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CAVE CREEK: THE WEST'S MOST LAWLESS TOWN

Many Western Towns have slogans like Scottsdale, who calls itself the West's Most Western Town. Sure...just look at all the Ferrari's and Lamborghini's the 'cowboys' drive in Scottsdale.

Now, let's look at the words they profess to live by:

Ian Cordwell – "I think the greatest part of the town is the desert in which we live, I think that's what attracts people to it in the first place. It's just a beautiful place to be."

Mayor Francia – "We have this wonderful rural lifestyle here, we live in harmony with the desert." He went on to say that our rural lifestyle and beautiful desert are some of the main attractions of the town. "In ten years it's still going to be rural, that part isn't going to change."

The above presents a classic example of **HYPOCRISY** – the practice of professing beliefs, feelings, or virtues that are contrary to one's real character or actual behavior.

Enough is enough! If this hypocrisy is not stopped, it will obliterate the fundamental character of Cave Creek, its quality of life, as well as its very survival.

We ask only that they, the Mayor, Council and staff, act upon the beliefs of which they have so strongly spoken...and in which they profess to believe.

Gracie O'Malley



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TRAIL BOSS REPORT

Town Council voted:

- 6-0 to declare intent to form 7-0 to hire consultant Steven A. Betts for \$60,000 per year for consulting services related to the Town's economic development and the transfer of 4,000 acres of state land for open space
October 19, 2015
- 6-1 to terminate Dickinson-Wright, CC Town Attorney
May 18, 2015
- 6-0 to declare intent to form the Cahava Springs revitalization district
April 20, 2015
- 6-0 to approve the expenditure of \$215,629 for the installation of bike lanes
April 20, 2015
- 7-0 to approve an agreement with ADOT for the construction of a bike lane on CC Rd. from Carefree Hwy. to Pima Rd.
March 16, 2015

On March 16, 2015, the newly elected Councilmembers began their term of office. On March 18, 2015, the editor of the tabloid wrote, "...they will never vote as a slate". The tabloid was wrong! The Council has voted as a "slate" 81% of the time.

Pauline Smith

THE PUPPET MASTER

The editor of the tabloid has announced that Vincent Francia, LaMar and the addled Esser are not running for office in the next elections and Ernie Bunch will run for the office of Mayor. The rest of his hand-picked slate is yet to be revealed. They will no doubt owe slavish allegiance to his wishes as does the present council.

The editor has already begun the election campaign with hate speech he is so well known for. All who are not chosen by him are on the "dark side". The dark side is anyone who does not agree with him, who offers a different opinion, who refuses to do his bidding.

Watch as time goes by his rhetoric will increase, the accusations will become more strident, the truth more suppressed.

Citizens of Cave Creek make no mistake. The editor wants to elect his slate again and thus continue to control the Council and hence control the Town.

Ask yourself, "Do you want the town to be governed by a tabloid?"

The words of the conservative revolutionary hero Edmund Burke are still relevant today;

"The only thing necessary for the triumph of evil is for good men to do nothing."

Reg Monachino

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The Cave Creek Pony Express

SADDLEBAG WISDOM

IS CAVE CREEK LOSING IT'S COMMITMENT TO PRESERVING IT'S WESTERN HERITAGE AND RUSTIC, RURAL LIFESTYLE?

Watch for our February 5th issue. The answer may surprise you.

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DOES CAVE CREEK HAVE A RESPONSIVE GOVERNMENT?

A responsive government manages its funds to best meet its citizens' needs and assures the laws related to activities within its jurisdiction are enforced in a fair and even handed way. To consider how these mandates relate to Cave Creek, it is important to understand: where the Town's funds come from; what services a town provides; and how financial and other decisions are made.

For the 2015-16 budget, Cave Creek proposes to spend \$17.6 million dollars. Most of the money to pay for these expenditures comes from taxes (34%), state shared revenues (9%), and fees (47%). This last category is primarily associated with the water systems and wastewater operations the Town manages.

Towns and cities can also borrow money. According to the Arizona Department of Revenue's 2013-2014 report on public institutions' debt, Cave Creek has the most debt per resident of any town or city in the state, about \$10,147 per resident. The average for all cities and towns in the state is \$1,611 per resident. Debt in itself is not necessarily bad. It depends on the assets the town has acquired using that debt. Existing debt does affect a town's ability to borrow for future needs.

Control over land use and water use decisions is perhaps the single most important "thing" the Town of Cave Creek provides its citizens. These choices are not made by Phoenix or Scottsdale. The Town does.

Over half of Cave Creek's projected expenditures are associated with water and wastewater activities. Most of these costs are paid by users. However, 18% of the water related expenditures come from the Town's general revenue that could be used for other things. Moreover, the state agency overseeing the Towns' loans for water operations has required that additional general tax revenues be pledged to assure adequate reserves for some of the loans. This change will further reduce the Town's discretion for other needs.

Some of Cave Creek's funds come as grants or transfers and are dedicated to specific uses. For example, some funds (HURF) are distributed to towns for roadway construction and improvement. In 2015, the Town received about \$311,000. \$118,000 was used for construction of a road between the parking lots of Harold's and the Buffalo Chip. These funds could have been used to chip seal or repair existing roads.

Cave Creek residents seem divided in their views of whether the Town has a responsive government. Two things are clear. First, when the Town's staff exercise their discretion, altering the rules governing land uses, they must be held accountable and that is not happening. Second, citizens' views about Town policy need to be informed with accurate reporting of the facts. That is the objective of this newspaper. The Mayor and Town Council are volunteers who donate their time for all of Cave Creek's citizens. The best way to assure responsive government is to participate.

Kerry Smith

Town of Cave Creek's Favorite Developer Sues Freemans to Remove Lawful Sign

The Town of Cave Creek's favorite developer, Cahava Spring's Mark Stapp, is suing the Freemans to force the removal of a lawful sign in existence for over ten years.

The sign notifies prospective buyers accessed by the driveway that it is Arizona State Law that equitable contribution for maintenance is required by law on shared driveways.

Stapp apparently doesn't want anyone to know state law requires users to provide equitable contribution for maintenance on private drives. But Stapp being the Real Estate "Expert" that he claims to be apparently isn't willing to provide this notice to buyers. His parcels are all accessed on the east side of Cave Creek by private drives off Morning Star Road and Cahava Ranch Road.

He prefers buyers find out by reading the fine print in their title policy or some other source buried in legalese. Best of all, he apparently prefers it to be discovered after the fact when it's time to pony up your share of expenses.

He says he teaches Real Estate at ASU. Real Estate Law requires notice by Agents of just such obligations that are not known by buyers. We think buying property off public access (that requires maintenance) falls into that category. Are these the Real Estate practices he teaches at ASU?

What we can't understand is why he focuses on the hole and instead of the doughnut suing the Freemans over a sign that's over 10 years old.

He hasn't delivered on his promise to the west side that water would be available by the end of the year. He hasn't put in the infrastructure he promised with his Revitalization District "Tax" on buyers and there is still no road accessible by ordinary traffic to Cahava Springs. So why focus on the hole instead of the doughnut by suing to hide lawful equitable contribution?

If his goal is keep equitable contribution hidden, it isn't working. The Pony Express goes to thousands of residents in Cave Creek. They know it now!

He has money to sue for a sign but not to get his project underway? It looks a frivolous lawsuit to us. In our opinion, he's lost his focus on the job to be done. He's like a golfer who has lost a ball in the weeds and can't finish the round until he finds it. As the millennials would say...Far out man!

The Cave Creek Posse

11/16/2015 COUNCIL AGENDA ITEM B.3. RE AMENDMENT TO WIFA LOAN AGREEMENT

To: Mayor Francia and Council Members

I wish to offer a few comments on the above referenced agenda item.

In the interest of transparency, it is troubling and problematic there is no professional staff report or explanation accompanying this agenda item explaining the need and providing the rationale and justification for this action. This is highly disturbing and extremely unprofessional on a matter of this consequence.

As for the agenda item itself. When the town purchased the Desert Hills Water Company and the Cave Creek Water Company, the Council stated and pledged to Cave Creek citizens that the two water companies would remain independent of one another (except for emergency back-up and interconnect), and each would be self-sufficient on its own – financially, operationally, and resource wise. Several of you were on the Council that made that pledge. As concerns this agenda item, I wish to emphasize the word financially because that is seemingly what is being compromised with this proposed action.

Amending the Desert Hills WIFA loan agreement and pledging the town’s excise taxes, which are part of the town’s General Fund revenues intended to support services and infrastructure within Cave Creek for the benefit of Cave Creek citizens, to financially support the Desert Hills WIFA loan is a major departure from the Council’s original pledge to Cave Creek citizens. It would constitute a major breach of trust with Cave Creek citizens in terms of what citizens were told and promised.

Moreover, it would be fiscally irresponsible. The town remains majorly financially stressed and unable to properly and adequately maintain its streets and water, sewer and wastewater infrastructure. General Fund excise tax revenue needs to be carefully safeguarded for infrastructure improvement, maintenance, use, and General Fund services in Cave Creek, not unnecessarily pledged to support a loan for an extraterritorial entity that was and is supposed to stand on its own financially from its system revenues.

I respectfully remind the Council that it was a combination of ill-considered fiscal policy choices and actions similar in import to what is being proposed here that contributed to the town’s financial meltdown and near bankruptcy in the 2008-09 time frame, and the Mayor’s declaration in January 2009 that the town was in financial crisis. For reference and backup, please see the unsolicited Financial Analysis report I provided the Mayor and Council in early February 2009.

This would appear to be an ill-advised and wholly unnecessary policy action. One that in the absence of overwhelming compelling evidence to the contrary, should be rejected.

Respectfully,
Terry Zerkle
Cave Creek citizen

THE ALBATROSS OF THE 4,000 ACRES

We all know that our Town is financially stressed. Notwithstanding that Cave Creek is \$50 million in debt, per Town Manager Peter Jankowski, we continue to live under the specter of the insistence of our Council that we acquire the 4,000 acres of open space from the State Land Trust, no matter what the consequence. Unbelievably, Vice-Mayor LaMar stated, at the December 7, 2015 Council meeting, “We are not buried in debt.” The evidence proves otherwise. As mentioned in Dr. Kerry Smith’s article in this edition, the Arizona Department of Revenue reported that Cave Creek has the most debt per resident of any town or city in the state... \$10,000 per resident.

We know it will take approximately \$63.5 million to purchase the 4,000 acres. However, the Council is laboring under the mistaken impression that we can purchase the open space by using all of our financial assets.

In the December 7, 2015 Council meeting, Mayor Francia stated we are negotiating with the State Land Department and “the town is going to need all of it’s financial resources to make this 4,000 acres happen,” coupled with the statement by LaMar that we are “on the cusp of starting some serious negotiations with the State Land Department...” and “...wants to ensure the town has the money” to buy the 4,000 acres.

What “financial resources” is the Mayor referring to and where does LaMar plan to find “the money” to buy the 4,000 acres? Remember, the 4,000 acres brings no revenue to the Town, it has no water, and there is no way to pay for it without a **substantial Property Tax**. Do the “financial resources” the Mayor refers to include a property tax?

Do we sacrifice the ability to provide critical services to the Town residents, maintain the roads, water and wastewater infrastructure, security, and be financially prepared for a crisis, or do we acquire 4,000 acres of barren desert?

Which would you rather have, an assured water supply or 4,000 acres of barren desert? We can’t have them both. If we don’t stop them, the Council will saddle our Town with millions of dollars of more debt; double or triple the density of neighborhoods; and commercialize our backyards.

Eileen Wright

“Property Taxes are not popular in Cave Creek, but to preserve land citizens might do it.”

Mayor Francia

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