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PROTECTIVE SERVICES DEPARTMENT

May 13, 2010

Mr. Dale Shaw  
Executive Director  
TOPAZ Regional Wireless Cooperative  
P.O. Box 968  
Mesa, Arizona 85211-968

Dear Mr. Shaw:

The purpose of this letter is to request authorization to continue using two trunked portable radios on the TOPAZ 800 MHZ Radio System. Our department received authorization to operate on the original TOPAZ Radio System in 2006 and two portables were programmed to operate on Mesa Police Department Channels. These radios are used by our field agents to communicate with Mesa Police and Fire units during incidents that occur on lands owned and controlled by the Central Arizona Project. It has been very helpful for our agents to have the ability to monitor district traffic while they are enroute to the incident and have access to tactical channels that would normally be used at incidents such as a vehicle in the canal or a person presumed to have entered the swift current that is normally present in the CAP canal.

The CAP Protective Services Department is a law enforcement agency that is charged with protecting the Central Arizona Project. Our field agents are Certified Peace Officers and hold full certification through the Arizona Peace Officer Standards and Training Board. The Federal Bureau of Investigation has assigned AZ0070600 as the ORI for our department. I have attached copies of the Arizona Revised Statutes that grant CAP the authority to appoint peace officers for the protection of the project.

CAP operates an 800 MHZ Digitally Trunked (OpenSky) Radio System. We presently operate on ten mountaintops and several cell sites. This system provides our agents with good coverage along the entire length of the project from Lake Havasu to Tucson. There should be no reason for CAP agents to use the two portables for any purpose other than interoperability.

Our agents currently have access to the Phoenix Police Department, Glendale Police Department, Scottsdale Police Department, LaPaz County Sheriffs Office, Maricopa County Sheriffs Office, Pinal County Sheriffs Office, and the Arizona Department of Public Safety communication systems.

I believe the continued use of these two 800 MHZ trunked portable radios will allow both CAP and the City of Mesa to better protect the public when there is an incident that requires an immediate and coordinated response by CAP and City of Mesa units.

Thank you for considering my request and please call me if you have any questions or require additional information. I can be reached at (623) 869-2344.

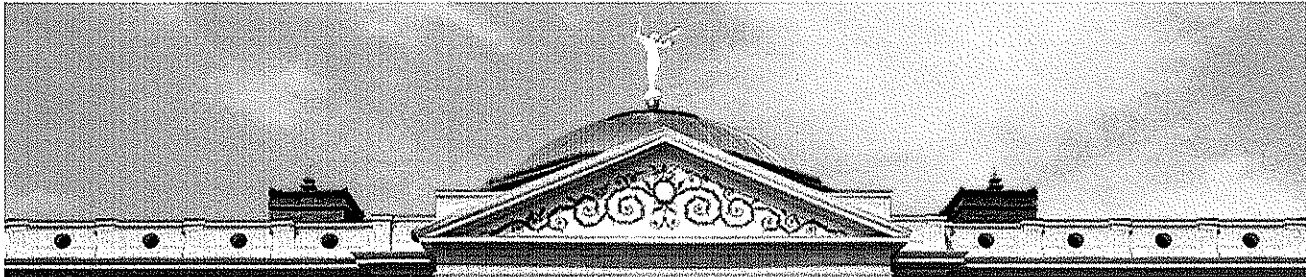
Sincerely,

A handwritten signature in black ink, appearing to read 'Charles A. Erickson', with a long horizontal flourish extending to the right.

Charles A. Erickson  
Manager/Chief Law Enforcement Officer

Attachment

## Arizona State Legislature

Bill Number Search:  

Forty-ninth Legislature - Second Regular Session

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**1-215. Definitions**

In the statutes and laws of this state, unless the context otherwise requires:

1. "Action" includes any matter or proceeding in a court, civil or criminal.
2. "Adopted rule" means a final rule as defined in section 41-1001.
3. "Adult" means a person who has attained the age of eighteen years.
4. "Alternative fuel" means:
  - (a) Electricity.
  - (b) Solar energy.
  - (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of hydrogen with liquefied petroleum or natural gas that complies with any of the following:
    - (i) Is used in an engine that is certified to meet at a minimum the United States environmental protection agency low emission vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
    - (ii) Is used in an engine that is certified by the engine modifier to meet the addendum to memorandum 1-A of the United States environmental protection agency as printed in the federal register, volume 62, number 207, October 27, 1997, pages 55635 through 55637.
    - (iii) Is used in an engine that is the subject of a waiver for that specific engine application from the United States environmental protection agency's memorandum 1-A addendum requirements and that waiver is documented to the reasonable satisfaction of the director of the department of environmental quality.
  - (d) Only for vehicles that use alcohol fuels before August 21, 1998, alcohol fuels that contain not less than eighty-five per cent alcohol by volume.
  - (e) A combination of at least seventy per cent alternative fuel and no more than thirty per cent petroleum based fuel that operates in an engine that meets the United States environmental protection agency low emission vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94 and that is certified by the engine manufacturer to consume at least seventy per cent alternative fuel during normal vehicle operations.
5. "Bribe" signifies anything of value or advantage, present or prospective, asked, offered, given, accepted or promised with a corrupt intent to influence, unlawfully, the person to whom it is given in that person's action, vote or opinion, in any public or official capacity.
6. "Child" or "children" as used in reference to age of persons means persons under the age of eighteen years.
7. "Clean burning fuel" means:
  - (a) An emulsion of water-phased hydrocarbon fuel that contains not less than twenty per cent water by volume and that complies with any of the following:
    - (i) Is used in an engine that is certified to meet at a minimum the United States environmental protection agency low emission vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
    - (ii) Is used in an engine that is certified by the engine modifier to meet the addendum to memorandum 1-A of the United States environmental protection agency as printed in the federal register, volume 62, number 207, October 27, 1997, pages 55635 through 55637.
    - (iii) Is used in an engine that is the subject of a waiver for that specific engine application from the United States environmental protection agency's memorandum 1-A addendum requirements and that waiver is documented to the reasonable satisfaction of the director of the department of environmental quality.
  - (b) A diesel fuel substitute that is produced from nonpetroleum renewable resources if the qualifying volume of the nonpetroleum renewable resources meets the standards for California diesel fuel as adopted by the California air resources board pursuant to 13 California Code of Regulations sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel substitute meets the registration

requirement for fuels and additives established by the United States environmental protection agency pursuant to section 211 of the clean air act as defined in section 49-401.01 and the use of the diesel fuel substitute complies with the requirements listed in 10 Code of Federal Regulations part 490, as printed in the federal register, volume 64, number 96, May 19, 1999.

(c) A diesel fuel that complies with all of the following:

(i) Contains a maximum of fifteen parts per million by weight of sulfur.

(ii) Meets ASTM D975.

(iii) Meets the registration requirements for fuels and additives established by the United States environmental protection agency pursuant to section 211 of the clean air act as defined in section 49-401.01.

(iv) Is used in an engine that is equipped or has been retrofitted with a device that has been certified by the California air resources board diesel emission control strategy verification procedure, the United States environmental protection agency voluntary diesel retrofit program or the United States environmental protection agency verification protocol for retrofit catalyst, particulate filter and engine modification control technologies for highway and nonroad use diesel engines.

(d) A blend of unleaded gasoline that contains at minimum eighty-five per cent ethanol by volume or eighty-five per cent methanol by volume.

(e) Neat methanol.

(f) Neat ethanol.

8. "Corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

9. "Daytime" means the period between sunrise and sunset.

10. "Depose" includes every manner of written statement under oath or affirmation.

11. "Federal poverty guidelines" means the poverty guidelines as updated annually in the federal register by the United States department of health and human services.

12. "Grantee" includes every person to whom an estate or interest in real property passes, in or by a deed.

13. "Grantor" includes every person from or by whom an estate or interest in real property passes, in or by a deed.

14. "Includes" or "including" means not limited to and is not a term of exclusion.

15. "Inhabitant" means a resident of a city, town, village, district, county or precinct.

16. "Issue" as used in connection with descent of estates includes all lawful, lineal descendants of the ancestor.

17. "Knowingly" imports only a knowledge that the facts exist that bring the act or omission within the provisions of the statute using such word. It does not require any knowledge of the unlawfulness of the act or omission.

18. "Magistrate" means an officer having power to issue a warrant for the arrest of a person charged with a public offense and includes the chief justice and judges of the supreme court, judges of the superior court, justices of the peace and police magistrates in cities and towns.

19. "Majority" or "age of majority" as used in reference to age of persons means the age of eighteen years or more.

20. "Malice" and "maliciously" import a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law.

21. "Mentally ill person" includes an idiot, an insane person, a lunatic or a person non compos.

22. "Minor" means a person under the age of eighteen years.

23. "Minor children" means persons under the age of eighteen years.

24. "Month" means a calendar month unless otherwise expressed.

25. "Neglect", "negligence", "negligent" and "negligently" import a want of such attention to the nature or probable consequence of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

26. "Nighttime" means the period between sunset and sunrise.

27. "Oath" includes an affirmation or declaration.

28. "Peace officers" means sheriffs of counties, constables, marshals, policemen of cities and towns, commissioned personnel of the department of public safety, personnel who are employed by the state department of corrections and the department of juvenile corrections who have received a certificate from the Arizona peace officer standards and training board, peace officers who are appointed by a multicounty water conservation district and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by community college district governing boards and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by the Arizona board of regents and who have received a certificate from the Arizona peace officer standards and training board and police officers who are appointed by the governing body of a public airport pursuant to section 28-8426 and who have received a certificate from the Arizona peace officer standards and training board.

29. "Person" includes a corporation, company, partnership, firm, association or society, as well as a natural person. When the word "person" is used to designate the party whose property may be the subject of a criminal or public offense, the term includes the United States, this state, or any territory, state or country, or any political subdivision of this state that may lawfully own any property, or a public or private corporation, or partnership or association. When the word "person" is used to designate the violator or offender of any law, it includes corporation, partnership or any association of persons.

30. "Personal property" includes money, goods, chattels, dogs, things in action and evidences of debt.
31. "Population" means the population according to the most recent United States decennial census.
32. "Process" means a citation, writ or summons issued in the course of judicial proceedings.
33. "Property" includes both real and personal property.
34. "Real property" is coextensive with lands, tenements and hereditaments.
35. "Registered mail" includes certified mail.
36. "Seal" as used in reference to a paper issuing from a court or public office to which the seal of such court or office is required to be affixed means an impression of the seal on that paper, an impression of the seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal, a screened seal or a computer generated seal.
37. "Signature" or "subscription" includes a mark, if a person cannot write, with the person's name written near it and witnessed by a person who writes the person's own name as witness.
38. "State", as applied to the different parts of the United States, includes the District of Columbia, this state and the territories.
39. "Testify" includes every manner of oral statement under oath or affirmation.
40. "United States" includes the District of Columbia and the territories.
41. "Vessel", as used in reference to shipping, includes ships of all kinds, steamboats, steamships, barges, canal boats and every structure adapted to navigation from place to place for the transportation of persons or property.
42. "Wilfully" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists.
43. "Will" includes codicils.
44. "Workers' compensation" means workmen's compensation as used in article XVIII, section 8, Constitution of Arizona.
45. "Writ" signifies an order or precept in writing issued in the name of the state or by a court or judicial officer.
46. "Writing" includes printing.

48-3713. Powers of district

A. The district, acting through its board, shall:

1. Enter into a contract or contracts with the secretary to accomplish the purposes of this chapter.
2. Provide for the repayment of construction costs, interest and annual operation, maintenance and replacement costs allocated to the district and payment of administrative costs and expenses of the district.
3. Levy an annual tax to defray district costs and expenses and to effect repayment of a portion of the district's obligation to the United States. Such tax levy shall not exceed ten cents per each one hundred dollars of assessed valuation of the taxable property within the district.
4. Establish and cause to be collected charges for water consistent with federal reclamation law and contracts entered into between the district and the secretary pursuant to this chapter.
5. Cooperate and contract with the secretary to carry out the provisions of the reclamation act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, including the Colorado river basin project act (82 Stat. 885).
6. Establish and maintain reserve accounts in amounts which may be required by any contract between the district and the secretary and in such additional amounts as may be deemed necessary to accomplish the purposes of this chapter.
7. Coordinate and cooperate with the Arizona water banking authority.

B. The district, acting through its board, may:

1. Contract with the United States to be the operating agent of the central Arizona project and to maintain all or portions of the project and subcontract with others for the operation or maintenance of portions of the project.
2. Acquire in any lawful manner real and personal property of every kind necessary or convenient for the uses and purposes of the district.
3. Acquire electricity or other forms of energy necessary for the operation of the central Arizona project. Effective retroactively to taxable years beginning from and after December 31, 1984, the acquisition of electricity or other forms of energy by the district for the purposes of pumping central Arizona project water shall not be subject to any state or municipal transaction privilege or use tax.
4. Contract for or perform feasibility studies of water storage, storage facilities and recovery wells.
5. Acquire, develop, construct, operate, maintain and acquire permits for water storage, storage facilities and recovery wells pursuant to title 45, chapter 3.1 using surplus central Arizona project water.
6. Enter into contracts to acquire, permit, develop, construct, operate and maintain water storage, storage facilities and recovery wells with any person pursuant to title 45, chapter 3.1. Such projects may utilize water, including central Arizona project water, which such persons have the right to store pursuant to title 45, chapter 3.1.

7. Plan, analyze, propose, apply for, construct, operate, maintain and dismantle state demonstration projects for water storage and recovery under title 45, chapter 3.1, article 6.

8. Acquire real property for state demonstration projects for water storage and recovery under title 45, chapter 3.1 by purchase, lease, donation, dedication, exchange or other lawful means in areas suitable for demonstration projects for water storage and recovery of state water in counties in which the district has water transportation facilities.

9. Advance monies necessary for the installation, construction, repair, maintenance or replacement of capital improvements related to any water storage, storage facilities and recovery wells or any other replenishment activities of the district undertaken pursuant to article 4 of this chapter. Monies advanced under this paragraph bear interest as determined by the board. Repayment of the advances shall be amortized over the useful life of the capital improvements, as determined by the board. Utilization of excess capacity in a state demonstration project for replenishment purposes pursuant to section 48-3772, subsection B, paragraph 8 does not constitute the advancement of monies under this paragraph.

10. Advance monies for the payment of the operation and administrative costs and expenses of the district relating to performance of the groundwater replenishment obligations under article 4 of this chapter, including replenishment reserve activities and reasonable reserves. Monies advanced under this paragraph shall bear interest as determined by the board. Repayment of the advances may be amortized over a reasonable period, as determined by the board.

11. Assign to the account of the district at fair value long-term storage credits, as defined in section 45-802.01, held by the district.

12. Provide technical and operational support to the Arizona water banking authority and shall be reimbursed by the Arizona water banking authority for providing that support.

13. Appoint certain employees of the district as **peace** officers only for purposes of providing law enforcement on property which is under the control of the district. The district shall not have any more than ten employees designated as **peace** officers at any one time.

14. Except for electric capacity and energy allocated to the Arizona power authority under the Hoover power plant act of 1984 (P.L. 98-381; 98 Stat. 1333), sell, resell, deliver or distribute electricity or other forms of energy acquired by the district for purposes of operating the central Arizona project but not needed by the district for such purposes, except that the district may not sell, resell, deliver or distribute electricity to a retail electric customer as defined in section 30-801.

C. The authority granted under title 45, chapter 3.1, article 6 does not authorize the district to withdraw and use groundwater that exists naturally in the basin in which the stored water is located. The authority provided in subsection B, paragraph 7 of this section is in addition to and distinct from any authority granted to the district by subsection B, paragraphs 5 and 6 of this section.

D. The functions of the district under subsection B, paragraph 5 of this section may be performed on behalf of the district by other persons under contract with the district.

E. The district may enter into and carry out subcontracts with water users for the delivery of water through the facilities of the central Arizona project. Such contracts as may be entered into between the district and the secretary and between the district and water users shall be subject to the provisions of the Colorado river basin project act (P.L. 90-537; 82 Stat. 885). Before entering into such contracts the district shall determine that the proposed contract or proposed amendment, and all related exhibits and agreements, have been submitted to the director of water resources as

required by section 45-107, subsection D.

F. The district may in conjunction with any other marketing entity or entities be a marketing entity under section 107 of the Hoover power plant act of 1984 (P.L. 98-381; 98 Stat. 1333) solely for the limited purposes of establishing and collecting the additional rate components authorized by that act and may enter into contracts for that purpose. This subsection does not limit the authority of the district under subsection B, paragraph 3 of this section and does not prohibit the United States western area power administration or the Arizona power authority from making incidental disposition of power acquired by the district for purposes of operating the central Arizona project but not needed by the district for such purposes.

G. Persons who are appointed as **peace** officers by the district pursuant to subsection B of this section shall provide law enforcement on the property which is under the control of the district. District **peace** officers shall not preempt the authority and jurisdiction of other police agencies of this state or its political subdivisions. A district **peace officer** shall notify appropriate agencies of this state and its political subdivisions after making a felony arrest or beginning a felony investigation within the jurisdiction of that agency. District **peace** officers shall have at least those qualifications prescribed by section 41-1822 and are not eligible to participate in the public safety personnel retirement system. The district is not eligible to receive funds from the **peace** officers' training fund specified in section 41-1825. The district shall reimburse the Arizona **peace officer** standards and training board for all training expenses incurred by the board for the district and all audit expenses incurred by the board in reviewing compliance by the district with **peace officer** standards and law enforcement standards established by the board.