



City of Needles

817 Third Street, Needles, California 92363
(760) 326-2113 • FAX (760) 326-6765
www.cityofneedles.com

*Mayor, Janet Jernigan
Vice Mayor Kirsten Merritt
Councilmember Tona Belt
Councilmember Ellen Campbell
Councilmember Jamie McCorkle
Councilmember JoAnne Pogue
Councilmember Henry Longbrake*

City Manager Patrick Martinez

October 27, 2023

Dear Mr. Lyon

President Lyon and Members of the Board of Directors
Rio Buena Vista H.O.A.
2563 Kiowa Blvd.
Lake Havasu City, AZ 86403

Re: Response to Letter Dated August 8, 2023 (Rio Buena Vista Sewer Overflow Incident of July 29, 2023, and Financial Responsibility for City Emergency Services)

President Lyon and Members of the Board of Directors:

It is our understanding that Phillips Construction & Excavating, Inc. has been called out regularly by the Rio Buena Vista (RBV) Association's Manager, Amy Telnes, to perform water service repairs involving leaks in the Association's water service lines. These repairs have occurred in the area of the present leak as well as in the near vicinity, and as recently as this last summer. The Association's sudden change in position related to its obligation to maintain and repair the water service in the subdivision is suspect, at best. Negligent failure to maintain and repair utility service which is known by the Association, its owner, to be substandard and deteriorating, and which the Association has been depreciating, collecting property owner assessments and included in its Reserve Analysis Reports, raises serious questions of neglected fiduciary responsibility.

The City has been monitoring the present leak, which appears to be getting worse. The Association's failure to remediate this condition is unconscionable. The City will not participate in the Association's unfortunate and ill-timed gamesmanship, and strongly urges the Association to take immediate action to repair the present leak and to notify all residents of the subdivision of the ongoing risk of the Board's current policies.

Once again, if there is a major breach of the RBV water service line or a lateral, upon notice of a water service emergency from the Association or an affected property owner, the City will take emergency action to remediate any serious public health and safety condition, which may involve the shut-down of all water service within the subdivision. The cost associated with City's response will be a charge and obligation of the Association. Further, the City will not be responsible for repaving any affected area of the roadway. The City will notify all property owners in the subdivision of any required water service shut off and the terms upon which service will be restored.

The City will also be notifying all property owners in the subdivision of the known condition of RBV's water and sewer systems, the Board's deliberate failure to repair and/or maintain the systems as advised by the Association's own professionals, and the risks to all property owners of the current posture of the Board with respect to emergency conditions which have been arising recently with both water and sewer facilities in the subdivision.

The City waives nothing and reserves all rights, defenses, and claims it has.

Sincerely,



Patrick Martinez, City Manager