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By	<u>F. Y. I.</u>

Sun City Water

Docket # W-01656A 98-0577

ORIGINAL

Subject: malfeasance

It is critical that you know about this. When the enclosed article hit the Sun City's last Saturday it struck a vital nerve. Already there is a strong movement gathering steam to sue the directors of the Sun City and S. C. West ^{Rec Centers} for malfeasance. They gave away property belonging to the Centers. This is a criminal offense. Also being considered is a suit for conspiracy under RICO - also a criminal offense. (Sun City Taxpayers should have filed these instead of for breach of fiduciary duty. All the evidence needed is right in the Exchange Agreement.)

Good question for your legal staff; Would the Commission incur any liability if it fails to question the illegal acts of parties before it? After its aware of the illegality?

NWVTA seeks review of pipeline process

Malfesance relates to a person in a position of trust who misuses that trust intentionally. Malfesance is the normally wrongful performance of a normally lawful act.

The legal technicians (spinmeisters) would cause us to have all sorts of problems in coming to a conclusion about whether or not someone fits these definitions. We don't have that problem. We don't spin.

Incidentally, malfesance is a crime within the Arizona criminal code. Then there are lesser violations, such as negligence and ignorance.

As applied to the violation that has been perpetrated on both the Sun Cities by two small and treacherous groups, we think that one or more of these words fits the crime. The crime is effectively giving away the grandfathered water rights of both communities. The culprits are the few on the rec boards who voted for the giveaways.

Ignorance would certainly fit some. Negligence, a few. Malfesance, all. You decide on malfesance.

7-20-02



**Cliff
Cowles**

*Guest
columnist*

We think, at the least, malfesance has occurred. We don't believe that there would have been a snowball's chance that the residents of these communities would have voted to give away their ownership of these very valuable rights if they had been given the chance. The boards themselves should have known better and never considered the option.

We would hope that some of the fine legal skills that are retired in these communities would "take action" and proceed, pro bono, with calling these villains to task on behalf of their neighbors, friends, fellow residents and themselves. Incidentally, it follows that if malfesance has occurred, the legal advice, if given, that allowed for the giveaway votes should also be challenged under a charge like malpractice.

We are obtaining the names of the couple dozen individuals on both boards who voted for the giveaway of our water rights. Never mind their excuses. There can be no justification for giving away some or part of our grandfathered water rights.

Do we all know how many millions of dollars these rights are worth? Do we have any idea how many millions would be bid in the open market for these valuable assets? And look who got them for nothing!

Come on, Sun Cities, it's time to face the call. Whatever the correct charge, an unnecessary water pipeline is about to land on us along with millions in new pipeline costs that we will have to pay, not to mention increased rate charges and loss of our wells and water by Arizona-American Water Co.'s resale of same to other communities, and, as if that wasn't enough, now we deal with new foreign ownership of the utility, and whatever changes that will bring. Its team is still trying for the touchdown. They are on the twenty yard line — time for the good guys to take the ball away and end the threat forever.

Cliff Cowles moved to Sun City with his wife from Illinois in 1989. The former president of the Sun City Taxpayers Association and current president of the Northwest Valley Taxpayers Association retired as sales director for Revere Copper & Glass.

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