

November 22, 2010.

Mr. Jared M. Dailey, Program Manager
Ethics and Form of Government
International City/County Management Association
777 North Capitol Street NE, Suite 500
Washington, DC 20002-4201
202.289.ICMA | fax 202.962.3500

Re: Ethics complaints against Mr. Usama Abujbarah, Town Manager,
Town of Cave Creek, Arizona

Dear Mr. Daley:

My complaint against Mr. Abujbarah involves the following issues;

1. Fiscal management of the town. Fiscal management issues were addressed in Terry Zerkle's Financial Analysis report which is public record obtainable from Cave Creek.
2. Water management of the town. Water Management is forthcoming but touched on in the Financial Analysis report above. Additional information is forthcoming to include the manner in which the Town constructed a water tank on private property (knowingly) and then bought the property via a convoluted eminent domain, and development agreements currently being executed by the Town Manager without being vetted or authorized by Town Council.
3. Fairness and impartiality in the expansion of municipal infrastructure. The issue of infrastructure was addressed via the supplementary disclosure of Case # CV2009-050821. Essentially, I asked the Town to extend the sewer district and the Town agreed indicating that they would enter into a reimbursement agreement with me. Instead, they converted an \$80,000 improvement to their own use claiming at various times that my property was a subdivision, or I extended the sewer for my own economic advantage. The sewer extension was sized by the town to address hundreds of homes, not just the three that I permitted, or the potential of 9 at build out. Obviously the legal issues, including a Taking will be addressed separately. The purpose of my complaint in this instance is to understand how such behavior can be construed as ethical. Additional information is forthcoming.
4. Fairness and impartiality in the administration of the zoning ordinance. The enclosed objection to variance was brought to the attention of the Town Manager prior to the hearing. The Town Manager could have interceded with the Zoning Administrator. Given that the town issued two permits based off a private reciprocal easement agreement, an agreement currently being adjudicated in civil court (CV2006-014822), the Town could not interfere with a contractual land dispute on the status of the easement. Instead, the Town issued two variances. This complaint is complete based



upon the letter sent via email to Usama Abujbarah copied to you, dated November 8, 2010 and the enclosed document.

5. The Manager is also involved in politics. The Town Manager frequently meets with the publisher of the local newspaper and at times, articles appear in the paper before the letter or issue is raised in public. Using the media for public relations is as old as the Ten Commandments. How and what is presented in the media by the Town Management is another story. Additionally, it is my understanding that the Town Manager holds informal meetings, dinner engagements with members of the PAC that funds the election of the Mayor and Town Council. Town Council then appoints the Board of Adjustment and for all intents and purposes, the checks and balances intended with a Manager/ Mayor Council form of municipal government is completely compromised.

Respectfully submitted,

Arek Fressadi

Enclosure: Objection to variance.

Cc: To file.

