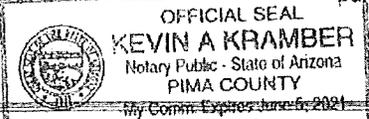
NOTARY

I (Print Full Name) Ramundo Fuentes Gull Jr. hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: Ramundo Gull State of Arizona County of Pima

The foregoing instrument was acknowledged before me this 8TH Day of NOVEMBER 2019

My Commission Expires on: 06/05/2021 Date 8TH Day of NOVEMBER 2019 Year



OFFICIAL SEAL
KEVIN A KRAMBER
Notary Public - State of Arizona
PIMA COUNTY
My Comm. Expires June 6, 2021



Signature of Notary

The licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: _____ SIGNATURE: _____



State of Arizona
Department of Liquor Licenses and Control
800 W. Washington 5th Floor
Phoenix, AZ 85007
(602) 542-5141

**ARIZONA STATEMENT OF CITIZENSHIP
OR ALIEN STATUS FOR STATE PUBLIC BENEFITS**

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I – APPLICANT INFORMATION

INDIVIDUAL OWNER/AGENT NAME (Print or type) Azmando Fuentes Calle Jr.

SECTION II – CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? Yes No

If Yes, indicate place of birth:

City ucson State (or equivalent) AZ Country or Territory USA

If you answered Yes, 1) Attach a legible copy of a document from the attached list.

2) Name of document: AZ Drivers License
Go to Section IV.

If you answered No, you must complete Section III and IV.

SECTION III – ALIEN STATUS DECLARATION

To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

Name of document provided

Qualified Alien Status (8 U.S.C. §§ 1621(a)(1), -1641(b) and (c))

- 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- 2. An alien who is granted asylum under Section 208 of the INA.
- 3. A refugee admitted to the United States under Section 207 of the INA.
- 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- 7. An alien who is a Cuban/Haitian entrant.
- 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States.

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

- 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C))

- 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- 13. A foreign national not physically present in the United States.

Otherwise Lawfully Present

- 14. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

SECTION IV - DECLARATION

All applicants must complete this section.

I declare under penalty of perjury under the laws of the state of Arizona that the answers and evidence I have given are true and correct to the best of my knowledge.

Armando Fuentes Cruz Jr.
Individual Owner/Agent Printed Name

Armando Fuentes Cruz Jr.
Individual Owner/Agent Signature

11/8/19
Today's Date

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed***
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

Arizona

DRIVER LICENSE

USA

CLASS D

SEX M

REST NONE



GILL

ARMANDO FUENTES, JR

5590 N PASEO DE GABRIEL
TUCSON, AZ 85741-3051

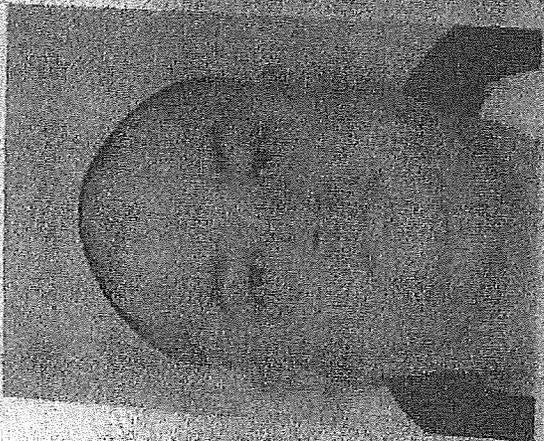
EXP 07/13/2034

ISS 02/03/2016

SEX M

HT 5-11 1/2 HAIR BRN

WT 245 LB



Armando Fuentes, Jr.

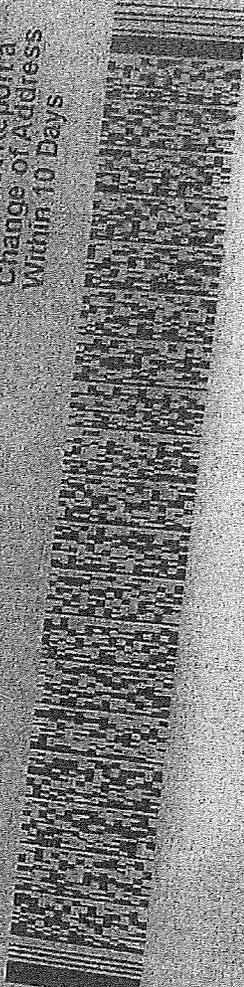


CLASS: D-Operator
ENDORSEMENTS:
M-Motorcycle

RESTRICTIONS:
None

Rev 02/14/2014

You Must Report a
Change of Address
Within 10 Days



160344Z0027264920301

19 DEC 3 11:41 AM '18



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

QUESTIONNAIRE
 A.R.S. § 4-202, 4-210
 Type or Print with **Black Ink**

The fees allowed by R19-1-102 will be charged for all dishonored checks.

804-816

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A **BLUE OR BLACK LINED FINGERPRINT CARD** ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 83357

1. Check the Appropriate Box →

<input checked="" type="checkbox"/> Controlling Person <input type="checkbox"/> Agent	<input type="checkbox"/> Premises Manager (complete all questions except #12)
---------------------------------------------------------------------------------------	----------------------------------------------------------------------------------

2. Name: Allen DEBRA ANN Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Driver License #: [REDACTED] State: Arizona

4. Place of birth: Tucson AZ USA Height: 5'6" Weight: 130 Eyes: BRO Hair: BRO
City State COUNTRY (not county)

5. Name of current/most recent spouse: Allen Jr. Lorenzo FUENTES Birth Date: [REDACTED]
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? Yes No If yes, what is your date of residency: [REDACTED]

7. Daytime telephone number: (520) 405-1121 E-mail address: DACFE19@Yahoo.com

8. Business Name: HABANEROS RESTAURANT Business Phone: 520 240 2100

9. Business Location Address: 40 AVENIDA COYA TUBAC AZ SANTA CRUZ 85646
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
01/2005	CURRENT	CO-OWNER	ALL DISPOSITION 6890 N. PASEO DE CABEZA TUBAC, AZ 85741
08/1991	MANAGER	MANAGER	CTI, INC. 1105 N. CASA GRANDE HWY TUBAC, AZ 85746

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
07/2010	CURRENT	6510 N. PASEO DE GABRIEL TULSON, AZ 85741

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. Yes No
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? Yes No
N/A
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202, A-210 Yes No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement.
Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

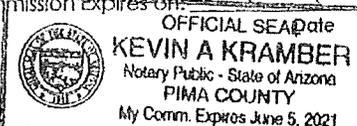
NOTARY

I (Print Full Name) DEBRA ANN GILL hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: *Debra Ann Gill* State of Arizona County of Pima

The foregoing instrument was acknowledged before me this 8th Day of November 2019

My Commission Expires on: 06/05/2021



OFFICIAL SEAL
KEVIN A KRAMBER
Notary Public - State of Arizona
PIMA COUNTY
My Comm. Expires June 5, 2021

Kevin A Kramber
Signature of Notary

The licensee has authorized the person named on this questionnaire to act as manager for the above license.

PRINT NAME: _____ SIGNATURE: _____

HABANERO'S MENU

SH

19 DEC 3 14:16 AM '56

Welcome!

HABANERO'S

SOUPS

Black Bean Soup

Blend of beans, cilantro, onions, chiles, served with habanero cream and tortilla strips

\$5.99

Tortilla Soup

Chicken broth, pasilla chiles, avocado, Oaxaca cheese, chipotle sour cream, and tortilla strips

\$6.99

SALADS

Chipotle Caesar Salad

Fresh romaine lettuce, shaved parmesan, fried anchovies chipotle caesar dressing.

\$10.50

Mix Green Salad

Cherry tomatoes, shaved carrots, red onions, cucumber, watermelon radish, and Manchego cheese. Served with an agave vinaigrette

\$10.50

Choice of

Grilled Chicken

\$ 5.99

Skirt Steak

\$ 6.99

Shrimp

\$ 7.99

SIDE ONLY

A la charra beans

\$2.99

Rice

\$2.99

Guacamole

\$2.99

Chips & Salsa

\$3.00

Salsa

\$2.99

Corn Tortilla

\$2.99

Flour Tortilla

\$2.99

Black Beans

\$2.99

Pico de Gallo

\$2.99

Home Fries

\$3.99

Chicken in Salsa Verde

\$3.99

Tamal in Season

\$3.99

HABANERO'S

APPETIZERS

Fresh Guacamole

Avocados, tomatoes, onions, jalapeños, fresh cilantro, salt and pepper

\$7.99

Queso Fundido

Oaxaca melted cheese on a hot skillet served with salsa verde, corn tortilla chips your choice of:

Chorizo

\$10.50

Carne Asada

\$10.50

Mushrooms

\$ 9.50

Nachos Borrachos

Fresh corn tortilla chips, topped with beans, and melted cheese, pico de gallo and habanero crema. Your choice of

Grilled Chicken

\$10.50

Carne Asada

\$10.50

Oaxaca Tlayuda

10" corn tortilla tostada, black bean pasilla chile spread, diced tomatoes, lettuce, slaw, avocado. Served with carne asada, chorizo & melted cheese

\$12.99

Wings on Fire

12 grilled crispy wings coated with spicy sauce, served with choice of ranch or blue cheese dressing. Served with fresh carrots & celery sticks

\$12.99

Tequila Scallops

Fresh served scallops flambé with tequila. Served with baby greens and chipotle aioli

\$14.99

Toritos

2 large chiles gueros stuffed with shrimp, Oaxaca cheese and wrapped in bacon. Served with soy sauce and green onions

\$7.99

Quesadillas

12" flour tortilla stuffed with a blend of mexican cheese, served with pico de gallo and habanero crema. Your choice of:

Grilled Chicken

\$10.00

Carne Asada

\$10.50

Cochinita Pibil

\$10.50

Spice Calamari Mix

Crispy calamari topped with chipotle cream sauce

\$12.99

Shrimp and Fish Ceviche

Fresh fish & shrimp marinated in coconut water and lime juice, mixed with tomatoes, red onions jalapeños and cilantro.

Served with fresh corn tortilla chips

\$13.50

Tocayin

Roasted cauliflower with Truffle oil, capers & Parmesan cheese

\$9.99

HABANERO'S

TORTAS

Habanero's Torta Cubana

Roasted pork, sliced ham with chipotle aioli, swiss cheese and avocado on a Telera bun, Served with home potato fries **\$12.99**

Cochinita Pibil Torta

Yucatán style pulled pork, avocado black bean spread, tomato, Oaxaca cheese, pickled onions, fresh cilantro, on a Telera bun. Served with home fries **\$12.99**

Habanero Burger

100% angus beef, habanero aioli, bacon, lettuce, tomato, swiss cheese, caramelized onions, on a brioche bun. Served with home fries **\$13.99**

Carne Asada Torta

Shredded lettuce, avocado, tomato, caramelized onions, Cotija cheese, jalapeños on a Telera bun. Served with home potato fries **\$12.99**

Veggie Sandwich

Grilled zucchini and squash, roasted peppers, hummus, avocado, lettuce, goat cheese, sprouts on a 9 grain bread. Served with home fries **\$12.99**

TAQUITOS A LA CARTE

- Carne Asada Tacos **\$2.50 each**
- Cochinita Pibil Tacos **\$2.50 each**
- Chicken Verde Tacos **\$2.50 each**
- Beer Battered Fish Tacos **\$3.50 each**
- Marlin Tacos **\$4.00 each**

All taquitos served with corn or flour tortillas, cabbage slaw, pico de gallo & habanero salsa

Burrito

Chicken verde or Carne asada with rice, guacamole, habanero salsa accompanied with a la charra beans **\$10.99**

3 Tacos Dorados

Hard shell tacos with shredded beef and potatoes. Served with rice and beans and chipotle sour cream **\$11.99**

3 Taquitos Combo

Your choice of asada, chicken or cochinita pibil taquitos with rice and a la charra beans **\$11.99**

Consuming raw or undercooked meat increases the risk of food-borne illness.

WINE

Red Wine

	Glass	B
Santa Ema Cabernet Sauvignon Is made with selected grapes from Maipo Valley Chile	\$7	
Santa Ema Merlot Maipo Valley Chile	\$7	
Kaiken - Malbec Mendoza Argentina	\$8	
Cambria Pinot Noir Julia's Vineyard	\$9	
Red Zinfandel Seghesio Sonoma County	\$9	
Caymus Cabernet Sauvignon Napa Valley		
Opus One 2014 Napa Valley		

White Wine

Bex Riesling German	\$7
Sauvignon Blanc Francis Coppola	\$7
La Crema Chardonnay Sonoma Coast	\$8
Il Donato Pinot Grigio	\$8
Stella Rosa Red	\$9
Moscato D'Asti	\$9
Prosecco	\$8
Mimosa	\$9

Dessert Wine

House Margaritas - \$6.00

Lime	Tamarindo
Mango	Habanero Mango (Speciality)
Strawberry	

Mexican Beer - \$3.99

Pacifico	Bohemia
Corona Extra	Carta Blanca
Corona Premier	Victoria
Corona Familiar	Indio
Negra Modelo	Sol
Modelo Especial	Tecate
XX Amber	Tecate Light
XX Lager	

Domestic Beer - \$2

Budweiser	Michelob
Bud Light	Miller Li
Coors Light	O'Doul's <small>(non-alcoholic)</small>
Guinness	\$3

Draft Beer

<i>(add Michelada \$2)</i>	
Estrella Jalisco	\$3
XX Lager	\$3
Michelob Ultra	\$2
Negra Modelo	\$3

Well Drinks - \$5.5

BAR

HABANERO'S

ENTRÉE'S A LA MEXICANA

Mole Poblano

Shredded chicken on top a traditional mole poblano sauce.

Served with rice and a la charra beans, corn or flour tortillas **\$13.99**

Fajita Skillet

Sautéed onions & peppers, fresh cilantro. Served with rice, a la charra beans, corn or flour tortillas. Your choice of:

Chicken **\$12.99**
Carne Asada **\$15.99**
Shrimp **\$14.99**

Chiles Rellenos

Beef and Oaxaca cheese stuffed poblano pepper dipped in egg batter and pan fried.

Served over caldillo tomato sauce, accompanied with rice and a la charra beans, corn or flour tortillas **\$12.99**

Enchiladas Suizas

2 corn tortillas filled with chicken, smothered with tomatillo sauce, melted oaxaca cheese.

Served with rice and a la charra beans **\$12.99**

Enmoladas

2 corn tortillas filled with chicken, smothered with mole poblano sauce,

Served with rice and a la charra beans **\$12.99**

Camarones a la Culiche

Camarones topped with poblano sauce and melted cheese.

Served with rice and slaw, corn or flour tortillas **\$13.99**

Tampiquena

Skirt steak grilled to perfection, Accompanied with chicken tamal in salsa verde, rice and a la charra beans, corn or flour tortillas **\$16.99**

Tikin Xic - Citrus Black Cod

Pan seared cod fish with capers, parsley lemon sauce. Served with seasonal vegetables

\$19.99

GRILLED & FIRE

Shrimp Scampi

Served with seasonal vegetables and chipotle risotto **\$21.99**

Grilled Salmon

Herb quinoa, citrus cream sauce, seasonal sautéed vegetables, fingerling potatoes **\$22.99**

Ala Grilled Mix

Grilled skirt steak and sausage, topped with a chimichurri sauce.

Served with seasonal sautéed vegetables and fingerling potatoes **\$23.99**

Rib Eye

12 oz. rib eye steak seared to perfection, red wine au jus.

Served with seasonal sautéed vegetables, fingerling potatoes **\$23.99**

Lamb Shank

On a delicious mole poblano sauce, seasonal sautéed vegetables and mushrooms **\$24.99**

Beverages

Soft Drinks- (Coke, Diet Coke, Sprite, Dr Pepper, Shirley Temple, Club Soda, Ginger Ale,) \$2.79

Ice Tea-(Unsweetened) \$2.49

Hot Tea- \$2.49

Espresso- \$3.50

Lemonade, Arnold Palmer\$2.79

Limonada Mineral, Limonada Natural \$3.25

Espresso \$3.50

Pineapple Juice, Grandberry Juice \$2.99

Coffee \$2.49

San Pellegrino(Large) \$5.75

San Pellegrino \$3.75

Tonic Water \$2.79

Hot Chocolate \$2.99

Latte \$5.25

Cappuccino \$5.25

Clamato Juice \$2.00

Date Printed: 1/6/2020 11:45
 Prepared By: ELIZABETH

ASSESSMENT AND TAXROLL CORRECTION RESOLUTION

Tax Year: 2019
 Resolution No: 55796
 Date Created: 1/6/2020 12:45 PM

Reason For Change:

Ownership and address correction for 2019 tax year.

AS BILLED PARCEL ID: 11603058	AREA CODE 3501	CHANGE TO PARCEL ID: 11603058	AREA CODE 3501
ACCOUNT NUMBER: R000026389		ACCOUNT NUMBER: R000026389	
PUC 0133-SFR-010-3		PUC 0133-SFR-010-3	
RURAL SUBDIV		RURAL SUBDIV	

Special Districts:

UNITS

Special Districts:

UNITS

Limited Property	Valuation	%	Exempt	Net Assessed	Limited Property	Valuation	%	Exempt	Net Assessed
03011	98,074	10.00	0	9,807	03011	98,074	10.00	0	9,807
03L	5,342	10.00	0	534	03L	5,342	10.00	0	534
Total	103,416		0	10,341	Total	103,416		0	10,341

Full Cash	Valuation	%	Exempt	Net Assessed	Full Cash	Valuation	%	Exempt	Net Assessed
03011	113,818	10.00	0	11,382	03011	113,818	10.00	0	11,382
03L	6,200	10.00	0	620	03L	6,200	10.00	0	620
Total	120,018		0	12,002	Total	120,018		0	12,002

Description As Billed
 SUB RIO RICO RANCHETTES UNIT NO.4 LOT 19 OF BLK 39

Description Change To
 SUB RIO RICO RANCHETTES UNIT NO.4 LOT 19 OF BLK 39

WOOD GEORGE F & VERA
 14804 NE 10TH ST UNIT 13
 VANCOUVER, WA 98684-3678

ENCISO LIZARRAGA MONICA
 1400 ANCLAR COURT
 RIO RICO, AZ 85648



LIZ GUTFAHR
Treasurer
MARIA ACUÑA
Chief Deputy

County Treasurer Santa Cruz County

P.O. Box 1150
Nogales, Arizona 85628
Tel. (520) 375-7980
Extension 7967
TDD (520) 761-7816

Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Dianne L or Kenneth Doss
C/O Ronald Fish

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 177630901

Tax Year(s): 1989 thru 2019 Taxes Amount of Tax: \$538.31.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$538.31 in taxes.
Shall forever be abated for the tax year(s) 1989 thru 2019 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



LIZ GUTFAHR
Treasurer
MARIA ACUÑA
Chief Deputy

County Treasurer Santa Cruz County

P.O. Box 1150
Nogales, Arizona 85628
Tel. (520) 375-7980
Extension 7967
TDD (520) 761-7816

Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Maria Estela Castelo

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 850020601.

Tax Year(s): 2003 thru 2018 Taxes Amount of Tax: 1,841.21.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$1,841.21 in taxes.

Shall forever be abated for the tax year(s) 2003 thru 2018 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



LIZ GUTFAHR
Treasurer
MARIA ACUÑA
Chief Deputy

County Treasurer
Santa Cruz County

P.O. Box 1150
Nogales, Arizona 85628
Tel. (520) 375-7980
Extension 7967
TDD (520) 761-7816

Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Elavon Inc.

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 201500134.

Tax Year(s): 2018 Taxes Amount of Tax: \$0.74

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$0.74 in taxes.
Shall forever be abated for the tax year(s) 2018 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



LIZ GUTFAHR
Treasurer
MARIA ACUÑA
Chief Deputy

County Treasurer Santa Cruz County

P.O. Box 1150
Nogales, Arizona 85628
Tel. (520) 375-7980
Extension 7967
TDD (520) 761-7816

Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Jerry Dwayn Dunson

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 940006101.

Tax Year(s): 2016 Taxes Amount of Tax: \$278.53.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$278.53 in taxes.
Shall forever be abated for the tax year(s) 2016 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



LIZ GUTFAHR
Treasurer
MARIA ACUÑA
Chief Deputy

County Treasurer Santa Cruz County

P.O. Box 1150
Nogales, Arizona 85628
Tel. (520) 375-7980
Extension 7967
TDD (520) 761-7816

Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: DMX LLC

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 995010501.

Tax Year(s): 2014 thru 2017 Taxes Amount of Tax: \$3.80.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$3.80 in taxes.
Shall forever be abated for the tax year(s) 2014 thru 2017 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



LIZ GUTFAHR
Treasurer
MARIA ACUÑA
Chief Deputy

County Treasurer Santa Cruz County

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Nogales, Arizona 85628
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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Pete Kitchen Estates Inc.
C/O Mi Casa Inc.

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 514616302.

Tax Year(s): 1998 thru 2018 Taxes Amount of Tax: \$1,114.49.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$1,114.49 in taxes.
Shall forever be abated for the tax year(s) 1998 thru 2018 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
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Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Cella & Barr Engineers
C/O Porter Homes Inc.

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 108806201.

Tax Year(s): 1991 thru 2018 Taxes Amount of Tax: \$163.00.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$163.00 in taxes.
Shall forever be abated for the tax year(s) 1991 thru 2018 taxes and is
Final and effective.

Chairman, Board of Supervisors

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Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Pedro Silva
C/O Dolores Sotelo

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 607706201.

Tax Year(s): 1989 thru 2019 Taxes Amount of Tax: \$195.66.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$195.66 in taxes.
Shall forever be abated for the tax year(s) 1989 thru 2019 taxes and is
Final and effective.

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Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Juan or Cecilia Fernandez

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 373658801.

Tax Year(s): 1997 thru 2019 Taxes Amount of Tax: 2,925.39.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$2,925.39 in taxes.
Shall forever be abated for the tax year(s) 1997 thru 2019 taxes and is
Final and effective.

Chairman, Board of Supervisors

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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Fidelcemisa

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 920008301.

Tax Year(s): 1992 thru 2019 Taxes Amount of Tax: \$3,878.33.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$3,878.33 in taxes.
Shall forever be abated for the tax year(s) 1992 thru 2019 taxes and is
Final and effective.

Chairman, Board of Supervisors

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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Flexi Compras Corporation

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 201200160

Tax Year(s): 2012 thru 2018 Taxes Amount of Tax: \$6,342.47.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$6,342.47 in taxes.
Shall forever be abated for the tax year(s) 2012 thru 2018 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Michael Patrick Ewing

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 990000901.

Tax Year(s): 2016 Taxes Amount of Tax: 624.23.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$624.23 in taxes.

Shall forever be abated for the tax year(s) 2016 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Ramon E or Irma Maytorena

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 423431201.

Tax Year(s): 2007 thru 2019 Taxes Amount of Tax: \$179.73.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$179.73 in taxes.
Shall forever be abated for the tax year(s) 2007 thru 2019 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Michael J. Cervantes

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 109327501.

Tax Year(s): 2015 and 2017 Taxes Amount of Tax: \$104.32

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$104.32 in taxes.
Shall forever be abated for the tax year(s) 2015 and 2017 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Natasha R. Franks

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 950003401.

Tax Year(s): 2016 Taxes Amount of Tax: \$110.02.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$110.02 in taxes.
Shall forever be abated for the tax year(s) 2016 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Garry Fay

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 980005101.

Tax Year(s): 1999 thru 2019 Taxes Amount of Tax: 255.52.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$255.52 in taxes.
Shall forever be abated for the tax year(s) 1999 thru 2019 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.



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Chairman Board of Supervisors
Santa Cruz County
Nogales, Arizona

Dear Sirs(s): Ref: ARS. 42-18353---Treasurer's Motion for Abatement of Back Taxes
And Penalties due:

For: Benjamin E. or Wilma J. Felts

Certificate of Removal and Abatement of Taxes and/or Penalty

Tax Identification Number or Parcel Number: 718763101.

Tax Year(s): 2014 thru 2019 Taxes Amount of Tax: 22.43.

Reason for the motion to abate taxes: Mobile Home does not exist.

The amount of \$22.43 in taxes.
Shall forever be abated for the tax year(s) 2014 thru 2019 taxes and is
Final and effective.

Chairman, Board of Supervisors

Action brought on at a regular meeting of the Santa Cruz County Board of Supervisor,
State of Arizona dated on January 21, 2020.





Board of Supervisors

Santa Cruz County

MANUEL RUIZ
District 1

RUDY MOLERA
District 2

BRUCE BRACKER
District 3

PUBLIC NOTICE OF MEETING

Notice is hereby given, pursuant to A.R.S. 38-431.02, that the Board of Supervisors of Santa Cruz County, State of Arizona, will hold a *REGULAR MEETING* at **9:30 a.m.**, on *Tuesday, January 21st, 2020* at the Santa Cruz County Complex, 2150 N. Congress Drive, Room 120, Nogales, Arizona.

Notice is further given that one or more members of the Board of Supervisors may attend this meeting telephonically.

The Board of Supervisors may vote to hold an executive session for the purpose of obtaining legal advice from the Board's Attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

Dated this 16th day of January, 2020.

Tara R. Hampton, Clerk
Board of Supervisors



Board of Supervisors

Santa Cruz County

MANUEL RUIZ
District 1

RUDY MOLERA
District 2

BRUCE BRACKER
District 3

A G E N D A

January 21, 2020 at 9:30 a.m.

**Santa Cruz County Complex
2150 N. Congress Drive, Room 120
Nogales, AZ 85621**

A. CALL TO ORDER/PLEDGE OF ALLEGIANCE

B. ADOPTION OF AGENDA

C. CALL TO THE PUBLIC:

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

D. CURRENT EVENTS

1. Board of Supervisors
2. Manager

E. DEPARTMENT REPORTS AND ACTIVITIES

1. Finance: cash & investments, expenditures & revenues reports

F. FLOOD CONTROL DISTRICT

1. Discussion/possible action for authorization to waive the hiring freeze and fill vacant position Flood Control District Foreman (Req: Public Works)

ACTION TAKEN

approved

G. JAIL DISTRICT

2. Discussion/possible action for authorization to fill vacant positions:
 - a. (2) Detention Officers (Req: Sheriff)
 - b. Full-Time Detention Corporal (Req: Juvenile Probation)

approved

approved

H. ACTION ITEMS

1. Discussion/possible action for authorization to fill vacant positions:
 - a. Chief Deputy Probation Officer (Req: Probation) approved
 - b. (2) Public Safety Tele-Communicators (Req: Sheriff) approved
 - c. Evidence Custodian (Req: Sheriff) approved
 - d. Senior Court Clerk (Req: Justice of the Peace) approved
2. Discussion/possible action for authorization to waive the hiring freeze and fill vacant positions: (Req: Public Works)
 - a. Road Foreman approved
 - b. Heavy Equipment Operator approved
3. Discussion/possible action to approve the Emergency Voting Procedure pursuant to A.R.S. 16-542(H) (Req: Recorder) approved
4. Discussion/possible action to approve the Arizona Department of Corrections (ADC) Inmate Work Contract No. 20-031-25 to continue providing labor force for various maintenance, landscaping and sanitation projects (Req: Administrative Services) approved
5. Discussion/possible action to approve an Intergovernmental Agreement IGA No. 19-0007547-1 with the State of Arizona to designate them as the County's agent for the chip seal project in Rio Rico (Req: Public Works) approved
6. Discussion/possible action to approve the adoption of Ordinance No. 2019-03 the Santa Cruz County Health Code to be effective February 1, 2020 (Req: Health & Human Services) approved
7. Discussion/possible action: recommendation of approval of Applications for Liquor Licenses for: (Req: Clerk)
 - a. Vino Bandito De Sonoita, Elgin approved

- b. Habaneros Restaurant, Tubac approved
- 8. Tax Valuation Adjustments: (Req: Assessor)
 - a. 116-03-058 – Monica Enciso Lizarraga, Resolution No. 55796 approved
- 9. Discussion/possible action to approve Certificate of Removal and Abatement of Taxes and/or Penalty: (Req: Treasurer)
 - a. Tax ID# 177630901 – Dianne L or Kenneth Doss C/O Ronald Fish, \$538.31 approved
 - b. Tax ID# 850020601 – Maria Estela Castelo, \$1,841.21 approved
 - c. Tax ID# 201500134 – Elavon Inc., \$0.74 approved
 - d. Tax ID# 940006101 – Jerry Dwayn Dunson, \$278.53 approved
 - e. Tax ID# 995010501 – DMX LLC, \$3.80 approved
 - f. Tax ID# 514646302 – Pete Kitchen Estates Inc. C/O Mi Casa Inc., \$1,114.49 approved
 - g. Tax ID# 108806201 – Cella & Barr Engineers C/O Porter Homes Inc., \$163.00 approved
 - h. Tax ID# 607706201 – Pedro Silva C/O Dolores Sotelo, \$195.66 approved
 - i. Tax ID# 373658801 – Juan or Cecilia Fernandez, \$2,925.39 approved
 - j. Tax ID# 920008301 – Fidelcemisa, \$3,878.33 approved
 - k. Tax ID# 201200160 – Flexi Compras Corporation, \$6,342.47 approved
 - l. Tax ID# 990000901 – Michael Patrick Ewing, \$624.23 approved
 - m. Tax ID# 423431201 – Ramon E or Irma Maytorena, \$179.73 approved
 - n. Tax ID# 109327501 – Michael J. Cervantes, \$104.32 approved
 - o. Tax ID# 950003401 – Natasha R. Franks, \$110.02 approved
 - p. Tax ID# 980005101 – Garry Fay, \$255.52 approved
 - q. Tax ID# 718763101 – Benjamin E. or Wilma J. Felts, \$22.43 approved
- 10. Monthly Reports approved
- 11. Demands approved
- 12. Approval of Minutes: 11/06/19, 11/20/19, 12/04/19 & 12/18/19 approved

I. ADJOURNMENT

Posted: 01/16/20 at 12:25 p.m. by TRH

Tara R. Hampton, Clerk of the Board

The Board of Supervisors may vote to hold an executive session for the purpose of obtaining legal advice from the Board's Attorney on any matter listed on the agenda pursuant to A.R.S. §3-431.03(A) (3).