

Foothills Park & Rec - Secession FAQ

What Are We Talking About?

The Foothills Park & Recreation District owns our Estates park. Your Mesa View HOA board (and also two board members of Foothills itself) feel that there are numerous reasons the Mesa View Estates area should not be a part of Foothills. In order to improve this situation, we would have to secede, or, in the legal terminology, get "excluded."

In response to questions we've received, we'd like to note that the reasons for getting out of the Foothills district extends well beyond their neglect of maintenance in our Estates park. The bigger picture is that they're simply too far away for us to use and they don't give us fair value for our tax dollars. Out of approximately 1,500 residents in Mesa View, Foothills shows an average of a mere 94 transactions per year -- a transaction being one round of golf, one pool visit, one ballet lesson, one purchase of a t-shirt, etc.; and that includes the Holman Pool. That's microscopic usage, especially compared to the usage levels they indicate for the rest of the district. On the taxation side, of the \$110,000 a year we all pay in property taxes to Foothills, they only give us back \$25,000 in local services. By comparison, 80% or more of Coloradoan's federal income tax dollars are returned to Colorado (and similarly for all other states). Their budget is \$21 million dollars a year and they have 90,000 residents. They spend \$25,000 a year in our area and we have 1,500 residents. Do the math. As for usage, Foothills claims two million facility uses per year district-wide (90,000 residents). Mesa View accounts for a mere 94 of those uses per year, over 1500 residents. Again, do the math: Mesa View residents use Foothills facilities less than 1/100th of an average district resident. This simply illustrates that we don't use their facilities, because they're too remote. It's not that Foothills is a bad park and recreation district. It's that they're too far away from us to use and they unfairly allocate your tax dollars to benefit the people down south.

Meanwhile, on top of this unfair use of our tax dollars, we've paid over \$50,000 of our own HOA money to maintain their park just to keep it acceptable.

We've tried negotiating with them for years, and sadly they've only responded with refusals, stonewalling, threats, and attempts to silence us. They've denied us public information requests under the Freedom of Information Act, and they've taken secret steps to take away your right to vote. That's not what you expect from your friendly park and recreation district.

We have tried and tried again to resolve things in a fair manner. Foothills has once again refused to negotiate in good faith with us to resolve our concerns about grossly unfair allocation of tax dollars on facilities 10-15 miles away while they neglect maintenance of our park. In the most recent instance, in response to a motion by Keith Sutton, a mutual board member, Foothills actually voted 3-2 against negotiating in good faith with Mesa View. Independence remains our only viable option.

We've only asked for what's fair. Since Foothills has rejected that, your HOA Board has determined the best course for the neighborhood and our property values is to leave Foothills. Please feel free to call the HOA office at 303-233-4646 if you have any questions. Thanks for sending in your forms!

Why Does Your Board Feel We Should Secede From Foothills?

There are (at least) ten major reasons:

(1) Foothills does a very poor job of maintaining our park. Despite our efforts to get them to improve, they lack the funds because they overbuilt their facilities down south. Our park is weedy, pothole ridden, has old equipment that needs replacing, they have failed to water the grass, they have cut back snow removal, etc.

(2) Except for our park and the Holman pool, the rest of Foothills facilities are 10-17 miles away. Our survey last year and Foothills' own data show that very few Mesa View residents use those distant facilities.

(3) We only receive pennies on the dollar in local services for the property taxes we pay. Our taxes are subsidizing facilities too far away from us. We are, as a Foothills board member put it, merely a revenue generator for them.

(4) It is not cost effective to Mesa View residents to belong. Non-resident rates for Foothills facilities are

not substantially higher than resident rates, so all Mesa View residents could continue to use Foothills facilities and most would save a considerable amount of money.

(5) Avoid a tax increase: Foothills is in such a dire economic situation that they will need to seek a mill levy increase in the next election cycle. We already don't get what we pay for, so it seems unfair to have to pay even more.

(6) A local, Mesa View district to replace Foothills would allow some of your current HOA dues to become tax deductible, saving you money.

(7) We cannot currently make improvements to the park, even minor ones. We would like to upgrade the toilet from a porta-potty to a true restroom, for example.

(8) The park was never fully developed as we were promised, such as finishing the baseball diamond area down in the "weed pit." They have no funds now to fulfill these promises, despite us being a revenue center for them.

(9) The HOA already spends a substantial amount of money maintaining the park because Foothills is unable to. The HOA has paid for the toilet facilities, weed mitigation, pothole repair, snow removal, etc. We feel if we are paying for it, we should own it.

(10) Real estate agents agree that the poor condition of the park is damaging to our property values. It damages values both by being unsightly, and because prospective homebuyers do not know that Foothills owns the park. They understandably assume the HOA is responsible and thus conclude we have a poor homeowners association that does not take care of our neighborhood. We want to stop this drag on your home values and turn it into an asset.

How Did This Happen?

Foothills overestimated the demand for new, very nice and costly facilities they built down south. The City of Lakewood voted to remove themselves from Foothills ten years ago, which made us an "island" 10-17 miles away from the "mainland" of Foothills. Since then we have become the neglected, poor stepchild area of Foothills. Your HOA board has battled with Foothills for years now to try to resolve this, without success. We have come to the unavoidable conclusion that it is far and away in our best interests to secede from Foothills.

What Is The Plan?

If we are successful in seceding from Foothills the first step would be to transfer ownership of the Estates park -- the only property that Foothills owns in our subdivision -- to the HOA. The Estates park was originally deeded to Foothills at no cost, and we have spent a substantial amount of money over the years doing our own maintenance, as well as 10-20 years of tax dollars subsidizing remote facilities we rarely use, so we believe the cost of acquisition of the park should not be high.

In the future, if Mesa View residents decide it is in our best interests to form our own "special district" to make some of the HOA costs tax-deductible, then residents would vote to form such a district and fund it with a replacement mill levy. Because so much of the current Foothills mill levy does not serve us here, we would expect that a replacement mill levy would be at a lower level. If there is no desire for a district, or such a vote is unsuccessful, the park would remain owned by the HOA (which, ironically, is what many Estates residents have assumed was already the case).

If we secede from Foothills can we still use their facilities, such as the Holman Pool?

Yes, non-members pay a slightly higher entrance fee. Most Mesa View residents would come out ahead, paying far less in additional fees than they currently do in property taxes that subsidize remote facilities. It should have no impact on the Holman Pool, which would remain a Foothills facility. Mesa View residents would continue to use it for a slightly higher cost, such as: \$7 per visit instead of \$5 for adults; non-resident teens pay only \$1.50 more than resident rates; swim club rates remain the same; and multi-use passes are available for a few dollars more for non-residents. The Holman pool may be closed in any event because of budget considerations, whether we remain in Foothills or not. We believe Foothills would not seek to close the pool, because by doing so they would so severely alienate the remaining residents on the "island" up here, leaving them with almost no amenities, that they might then also seek exclusion from Foothills.

Who is seceding?

This secession effort is for Mesa View Estates only. You must, however, sign your form. **ONLY HOUSEHOLDS THAT REQUEST SECESSION WOULD BE ALLOWED TO SECEDE.** This is NOT a "Majority Vote" situation.

How did Foothills come to own the park? Could Foothills keep the park if we secede?

The developer of the Estates deeded the park to them for free. That no doubt seemed like a good idea, but Foothills has not followed through for us. Foothills could choose to retain ownership of the park, but they would be legally required to maintain it at the current standard – from their own funds. They derive no income from the park so they or a future board should see the folly of owning an isolated and unfunded park and deed it to us.

How will park maintenance be funded?

If the property tax mill levy is eliminated because of a successful secession, then either a new, smaller special district could be formed with a same or lower mill levy, or the funds for park maintenance could come from HOA dues. We have obtained bids for the maintenance costs and they are far less than we currently pay to Foothills in taxes.

Summary

The park is poorly maintained and Foothills refuses to maintain it better. Potential home buyers see a shabby park and assume the HOA is responsible for its maintenance. Poor maintenance of the park tends to lower your property values. Most of your property taxes subsidize facilities 12-15 miles away from our Mesa View “island”, facilities we make little use of. We are also unable to improve the park. We currently pay extra via HOA dues for some aspects of the park, such as the porta-potty, snow removal, repairing pot holes, etc. We would like control of the park so we can make it an amenity that increases your property values rather than an eyesore that decreases them. We have fought with Foothills for many years to find a solution and they have resisted at every turn. Gaining control of the park is entirely to our benefit, and secession seems to be the only viable alternative to accomplish this.

PLEASE SEND IN YOUR NOTARIZED FORM – THANK YOU!