



For Immediate Release – February 24, 2010

Foothills wins first round of court battle

A ruling in the lawsuit brought against Foothills Park & Recreation District by the Mesa View Estates HOA and three of its board members was delivered in Jefferson County District Court on Monday, February 22. The attempt by Mesa View Estates HOA to enjoin the scheduled May 2010 Foothills Board Member election was denied.

Foothills Park & Recreation District's Board of Directors acted in May 2009 to divide the Foothills District boundaries into separate "director districts" or "wards." This decision was made for the purpose of ensuring equal representation on the board of directors for all areas of the District. The change was approved by the Jefferson County District Court in November 2009. Five wards have been created within Foothills boundaries. One board of directors representative from each ward will be elected by the constituents within that ward. The establishment of wards gives District residents more opportunity to provide input to a board representative from their area. "Ultimately, equal and fair representation of District residents was the goal and the reason for this decision," stated Jill Nunes, Foothills' Chairperson.

The court's February 22 Order closed the "preliminary injunction" phase of the lawsuit by denying the Mesa View Estates HOA's initial efforts to block the May 2010 election under the wards system. The election will go forward to fill the Board vacancies that will be created when Directors Walt Frankland and Janet Shangraw will relinquish their positions due to term limits. In denying the preliminary injunction, the court made four key rulings: That the District had a probability of success on the legal merits of the respective claims should the case proceed to trial, that a balancing of the equities affecting the Foothills District and the Mesa View Estates HOA favored the District, that enjoining the May 2010 election could disserve the public interest, and that the Mesa View Estates HOA failed to show that irreparable harm would result from a wards based election in May 2010.

The court's ruling recognized that the rights to vote are very important, and the actions taken by Foothills do not impede those rights. Additionally, the Board of Directors representatives are elected by the voters in order to act in the best interest of the public. The court also recognized that the Mesa View Estates HOA has an agenda beyond challenging the implementation of a wards system and if they had the opportunity to fully implement their ulterior motives it could be harmful to the District and harmful to the public.

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Foothills' initial victory in court does not end the dispute between it and the Mesa View Estates HOA. Because the court's decision was specific to a preliminary injunction, a trial will yet be scheduled to determine whether the Foothills District's ward system will become the means by which future elections will be conducted. The Mesa View Estates HOA has also threatened other unspecified legal actions to further their agenda.

Foothills' Executive Director, Ronald Hopp stated, "We are obviously pleased that the court confirmed the legal actions taken by our Board of Directors. Unfortunately, we believe this is just the beginning of what the Mesa View Estates HOA will do to waste both taxpayer dollars and HOA dues. We have clearly demonstrated a willingness to work with the Mesa View Estates area, but that doesn't seem to be what the HOA truly wants to do. Since communications began with Mesa View Estates HOA in May 2009, our staff and board listened constructively to their complaints and ideas and we attempted to meet them in the middle numerous times. Negotiating appears to have never been their interest."

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