

March , 2021

**TO: Jaime Chamberlain, Chairman**

FROM: Luis Ramirez, President, Ramirez Advisors Inter-National

SUBJECT: Monthly Report of Activities – February 2021

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On behalf of Ramirez Advisors Inter-National, LLC (“RAI-N”) allow me to present our activity report to you and the Board of Directors of the Greater Nogales Santa Cruz County Port Authority. As always, we request and welcome your continued comments and suggestions as to how we can improve on our services, our communications and on our activities on your behalf. With your feedback, we will make every effort to improve our response to your directives and ensure an effective implantation of the initiatives at hand.

Our recent activities on behalf of the GNSCCPA have focused on the following key areas:

1. Mariposa Cold Room Project Update;
2. Extension of Border Crossing Restrictions;
3. Santa Cruz BOS Sends Letter to CBP on DeConcini Feasibility Study;
4. Senator Gabaldon Proposes Creation of I-19 Study Committee;
5. Senators Sinema and Kelly send letter to President Biden on Ports of Entry;
6. Announcement by ITC on Blueberry Trade Investigation;
7. Port Authority Opposition to HB2447;
8. ADOT Touchless Border Initiative Update;
9. Arizona-Sonora Port of Entry Technical Meeting;

This report is not intended to be a full description of all activities but rather, provides highlights and information on the direction of our activities to keep the Board of Directors informed and to ensure adherence to the vision and guidance imparted to RAI-N by the GNSCCPA and its leadership. Throughout this period, RAI-N has maintained active and frequent communications with Ms. Allison Moore, Mr. Bruce Bracker and various other members of the Board of Directors in order to ensure that we have a fully coordinated approach to our efforts. RAI-N stands ready to address any issue, concern or suggestion that may arise from this report and from our on-going dialogue with the leadership and the Board of Directors.

## 1. **MARIPOSA COLD ROOM PROJECT UPDATE**

- Work with the General Services Administration (GSA) continues on the project.
- GSA has provided initial response to changes suggested by Technical Team on the Revocable License Agreement.
- Port Authority is awaiting final version of the Licensing Agreement in order to bring it to the Board for approval.

## 2. **EXTENSION OF BORDER CROSSING RESTRICTIONS**



- The governments of the United States, Mexico and Canada have once again agreed to extend the border crossing restrictions for another 30 days, as of this report, it has been extended through March 21, 2021.
- We anticipate that, until COVID-19 contagion numbers start to decrease that these restrictions will continue for the foreseeable future.
- Who is considered an “essential” traveler?
  - Citizens and lawful permanent residents returning to the United States.
  - Individuals traveling for medical purposes (e.g., to receive medical treatment in the United States).
  - Individuals traveling to attend educational institutions.
  - Individuals traveling to work in the United States (e.g., individuals working in the agriculture industry who must travel between the United States and Canada or Mexico in furtherance of such work).
  - Individuals traveling for emergency response and public health purposes (e.g., government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID-19 or other emergencies).
  - Individuals engaged in lawful cross-border trade (e.g., truck drivers supporting the movement of cargo between the United States and Canada and Mexico).
  - Individuals engaged in official government travel or diplomatic travel.
  - Individuals engaged in military-related travel or operations.

**3. *SANTA CRUZ COUNTY LETTER TO CBP ON DECONCINI FEASIBILITY STUDY***

- On February 2, 2021, Santa Cruz County Board of Supervisors sent a letter to Director of Field Operations for Customs and Border Protection, Guadalupe Ramirez, urging CBP to conduct the Feasibility Study that is required to advance the modernization of the DeConcini Port of Entry;
- This is part of the ongoing efforts to elevate the urgency of the modernization of the port as the port is currently in very poor conditions and no longer offers a safe and secure work environment for CBP personnel;
- A copy of the press release is provided in Attachment #1.

**4. *SENATOR GABALDON PROPOSAL TO ESTABLISH I-19 STUDY COMMITTEE***

- On February 8, 2021, Senator Rosana Gabaldon introduced SB-1686, legislation that proposed to establish an I-19 Expansion Study Committee.
- Study committee would be tasked with examining the following items:
  - Widening of I-19 to three lanes in both directions.
  - Feasibility of Rudy Road interchange improvements.
  - Frontage roads from Ruby Road to Rio Rico Drive.
  - Other issues deemed relevant to I-19 expansion.
- Membership to include state senators/representatives, ADOT, Santa Cruz County, the Greater Nogales Santa Cruz County Port Authority, the Arizona-Mexico Commission, and a member appointed by the Governor.
- The study committee would be required to submit a report by December 15, 2021.
- The bill has been assigned to the Senate Committee on Transportation and Technology, but a hearing date has yet to be confirmed.

**5. *SENATORS SINEMA AND KELLY SEND LETTER TO PRESIDENT BIDEN ON POE PROJECTS***

- On January 12, 2021, an update on Arizona's trade relationship with Mexico and Canada was provided to the leadership of the Port Authority.
- A copy of the letter is provided in Attachment #2.

**6. *ANNOUNCEMENT BY ITC ON BLUEBERRY TRADE INVESTIGATION***

- On February 11, 2021, the US International Trade Commission issued its ruling on the investigation about the importation of fresh, chilled or frozen berries on domestic producers.
- The unanimous ruling indicated that import of blueberries do not seriously injure US industry.

- This is a major win for the importers of fresh produce and the producing countries, Mexico, Canada and Peru in this case.
- that the imports of blue berries January 12, 2021, the US International Trade Commission (ITC) held a lengthy public hearing on the impacts of Blueberry imports on domestic producers.
- Congratulations to the Fresh Produce Association of the Americas for playing such a critical role in the outcome of this case.
- In its press release the ITC stated:

**February 11, 2021**  
**News Release 21-022**  
Inv. No. TA-201-077  
**Contact: Peg O'Laughlin, 202-205-1819**

**INCREASED IMPORTS OF FRESH, CHILLED, OR FROZEN  
BLUEBERRIES DO NOT SERIOUSLY INJURE U.S. INDUSTRY, USITC  
DETERMINES**

The U.S. International Trade Commission (USITC) today determined that fresh, chilled, or frozen blueberries are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat of serious injury, to the domestic industry producing an article like or directly competitive with the imported article.

The determination was made in the context of an investigation initiated on September 29, 2020, under section 202 of the Trade Act of 1974 (19 U.S.C. § 2252) at the request of the U.S. Trade Representative. Information about this investigation and global safeguard investigations in general can be found here: [https://usitc.gov/press\\_room/documents/blueberries\\_factsheet\\_finalassubmittedforposting.pdf](https://usitc.gov/press_room/documents/blueberries_factsheet_finalassubmittedforposting.pdf)

The Commission's determination resulted from a 5-0 vote. Chair Jason E. Kearns, Vice Chair Randolph J. Stayin, and Commissioners David S. Johanson, Rhonda K. Schmidlein, and Amy A. Karpel voted in the negative.

As a result of today's vote, the investigation will end, and the Commission will not recommend a remedy to the President. The Commission will submit its report containing its injury determination and the basis for it to the President by March 29, 2021.

A public report concerning the investigation will be available after the Commission submits its report to the President.

**7. *PORT AUTHORITY OPPOSES HB2447***

- In a renewed proposal by Representative John Fillmore of Tucson, HB2447 sought to transfer all ADOT Enforcement and Compliance Division to the

Arizona Department of Public Service (DPS) and limiting enforcement to within 1 mile of the international ports of entry and to 5 miles to interstate ports of entry.

- The Port Authority, as it did in 2020 an identical legislation was proposed, testified, along with Santa Cruz County, against this proposal.
- Chairman Chamberlain testified via video platform while Supervisor Bruce Bracker traveled to Phoenix to testify in person.
- Due to the long agenda for the committee hearing, the Chair of the committee limited all testimony to one minute, making it essentially impossible to provide any details on the opposition to such a technical issue.
- Copies of the testimonies by Chairman Chamberlain and Supervisor Bracker are provided in Attachments #3 and #4.

**8. ADOT TOUCHLESS BORDER INITIATIVE UPDATE**



- On February 22, 2021, ADOT provided an update on its Touchless Border Initiative and the progress being made to eliminate cash transactions and other aspects of transactions that require the handing of paperwork from the driver to and from the officer.
- During the discussion, Board Member Josh Rubin, stressed the need to include the International Fuel Tax Permits (IFTA) into the on-line platform for securing the

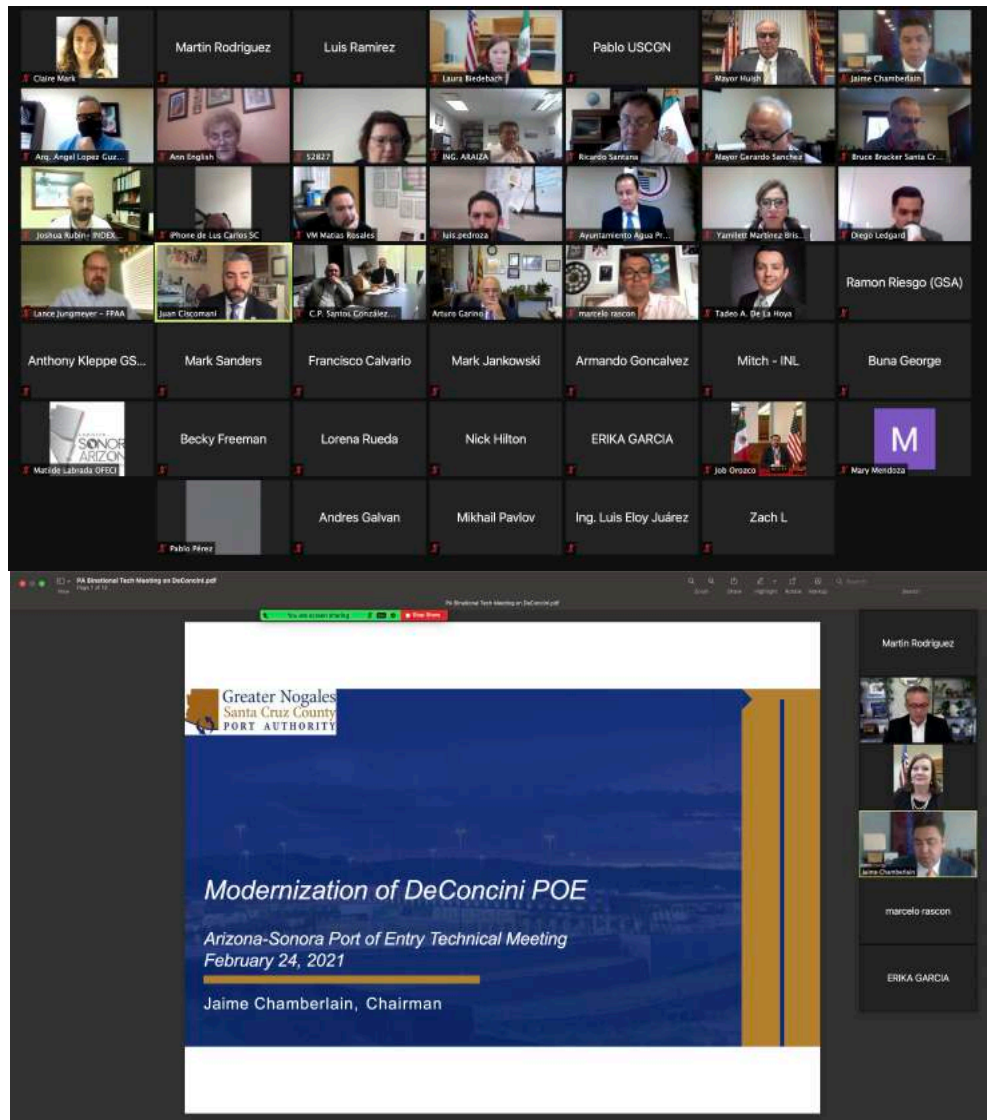
permits.

- ADOT confirmed that the programming team is working on enabling IFTA permits via the online platform.

**9. PORT AUTHORITY PARTICIPATES IN BINATIONAL PORT OF ENTRY TECHNICAL MEETING**

- On February 24, 2021, the US Consulate General in Nogales, Sonora and the Mexican Consulate General in Nogales, Arizona, hosted a binational technical meeting with federal, state and local representatives focused on the Arizona port of entry projects.
- This three-hour meeting allowed each border community to spend up to an hour discussing key projects.

- Chairman Chamberlain presented on the urgent need to modernize the DeConcini port of entry.
- A copy of the Presentation by Chairman Chamberlain is provided in Attachment #6.
- A copy of the summary notes that was sent to Chairman Chamberlain and the leadership of the port Authority is provided in Attachment #7.



Images from the Binational Technical Meeting

**Attachment #1**

Copy of letter to CBP on DeConcini Modernization



**Board of Supervisors**  
Santa Cruz County

MANUEL RUIZ  
District 1

RUDY MOLERA  
District 2

BRUCE BRACKER  
District 3

2/2/2021

Guadalupe Ramirez  
Director  
Office of Field Operations – Tucson  
4740 N Oracle Rd. Ste. #300  
Tucson AZ 85705

Re; Deconcini POE Feasibility Study

DFO Guadalupe Ramirez,

Customs and Border Protection, and our ports of entry, are an essential part of our Ambos Nogales community. From protecting the Homeland and enabling tourism, to facilitating trade and investment, our ports of entry can be catalysts for growth or impediments to development. Unfortunately, one of our and Arizona's greatest assets has been neglected and as such, our community is needlessly suffering.

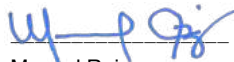
The reconfiguration of the Dennis DeConcini Port of Entry is long overdue. Requests from our community going back years have been sidelined by the bureaucracy in Washington, D.C.

Pedestrian crossings at the DeConcini Port of Entry, which includes the Morley Gate, in 2008 numbered seven and a half million people. That number fell by more than half during a period of time ending in 2013, primarily due to staffing shortages and ageing infrastructure.

This decline has had a disastrous effect on local business, their owners and the workforce of those businesses. It has also had a negative effect on local sales and property tax revenue. In addition, as sales declined, the owners of these properties have seen their property values vanish from the 1970's when property in downtown Nogales, Arizona, was the most expensive commercial real estate in the state.

Much attention and resources have gone into enhancing infrastructure between the ports of entry, but the ports of entry themselves have received minimal funding, most recently zeroed out in the FY2021 budget. While we don't dispute the need to protect the border between the ports of entry, it is essential that the ports of entry, that are the gateways for billions of dollars in trade and millions of travelers every year, also receive the necessary funding to offer state of the art facilities for the traveling public and safe and efficient facilities for CBP staffing. We want to stress that CBP personnel are members of our community and as such we want to make sure that they have the latest in technology and the best facilities possible so that they can do their jobs better, and not simply work with what-they-got.

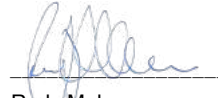
Arizona has three principal ports of entry, Raul Castro in Douglas, San Luis I in San Luis, and the Dennis DeConcini Port of Entry in Nogales. All have been neglected for far too long. The first two ports I mentioned have completed their feasibility studies and are in the process to secure funding for construction. It is impossible to advance the modernization of the DeConcini port of entry without a feasibility study. We have been requesting this for years and the situation simply grows worse by the day. We once again request that CBP, along with the General Services Administration, initiate the feasibility study process to determine the cost and design of the modernized facility. Our tourism, our retail, our health, our security, and our safety, all hinge on a modernized port of entry in downtown Nogales.



Manuel Ruiz  
Chairman



Bruce Bracker  
Vice-Chairman



Rudy Molera  
Supervisor



**Attachment #2**

Copy of letter asking for support on stopping ITC Investigations



February 11, 2021

Joseph R. Biden  
President of the United States  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Biden:

As your administration works on your fiscal year 2022 budget proposal, we ask that robust funding be included in the General Services Administration budget request for land ports of entry construction projects critical for our state of Arizona.

In Arizona, more than 8.5 million passed through a port of entry in 2019 and, despite border crossing restrictions, 423,000 commercial trucks passing through Arizona's ports of entry in 2020, up from 416,000 in 2019<sup>1</sup>. Census Bureau estimates indicate that \$29 billion worth of goods and services crossed through one of Arizona's ports of entry in 2019, and that cross-border trade is critical to the national economy and can help us recover from the COVID-19 economic downturn. Ports of entry also play a critical role in protecting our communities and securing our border. Most seizures of illicit drugs at our border occur at ports of entry<sup>2</sup>, and updated ports are better prepared to combat the flow of illegal goods and drugs.

Each year, the General Services Administration and Customs and Border Protection produce a five-year capital investment plan, which lists the ports of entry projects most in need of federal support. The most recent five-year plan included three ports of entry projects in Arizona, including the San Luis I Port of Entry modernization project, the construction of a new Commercial Port of Entry in Douglas, AZ, and the update of the Raul H. Castro Port of Entry. Completion of these projects, in addition to a critically needed update to the DeConcini Port of Entry in Nogales, AZ, will facilitate additional cross-border trade, improve our nation's border security, and help our state and nation recover from COVID-19.

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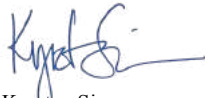
<sup>1</sup> <https://www.bts.gov/content/border-crossingentry-data>

<sup>2</sup> <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

Mr. Jaime Chamberlain  
Greater Nogales Santa Cruz County Port Authority  
March 23, 2021

As your administration prepares its fiscal year 2022 budget request, we request that robust funding be provided for critical ports of entry construction and update projects in southern Arizona. We also ask that your administration take all possible steps to work with the government of Mexico to prioritize these port of entry updates.

Sincerely,



Kyrsten Sinema  
United States Senator



Mark Kelly  
United States Senator

**Attachment #3**

Chairman Testimony on HB2447

Testimony  
Committee on Public Safety  
Arizona House of Representatives

By: Jaime Chamberlain  
Chairman, Greater Nogales Santa Cruz County Port Authority

February 15, 2021  
Phoenix, Arizona

Chairman Payne, Vice Chairman Nguyen, and members of the committee, my name is Jaime Chamberlain, and I am here as the Chairman of the Greater Nogales Santa Cruz County Port Authority, to speak against House Bill 2447.

As a point of reference, I also testified last year in opposition to HB-2030, a bill that had the same goal, to transfer ADOT's enforcement division or ECD, over to DPS. Last time, I was there in person but today I join you from my office in Nogales.

I think it is important for you to know that the Board of Directors of the Port Authority is comprised of representatives from the City of Nogales, Santa Cruz County, the Fresh Produce Association of the Americas, Nogales Customs House Brokers Association, INDEX-Maquila Association, Nogales Community Development, the Nogales-Santa Cruz County Economic Development Foundation and the Santa Cruz County Mining Cluster. We have been in existence for approximately 16 years and are dedicated to improving our ports of entry and enhancing the quality of life for the residents of our binational region.

To that end, the Port Authority has worked on hundreds of issues and initiatives that, by improving our ports of entry, we are reenforcing the biggest catalyst for growth, economic development, job creation, investment and the expansion of our local tax base.

In 2020, Arizona set a new record for the number of trucks that crossed the border from Mexico into our state, with 423,173 northbound trucks, with Nogales processing approximately 83% of all of that truck traffic. In my business, as a broker of fresh produce that is imported from Mexico, I ship over 80,000 boxes of fresh produce per day, and send dozens of trucks to destinations all over North America and beyond.

I mention all of this to highlight that trucking is very important to my business and to our community. That is why we have, for many years, forged a very close working relationship with ADOT and the enforcement division because our very livelihoods depends on it. As part of those efforts, we have been working with ADOT on the continual improvements to our transportation and inspection infrastructure, as well as the process by which trucks can operate safely and efficiently on our roads.

Let me provide one example. At the direction of the Governor, about 6 years ago, ADOT conducted a SIGMA analysis of the port operations because trucks were taking too long to be processed, inspection times were measured in hours and Out-of-Service orders were frequent. As a result of the study, ADOT implemented a number of changes and innovations to the inspection process that have had trend-setting results that are now the envy of the other border states. The basic premise is that in order to make trucks and

their drivers safe on our roads, we have to engage with them. Simply stopping the truck, imposing a fine and forcing the company to pay does not lead to gains in efficiency. It leads to animosity.

We have worked with ADOT Director John Halikowski and EDC Director Time Lane, to create and implement programs that allow for a partnership with industry and the local communities on enhancing compliance while gaining efficiencies. There is absolutely no mistaking that safety remains the number one priority and the results prove it. Fines are down, inspection times are down, out-of-service orders are down, yet truck traffic is up.

Many of these achievements are due to the Border Liaison Unit or BLU. This bilingual team of ECD officers and inspectors have forged close working relationships with industry. They created an instructional program to help truck drivers, mechanics and trucking company owners conduct self-inspections before they arrive at the border. If there are any questions, they use the WhastApp application to send pictures and ask questions before they leave the yard. By the time they get to the inspection facility, most of the issues have been addressed. Because there is higher compliance with less fines, the trucks get inspected and get on the road faster. And when you are carrying perishable commodities, it is literal to say, that time is money.

Most recently we worked with ADOT-ECD to deploy the *Touchless Border Initiative*, where drivers are required to secure their permits on-line or pay with a credit card instead of cash. Cash transactions have been measured to take over 20 minutes versus securing permits on-line or paying with a credit card which can be measured in seconds or perhaps a few minutes. But a touchless border is not only more efficient, it also prevents the spread of COVID-19. In fact, our board members worked with ECD in creating educational bilingual videos that have been shared all over our binational border region and it is working.

If the system is working so well today, it begs the question of WHY is there a proposal to break it and change it? While we have great respect for the critical work that DPS and their mission, we just don't see the need to make this change. In fact, because of the requirements that would be associated with this proposed change, some of the current employees of ECD and the BLU that retired from DPS years ago, would not be able to make the transition to DPS. Thus, we stand to lose critical personnel that have made such a difference.

ADOT-ECD has been a value-added partner in making our border safer, more effective, more efficient, and now even protective of the health of truck drivers and inspectors.

Again, the Great Nogales Santa Cruz County Port Authority expresses its opposition to HB-2447. I thank you for the opportunity to speak before you and I look forward to answering any questions you may have.

**Attachment #4**  
Supervisor Bracker Testimony on HB2447

Testimony

Committee on Public Safety  
Arizona House of Representatives

By: Bruce Bracker  
Supervisor, Santa Cruz County

February 15, 2021  
Phoenix, Arizona

Chairman Payne, Vice Chairman Nguyen, and members of the committee, my name is Bruce Bracker, Supervisor for Santa Cruz County. I am also a founding member of the Arizona Border Counties Coalition, a coalition that includes Cochise, Santa Cruz, Pima and Yuma counties.

For the record, both Santa Cruz County and the Border Counties Coalition were in opposition to the previous version of this bill, HB-2030, that was before this committee last year. And I am here once again to express our opposition to the newest version of the bill, HB-2447.

There have been no structural changes since last year's debate on this issue. In fact, we continue to make great progress with ADOT's Enforcement Division on a number of fronts. Thus, I am puzzled as to why we are here once again to debate this issue.

Compliance by trucks crossing the border is up and fines are down, with the result that our roads are safer. Not only are our roads safer, but because of the great work by ADOT'S ECD, our border and Arizona have gained a competitive advantage over California, New Mexico and Texas. Our neighboring states have repeatedly sought to learn what ADOT ECD is doing and copy it. We are setting the standard.

ADOT has applied modifications to inspection procedures to make the process more effective and efficient. The Border Liaison Unit under ECD, continues to impart educational initiatives in partnership with industry that are the envy of the other border states. At last report, more than 800 Mexican drivers have been trained by ADOT ECD to help them understand what Arizona requires for a truck to be considered **safe** to operate on our roads. And all those drivers have to be re-certified each year. This is a proactive approach to safety that changes the enforcement paradigm leading to enhanced safety.

Earlier this year ADOT launched the *Touchless Border Initiative* that eliminates cash and hand-to-hand transactions between drivers and ADOT personnel in order to secure permits. Considering that Santa Cruz County was at one point time among the worse counties for the spread of COVID-19, we greatly appreciate this initiative. Having truckers secure their permits online has led to huge gains in efficiency and their customers are telling us that they really like this initiative.

As the largest single gateway for produce, with more than 6.5 billion pounds of fresh produce crossing at Nogales each year, the gains in efficiency of the inspection process leads to less congestion, speedier

crossings, more predictable cross-border logistics and, ultimately, more profits for our local businesses that rely on trucks to get their products to market.

For the record, I want to state that I am a strong supporter for the Department of Public Safety and their mission. But I just don't see what is to be gained by transferring all of ADOT's enforcement division to DPS. Our analysis and first-hand knowledge of what happens at the border, the work with ADOT and ECD, and the success we continue to have, should dispel any misinformation that is out there about the "need" to effect this change.

Mr. Chairman, I urge you and the members of the committee to bring this issue to a close and to leave ECD under the ADOT umbrella. It is working and working well. Again, I want to restate our opposition to HB-2447.

I would be happy to address any questions you may have, and I thank you for the opportunity to appear before you.

**Attachment #5**  
Notes from the Hearing on HB2447

**NOTES**

**HB 2447 (ADOT; ports of entry; reporting)**  
Committee on Military Affairs & Public Safety  
Arizona House of Representatives  
Monday, February 15, 2021

**Committee Members:**

- Rep. Kevin Payne, Chairman
- Rep. Quang Nguyen, Vice Chairman
- Rep. Richard Andrade
- Rep. Walt Blackman
- Rep. Judy Burges
- **\*Rep. John Fillmore\* (Bill Sponsor)**
- Rep. Mark Finchem
- Rep. Daniel Hernandez, Jr.
- Rep. Melody Hernandez
- Rep. Jennifer Jermaine
- Rep. John Kavanagh
- Rep. Jennifer Longdon
- Rep. Bret Roberts
- Rep. Myron Tsosie

**Summary:**

*Key Provisions of HB 2447*

- ADOT-ECD officers would no longer be considered regular peace officers but rather specialty police officers who can only enforce motor vehicle laws and rules.
- ADOT-ECD's enforcement jurisdiction would be limited to within 5 miles of a state port of entry and within 1 mile of an international port of entry.
- ADOT will be required to submit a report by November 1, 2021 to the Joint Legislative Budget Committee (JLBC) with information pertaining to resources and activities of the ECD.
  - Information from the report would then be used to assess a potential transition of the ECD's functions under the Department of Public Safety.

*Arguments in Favor of HB2447 by Rep. Fillmore*

- "The Enforcement and Compliance Division of the Arizona Department of Transportation (ADOT-ECD) is guilty of "agency creep" and duplicating enforcement efforts throughout the state that are under the jurisdiction of the Department of Public Safety."
- "DPS officers are better qualified than ADOT-ECD officers."

- “Limiting the jurisdiction of ADOT-ECD back to its original purpose would save the state \$1 million.”
- “The legislation would not affect commercial traffic enforcement in the border region. In fact, additional ADOT-ECD officers at the ports of entry would be made available if the geographical limits, as stated in the bill, are imposed.”
- “The legislation would not dismantle ADOT-ECD.”

*Arguments Against HB2447*

- Rep. D Hernandez: Reclassifying ADOT-ECD as “specialty peace officers” rather than “regular peace officers” will create inefficiencies if a commercial vehicle is pulled over and non-compliance issues arise (i.e., drugs, human trafficking, etc.). An ADOT-ECD officer would have to call DPS and wait for assistance.
- Rep. D Hernandez/Rep. Jermaine: A study committee or report, as indicated in the bill, should come before any substantial changes are made.
- Rep. D Hernandez: Concerns over lack of stakeholder engagement before the bill was re-introduced this session.
- Rep. Jermaine: DPS is understaffed and would not be able to adequately handle the added responsibilities that ADOT-ECD currently carries out.

**Discussion Highlights:**

- Opening Comments from Rep. Fillmore
  - “This bill does not impact the enforcement problems that are dealt with by the Enforcement and Compliance Division from their stated mission by statute which says that they should be operating at the Arizona ports of entry [for trucks] coming through the border with Mexico.”
  - ADOT-ECD officers are engaged in non-commercial traffic enforcement beyond the border region.
  - “An insult to DPS officers who are, by far, trained better. They are better qualified.”
- Rep. D Hernandez asked Mr. Fillmore whether he held stakeholder meetings for HB 2447. Mr. Fillmore responded: “I didn’t feel it was necessary in light of those that we had in the past.”
- Rep. Fillmore: “I asked for a Fiscal Note on this bill...said that there would be over a million dollars saved. I think that was a little short and think it would be a lot more...”



- Chairman Payne: “By passing this bill, would that stop [ADOT-ECD] from doing what they are doing now down at the border?”
  - Mr. Chamberlain argues that removing “regular peace officer” designation for ECD officers is a form of dismantling. Limits ability to respond to illicit activities that may arise during a routine stop.
- On the training of DPS officers versus ADOT-ECD officers
  - Mr. Roberts: “I assume they are all POST certified. Does their training differ on the FTO [Field Training] portion?”
  - Rep. Fillmore: “I don’t know what the difference is specifically. To be honest, I’ve never really evaluated that...there’s a higher standard [for DPS officers than ADOT-ECD officers].”
  - Rep. D Hernandez also noted that all regular peace officers have to be POST certified.
- On whether the bill would dismantle ADOT-ECD
  - Rep. Fillmore: “By no means is this bill intended to or going to dismantle the ECD. What it’s going to do is have them remain down there on the border doing their job and should be welcomed by the border supervisors.”
  - Rep. D Hernandez: “We might be putting the cart before the horse. We haven’t had the time to do a study committee or do any real deep dives into what’s going on...But not having a stakeholder meeting and not talking to folks who are going to be directly impacted by this is bad policy.”
- Comments from Nick Ponder, on behalf of League of Arizona Cities & Towns
  - ECD responsibilities extend beyond just the border region, such as vehicle theft services.
  - League is specifically concerned with enforcement of size/weight limits and other commercial truck safety requirements throughout the states.
    - West Valley is home to cluster of distribution centers. Municipalities in that area partner with ECD to make sure that truck safety regulations are in compliance – an issue that is not the core mission of DPS.
- Comments from Tony Bradley, Arizona Trucking Association
  - “Trucking industry is looking for uniform application of the commercial vehicle code.”
  - “There are 2 law enforcement agencies that have jurisdictions over trucks. We see that as duplicative and overlapping.”
  - “We would like to see a study that would say, ‘Can [these enforcement functions] be done under one roof so that, we, as the regulated industry, answer to one master.’”

- Rep. D Hernandez: “I am deeply concerned by the changes in this bill that would remove ECD officers and make them specialty officers. That would create further inefficiencies if they were to find, for example, drugs, while conducting a stop. They would have to call a full officer to come execute anything that they have to do as a law enforcement officer.”
- Rep. Jermaine: “We heard testimony last week that DPS is very understaffed and cannot run 24/7 operations in our rural communities. So, I’m concerned that we’ll be leaving holes and gaps where bad things can happen. This issue needs further study before we make big, sweeping changes.”

***HB 2447 PASSES OUT OF COMMITTEE 8 AYES – 6 NAYS (PARTY LINE VOTE).***

**Attachment #6**  
 Copy of Presentation on DeConcini Modernization

**Greater Nogales Santa Cruz County PORT AUTHORITY**

**Modernization of DeConcini POE**

Arizona-Sonora Port of Entry Technical Meeting  
 February 24, 2021

Jaime Chamberlain, Chairman

1

**BOARD MEMBERSHIP:**

The Port Authority is tasked with advancing strategies to improve the ports of entry at Nogales and the quality of life for our residents.

- City of Nogales
- Santa Cruz County
- Fresh Produce Association of the Americas
- Nogales US Customs House Brokers Association
- Nogales Community Development Corporation
- INDEX – Maquila Association of Sonora
- Nogales Economic Development Foundation
- Santa Cruz County Mining Cluster

2

**NOGALES BY THE NUMBERS**

- Border Crossing Restrictions have had a severe impact on non-commercial crossings
- 2020: In two-way traffic, Nogales was the gateway for:
  - 2.1 million cars
  - 5.1 million people
- When compared to 2019, 2020 volumes represent a 38.9% drop in cars, 58.5% drop in pedestrians, and \$1.3% drop in total people
- Expect a prompt recovery once border crossing restrictions are lifted

Source: US Department of Transportation

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**NOGALES BY THE NUMBERS - TRUCKS**

- 2020: Approximately 2,600 NB trucks more over 2019, an increase of 0.8%
- Represents more than \$26 billion of trade between US and Mexico
  - \$23+ billion in manufactured products
  - \$3+ billion in fresh produce
- Pandemic had severe impact on truck crossings for March-June 2020, have seen recovery since and set a new record

Source: US Department of Transportation

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**MODERNIZATION OF SR-189**

**\$138 million modernization of SR-189**

**Funding program includes:**

- \$10 million Tiger Grant
- \$45 million Arizona Legislature appropriation
- \$12 million from City of Nogales and Santa Cruz County
- \$76 million from Arizona Transportation Funding
- Final connector for the modernization of MX-15 connecting to the US federal highway system

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**Urgent Need to Modernize DeConcini**

DeConcini presents an array of safety and security risks for both CBP and its users not seen at any other Port

- Last time major improvements early 1990's
- Primary lanes within a few feet of international boundary restricting ability to deploy technology
- Downtown merchants report loss of sales of up to 80% pre-Pandemic
- Downtown merchants rely on pedestrian traffic
- Heavily congested and landlocked
- Pre-COVID reported wait times of well over 10-hours during peak travel days
- COVID-19 forces new approach to ensure safety of CBP officers and traveling public

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**Expanding the footprint**

Timing could be right for land acquisition to expand footprint

- Blue shade- existing port footprint
- Red shade- retail establishments and parking lots
- Several retail outlets have closed down and are empty due to changes in retail patterns at the border
- If wait then redevelopment will once again limit possible expansion of footprint.



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**Additional Challenges at DeConcini**

Rail Crossing that runs through the heart of downtown



IOI (Sewage) Pipeline



Underground Stormwater Tunnels Directly Underneath



8

**NEED TO MODERNIZE DECONCINI**



9

**Letters of support for Modernization**




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**Conclusion:**

**Urgent Need need to modernize DeConcini Port of Entry**

- Situation growing worse
- Negative impacts to retail sector and local tax-revenues
- Need to create a safe work environment for CBP officers
- Heavily congested today with Border Crossing Restriction – situation will grow worse once restrictions are lifted
- Need to address stormwater issues on both sides of the border
- Urgent request for GSA and CBP to conduct feasibility study for the project



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**Greater Nogales Santa Cruz County PORT AUTHORITY**

Jaime Chamberlain  
 Chairman  
 Greater Nogales Santa Cruz County Port Authority

[www.NogalesPort.org](http://www.NogalesPort.org)  
 @PortNogales @PortNogales

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**Attachment #7**

**Copy of Follow Up notes to Port Authority Leadership.**

From: luis@ramirezadvisors.com  
 Subject: Arizona-Sonora Binational Technical Meeting  
 Date: February 26, 2021 at 4:21 PM  
 To: Jaime Chamberlain jaime@chamberlaindistributing.com  
 Cc: Allison Moore amoore@freshfrommexico.com, Scott Vandervoet scott.vandervoet@gmail.com, Leonardo Tarriba ltarriba@farmersbest.com.mx, Guillermo Valencia gvalencia@evalencia.com, Terry K. Shannon Jr. tshannons@mchsi.com, Demetrio Kyriakis d.kyriakis@kk-intl.com, Liza Montiel lemontiel@nogalesaz.gov, John Kissinger jkissinger@nogalesaz.gov, mayorgarino@nogalesaz.gov, Bruce Bracker bbracker@santacruzcountyaz.gov, Jennifer St. John jstjohn@santacruzcountyaz.gov, Nilo Larriva nilo@nogalesinternet.com, Nils Urman nils.urman@gmail.com, Josh Rubin jrubin@javidmexico.com, Pat Risner pat.risner@south32.net, Gregory Lucero gregory.lucero@south32.net, David Hathaway SheriffDavidHathaway@gmail.com, Martin Rodriguez Nunez martin@ramirezadvisors.com

Jaime,

Thank you, Mayor Garino, Supervisor Bracker, and Vice Chair Josh Rubin, for taking the time to participate in the Arizona-Sonora Binational Technical meeting organized by the US Consulate General. This meeting was designed as a preparatory meeting for the upcoming US-Mexico Binational Bridges and Border Crossings Meeting that is tentatively scheduled for the end of March. You might recall that during the larger binational protocol meetings, our projects usually get 5 - 7 minutes. This meeting offered almost an hour to discuss the issues at DeConcini.

There was broad consensus that DeConcini is in dire need of substantial investment. CBP and GSA confirmed, as we have reported in the past, that the hesitation on conducting a feasibility study for DeConcini is that construction funding is not in the pipeline. Feasibility studies typically have period of up to 5 years of validity or else they have to be redone or updated. Thus, without the prospect of funding on the horizon, CBP and GSA are hesitant to conduct the study out of fear of wasting the funding. Their message also indicated that it is through advocacy with our Congressional leaders that DeConcini can move up on the priority list for CBP.

This confirms, as we have been doing, that sending letters to our congressional delegation, briefings to our Congressional leaders and their staff need to continue. It will be our congressional delegation and the Governor that will help move DeConcini up on the priority list. Additionally, there is still a possible infrastructure bill this year that could fund other key border projects, and as projects get funded, they get removed from the list and others move up.

We are working with the US Consulate General on the minutes and action items, and a lot more detail, from the meeting. We hope that they will come out next week.

In the mean time, here are a couple of pictures from the meeting and a copy of the presentation.

Should there be any questions, please let me know,  
Luis

