

**ORIGINAL**

**MOHAVE COUNTY ATTORNEY**

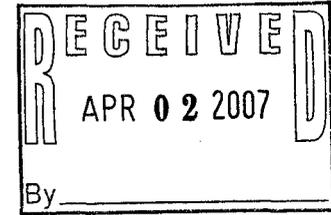


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**JAMES J. ZACK**  
Chief Deputy

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Branch Offices:

Bullhead City - (928) 758-0727  
Lake Havasu City - (928) 453-4144

✓ **Civil Division:**

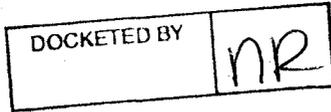
P. O. Box 7000  
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Telephone (928) 753-0770  
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**William J. Ekstrom, Jr.:** (928) 753-0770, x-4277  
Email: [Bill.Ekstrom@co.mohave.az.us](mailto:Bill.Ekstrom@co.mohave.az.us)

Arizona Corporation Commission  
**DOCKETED**

**APR - 4 2007**

March 27, 2007



Mr. Adam Stafford  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

**VIA FIRST CLASS MAIL**

Re: Public Records Request  
Perkins Mountain Water Company, Docket No. W-20380A-05-0490;  
Perkins Mountain Utility Company, Docket No. SW-20379A-05-0489

Dear Mr. Stafford:

In accordance with our discussion of this date, I have enclosed copies of all e-mails between myself and legal counsel of Rhodes Homes. As I indicated to you, in view of the fact that the County has never entered into a development agreement, I solicited the opinion of whoever I could get on what the agreement should look like. We, of course, have other resources which we incorporate into any kind of draft that can ultimately be submitted to the Board of Supervisors.

Mr. DiTullio has since withdrawn from representation of Rhodes and Chris Stephens has been our contact for the last five or six months.

The documents exchanged were early drafts and at the present time we have yet to complete a draft in a form to be submitted to the Planning and Zoning Commission or the Board of Supervisors.

Sincerely,

William J. Ekstrom, Jr.  
Special Deputy County Attorney

WJE/csl

Enclosures (as stated)

**RECEIVED**  
2007 APR - 4 A 11: 50  
AZ CORP COMMISSION  
DOCUMENT CONTROL

**From:** BILL EKSTROM  
**To:** John Di Tullio  
**Date:** Mon, Mar 13, 2006 2:57 PM  
**Subject:** Re: Development Agreement Example 1

Thanks John

>>> "Di Tullio, John D." <JDD@gknet.com> 03/10/2006 4:57 PM >>>  
Bill: You had asked to look at some examples of Development agreements for large projects I have worked on fairly recently. Here are 2 examples coming by separate emails.

This one is a 10,000 acre project.

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IDSPAM:44121319246331744816705!

**From:** BILL EKSTROM  
**To:** John Di Tullio  
**Date:** Mon, Mar 13, 2006 2:57 PM  
**Subject:** Re: Example No. 2

Ditto

>>> "Di Tullio, John D." <JDD@gknet.com> 03/10/2006 4:58 PM >>>

Here is the second example for a 7500 acre project.

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!DSPAM:441213d6246421135320648!

**From:** "Di Tullio, John D." <JDD@gknet.com>  
**To:** "BILL EKSTROM" <BILL.EKSTROM@co.mohave.az.us>  
**Date:** Wed, Mar 15, 2006 5:22 PM  
**Subject:** RE: Meeting Tomorrow Rhodes Homes Development Agreement

No problem, I just get home a little later.

-----Original Message-----

From: BILL EKSTROM [mailto:BILL.EKSTROM@co.mohave.az.us]  
Sent: Wednesday, March 15, 2006 3:27 PM  
To: Di Tullio, John D.  
Subject: Re: Meeting Tomorrow Rhodes Homes Development Agreement

John, Both Cris and I have this calendared for 2:00. Does that pose a problem for your group?

>>> "Di Tullio, John D." <JDD@gknet.com> 03/15/2006 10:13 AM >>>  
Hello Bill:

Couple of quick questions.

Please confirm that we are meeting in the new admin bldg at 11:00?

Who will be attending the meeting tomorrow besides yourself and Ms. Ballard for the County?

For Rhodes, it will be me, Kirk Brynjulson - Head of Rhodes Arizona Division and Lucy Stewart. Carter Froelich, our infrastructure financing consultant who was at the last meeting in person, will be available by phone.

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!DSPAM:4418ae00688651641410324!

**From:** BILL EKSTROM  
**To:** John Di Tullio  
**Date:** Wed, Apr 5, 2006 3:28 PM  
**Subject:** RE: Golden Valley Dev Agmt

Thanks

>>> "Di Tullio, John D." <JDD@gknet.com> 04/05/2006 2:04 PM >>>  
Bill: Re water adequacy, we as you know have already agreed to a showing of adequacy as a stipulation to the Area Plan approvals. We are also going down the road of establishing a new utility to serve the Golden Valley development. The ACC has already made it clear that they expect to see water adequacy information and will establish conditions regarding water adequacy. Even if we decide to modify our direction and bring in an established utility company instead of trying to form a new utility, these probable conditions will remain by the ACC for any expansion of territory for existing water companies.

As you know a significant portion of the Golden Valley project has already shown adequacy (9,000 acre feet) and the hydrogeology science we are conducting through new wells is very encouraging for the remainder of the project's needs. As this information is completed and finalized it will be presented to ADWR, ACC and the County. We are quite confident of the water situation for Golden Valley.

-----Original Message-----

From: BILL EKSTROM [<mailto:BILL.EKSTROM@co.mohave.az.us>]  
Sent: Wednesday, April 05, 2006 11:47 AM  
To: Di Tullio, John D.  
Subject: Re: Golden Valley Dev Agmt

John I did a draft last week. Cris will get it today. I have been unable to get input from public works as Mike Hendricks has been away, He is now back and says he will review this week. Do you have any ideas on how we can address concerns re water adequacy in the agreement? Any progress on the Development Plan?

>>> "Di Tullio, John D." <JDD@gknet.com> 03/31/2006 6:07 PM >>>  
Hello Bill:

Could you please give me an update on the development agreement revisions you were going to get to us.

Thanks for your attention to this matter.

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**From:** "Di Tullio, John D." <JDD@gknet.com>  
**To:** "BILL EKSTROM" <BILL.EKSTROM@co.mohave.az.us>  
**Date:** Tue, Apr 11, 2006 1:58 PM  
**Subject:** Monday Kingman - Development Agreement Meeting

Hello Bill, I am in Kingman Monday 4/17 for a 2:00 p.m. Rhodes County mtg and an evening meeting in Kingman.

Any chance we can touch base on the development agreement anytime between 10 and 1:00 or from 4:00 -5:30 on Monday while I am up there?

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!DSPAM:443c17d6481951232919821!

**From:** "Di Tullio, John D." <JDD@gknet.com>  
**To:** "BILL EKSTROM" <BILL.EKSTROM@co.mohave.az.us>  
**Date:** Thu, Apr 27, 2006 12:15 PM  
**Subject:** RE: Golden Valley Development Agreement

Bill 11-833 is the development moratorium statute. Who has placed this on the agenda?

This potential course of action raises serious takings/property rights ramifications and liabilities as you may know.

I hope to discuss this with you tomorrow also.

-----Original Message-----

From: BILL EKSTROM [mailto:BILL.EKSTROM@co.mohave.az.us]  
Sent: Thursday, April 27, 2006 10:43 AM  
To: Di Tullio, John D.  
Subject: Re: Golden Valley Development Agreement

John, I have received and assimilated the comments of Ms Ballard ,P and Z and Mr. Hendrix, Public works. I now need to clean up and finish our draft. Do you wish to have any input at this juncture? It would be useful to know if something is just unacceptable. I note that the Board has on their Monday agenda a discussion of 11-833

>>> "Di Tullio, John D." <JDD@gknet.com> 04/25/2006 2:53 PM >>>  
Hello Bill:

At our last meeting, it was indicated to me that you would be sending down a more complete set of comments to the DA for us to consider.

Could you please update me on the status of that at your earliest convenience.

Thanks for your attention to this matter.

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!DSPAM:445117c510347478215618!

**CC:** "Kirk Brynjulson (RHA)" <kbrynjulson@rhodeshomes.com>

**From:** Heather Inman  
**To:** BILL EKSTROM  
**Date:** Wed, May 17, 2006 1:14 PM  
**Caller:** John Ditullio  
**Phone:** 602-530-5470

- Telephoned
- Will call again
- Wants to see you
- Urgent

- Please call
- Returned your call
- Came to see you

call ASAP, regarding development agreement

**From:** BILL EKSTROM  
**To:** John Di Tullio  
**Date:** Fri, May 19, 2006 8:27 AM  
**Subject:** RE: Golden Valley Dev Agmt

John, Sorry I missed you, I'm in all morning

>>> "Di Tullio, John D." <JDD@gknet.com> 04/05/2006 2:04 PM >>>  
Bill: Re water adequacy, we as you know have already agreed to a showing of adequacy as a stipulation to the Area Plan approvals. We are also going down the road of establishing a new utility to serve the Golden Valley development. The ACC has already made it clear that they expect to see water adequacy information and will establish conditions regarding water adequacy. Even if we decide to modify our direction and bring in an established utility company instead of trying to form a new utility, these probable conditions will remain by the ACC for any expansion of territory for existing water companies.

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-----Original Message-----

**From:** BILL EKSTROM [<mailto:BILL.EKSTROM@co.mohave.az.us>]  
**Sent:** Wednesday, April 05, 2006 11:47 AM  
**To:** Di Tullio, John D.  
**Subject:** Re: Golden Valley Dev Agmt

John I did a draft last week. Cris will get it today. I have been unable to get input from public works as Mike Hendricks has been away. He is now back and says he will review this week. Do you have any ideas on how we can address concerns re water adequacy in the agreement? Any progress on the Development Plan?

>>> "Di Tullio, John D." <JDD@gknet.com> 03/31/2006 6:07 PM >>>  
Hello Bill:

Could you please give me an update on the development agreement revisions you were going to get to us.

Thanks for your attention to this matter.

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**From:** "Di Tullio, John D." <JDD@gknet.com>  
**To:** "BILL EKSTROM" <BILL.EKSTROM@co.mohave.az.us>  
**Date:** Mon, Jun 5, 2006 11:00 AM  
**Subject:** Mohave County/Rhodes Devel. Agmt

Bill, I am going to be up in Mohave County on Wednesday. I am in Bullhead for a mtg in the morning.

Could Kirk Brynjulson, Arizona Division Director of Rhodes Homes, and I meet with you at your office at 1:00 on Wednesday 6/7 to discuss development agreement issues? This would be greatly appreciated.

IDSPAM:4484712790121161819497!

**CC:** <kbrynjulson@rhodeshomes.com>

**From:** "Chris Stephens" <cstephens@RhodesHomes.com>  
**To:** <Bill.ekstrom@co.mohave.az.us>, <Robert.Taylor@co.mohave.az.us>  
**Date:** Mon, Sep 11, 2006 2:34 PM  
**Subject:** Golden Valley CFD Formation Docs

Gentlemen:

Please find attached the following draft documents for purposes of discussion:

1. District Development, Financing Participation and Intergovernmental Agreement
2. Petition for Resolution Ordering Formation
3. Receipt of Petition
4. General Plan
5. Receipt of General Plan
6. Resolution Ordering Formation
7. Notice of Formation

I look forward to meeting with you regarding these documents.  
Best regards,  
Chris

**From:** "Chris Stephens" <cstephens@RhodesHomes.com>  
**To:** "BILL EKSTROM" <BILL.EKSTROM@co.mohave.az.us>, <Robert.Taylor@co.mohave.az.us>  
**Date:** Fri, Sep 29, 2006 12:48 PM  
**Subject:** Revised Documents

Gentlemen:

Based on your comments to the proposed CFD documents, attached are revised blackline versions of the following documents, marked to show changes from the previously circulated versions:

1. The General Plan
2. The Development Agreement
3. The Resolution ordering formation
4. The Petition

Please let me know if you have any additional comments or questions.

Best regards,

Chris

**From:** "Chris Stephens" <cstephens@RhodesHomes.com>  
**To:** <Bill.ekstrom@co.mohave.az.us>, <Robert.Taylor@co.mohave.az.us>  
**Date:** Fri, Aug 25, 2006 2:34 PM  
**Subject:** CFD

Gentlemen:

Based on our conversation Wednesday, attached is a brief overview of the CFD process that I thought you might find interesting. We are working on a list of similar CFD's that can be used as examples. I will contact you early next week to discuss further.

Thanks,  
Chris

!DSPAM:44ef6cc2960211761717520!

**From:** "Chris Stephens" <cstephens@RhodesHomes.com>  
**To:** <Robert.Taylor@co.mohave.az.us>  
**Date:** Thu, Jan 18, 2007 11:38 AM

Bob:

Per our discussions, attached is a revised copy of the proposed Development Agreement marked to show changes based on the comments from you, Chris Ballard and Brian Wilson. We have addressed a majority of the comments, however, there are also a few comments that we would like to discuss at our meeting on Friday.

In addition to the attached electronic copy, Don Rodriguez from our office will deliver hard copies of both the revised Development Agreement and the Development Standards today (the Development Standards file was too large to send by email). We look forward to discussing the comments and changes at our meeting on Friday.

Best regards,

Chris

!DSPAM:45afbe91702261901010243!

**CC:** "BILL EKSTROM" <BILL.EKSTROM@co.mohave.az.us>, "Christine Ballard" <Christine.Ballard@co.mohave.az.us>, "Kirk Brynjulson (RHA)" <kbrynjulson@rhodeshomes.com>, "Don Rodriguez" <droduiguez1@RhodesHomes.com>

**From:** BILL EKSTROM  
**To:** Chris Stephens  
**Date:** Fri, Aug 25, 2006 2:35 PM  
**Subject:** Re: CFD

Thanks Chris

>>> "Chris Stephens" <cstephens@RhodesHomes.com> 08/25/2006 2:33 PM >>>

Gentlemen:

Based on our conversation Wednesday, attached is a brief overview of the CFD process that I thought you might find interesting. We are working on a list of similar CFD's that can be used as examples. I will contact you early next week to discuss further.

Thanks,  
Chris

!DSPAM:44ef6cc2960211761717520!

**From:** BILL EKSTROM  
**To:** John Di Tullio  
**Date:** Wed, May 3, 2006 1:40 PM  
**Subject:** RE: Golden Valley Development Agreement

John, I'm out at 3:45 back tomorrow morn

>>> "Di Tullio, John D." <JDD@gknet.com> 05/02/2006 2:36 PM >>>  
Thanks, Bill. I'll try you around 4:30 on Wednesday as I have afternoon meetings that afternoon.

-----Original Message-----

From: BILL EKSTROM [<mailto:BILL.EKSTROM@co.mohave.az.us>]  
Sent: Tuesday, May 02, 2006 2:26 PM  
To: Di Tullio, John D.  
Subject: RE: Golden Valley Development Agreement

John, I'm in court in the morning, should be done by 1:30 and I agree and anticipated significant retooling of those sections is needed

>>> "Di Tullio, John D." <JDD@gknet.com> 05/02/2006 11:40 AM >>>  
Can I call you Weds morning at 9:00 to discuss the status of the DA and some of the big issues from our perspective.

Bill you were working on a more complete draft if that is done please forward to me?

Some of the biggest issues in the rough form of agreement you forwarded to me are the use of the impact fee mechanism solely against our project and not in a fair and universal way against new development in general and the special district financing language. We also need some type of understanding that special district financing mechanism will be used provided a feasibility report is provided showing a proper ability to use the mechanisms. This was something the supervisors made clear was to be an important component of having new growth pay its own way.

-----Original Message-----

From: BILL EKSTROM [<mailto:BILL.EKSTROM@co.mohave.az.us>]  
Sent: Tuesday, May 02, 2006 11:18 AM  
To: Di Tullio, John D.  
Subject: RE: Golden Valley Development Agreement

Thanks, I'm back now

>>> "Di Tullio, John D." <JDD@gknet.com> 04/27/2006 12:10 PM >>>  
I will call you tomorrow Friday once Krik Brynjulson of Rhodes Homes and I discuss what is very problematic in the rough draft you gave me last week.

-----Original Message-----

From: BILL EKSTROM [<mailto:BILL.EKSTROM@co.mohave.az.us>]  
Sent: Thursday, April 27, 2006 10:43 AM  
To: Di Tullio, John D.  
Subject: Re: Golden Valley Development Agreement

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>>> "Di Tullio, John D." <[JDD@gknet.com](mailto:JDD@gknet.com)> 04/25/2006 2:53 PM >>>  
Hello Bill:

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!DSPAM:4457d06b525051744816705!