



## **FOR IMMEDIATE RELEASE**

### **Citizen Group Sues Alamosa Board of Education Due to Unconstitutional Discount of School Property to Private Businessman**

*Alamosa, Colorado – July 2, 2013* – A group of concerned citizens identifying themselves as “Keep Polston Public” (KPP) have filed a lawsuit against the Alamosa Board of Education (ABOE) for its injudicious decision to sell the 38.2 acre Polston School Property at \$255,000 less than its appraised value on May 9, 2013. Given the ABOE’s conduct in making this decision, the plaintiffs are claiming the following:

1. The ABOE is in violation of the Colorado Open Meetings Law.
2. The ABOE has breached its fiduciary duty toward the public interest of school children.
3. The ABOE has violated Colorado Constitution Article XI, Section 2.
4. The ABOE has violated the School Board Act.
5. Plaintiff seeks declaratory judgment against all defendants.
6. Plaintiff seeks a preliminary and permanent injunctive relief against all defendants.

Since May 2012, several Alamosa community members, the San Luis Valley Local Foods Coalition (LFC) the Trust for Public Land (TPL), Porter Realty and the ABOE had developed a working relationship regarding the purchase of the Polston property for the development of a Healthy Living Park – which would include a community garden, commercial kitchen, food distribution hub, farm plots for families, agriculture educational facilities, amphitheater, and more.

Despite this longstanding work history, the unique Rio Grande property known for its rich soil was instead abruptly sold to Dan Russell, a fourth generation local businessman who plans to develop a private 200 space high-end RV Resort and 300 space parking lot on the land. Unrelated plans for another RV resort on adjacent riverfront property are already in the works and multiple RV parks currently reside in the vicinity of Alamosa County.

Neither the ABOE nor Porter Realty had informed the purchasing parties or the public that there was another offer being entertained. The LFC and TPL were not provided an opportunity by the ABOE to counter the distorted information Russell gave on the TPL plan during his RV Resort presentation.

In September of 2012, TPL and ABOE agreed to split the cost of appraising the Polston Property (\$3,000 each). In March 2013, TPL presented a formal Purchase Proposal to the ABOE at the full appraised value of \$775,000. The ABOE requested changes and the Purchase Proposal was re-submitted the following month. That same month, the ABOE made a motion to continue negotiating with TPL and a Formal Option Agreement was completed and submitted. Keep Polston Public, through attorney Edmund B. Frost asked in a June 24, 2013 letter: "How could the Board sell a tract of land appraised at \$755,000 for \$500,000? This action is even more egregious in light of the fact that TPL had a standing offer to purchase the land for the full appraised value and had tendered an option to purchase to the Board." Thus, plaintiffs representing Keep Polston Public allege that:

On its face, the Russell sale violates Article XI, Section 2 of the Colorado Constitution. The constitutional prohibition against donations and grants is absolute and admits only a very limited "public purpose" exception, which we might add does not include speculative ventures replete with contingencies and speculative hopes, such as those underlying the Boards de facto donation to Russell.

The ABOE is in violation of its core fiduciary duties to Alamosa school children. In a letter by Keith Vance, ABOE Treasurer, he said the school board wanted to "give back to the business community" and that "the school district would receive more than \$20,000 per year in additional property tax". The plaintiffs' stance is that the school board's role is to be giving back to the students and not specifically to the business community. ABOE Vice President Neil Hammer, the sole dissenting vote on the motion to sell to Russell, made this point in the July 1, 2013 ABOE meeting.

In addition, the tax revenue purported by Russell's RV Resort has not been proven and are based on speculative economic projections. KPP believes the ABOE made a financial decision without due diligence.

Additionally, KPP research has uncovered serious flaws in the conduct of the ABOE's transparency in decision-making, namely violations Colorado Open Meetings Law. KPP believes it can demonstrate a pattern of behavior which suggests at least ineptitude if not outright unethical conduct by ABOE board members.

In summary, Keep Polston Public believes that the process under which the Alamosa School Board came to a decision about the sale of the Polston property will be found to be unethical and legally flawed. There was a severe lack of transparency, good faith, and fiscal responsibility. KPP and its representatives have made several attempts to reach out to the ABOE and work towards a compromise and/or creative solution to this issue. There has been no response. KPP supports a use for this property that directly serves the health, well-being, economic development, and educational opportunities for Alamosa and the greater San Luis Valley.

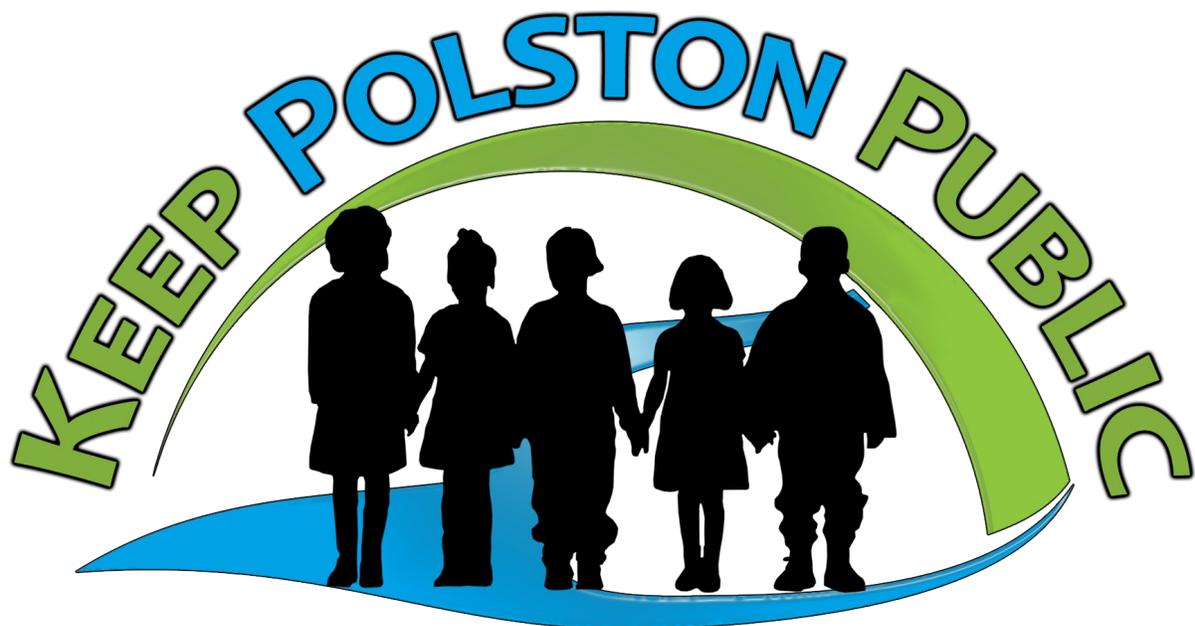
**DISCLAIMER:** The Trust for Public Land is a non-profit organization that for the past 40 years has created sustainable community spaces and land conservation projects nationwide with a track record of over 90% success in funding projects. One regional example is the Santa Fe Railyard, a unique and popular gathering place for community members as well as visitors ([www.railyardsantafe.com](http://www.railyardsantafe.com)). The Trust for Public Land is not involved in this lawsuit in any way, shape, or form. Keep Polston Public is a group of individuals who reside within and outside of the San Luis Valley.

**FOR MORE INFORMATION:** Additional information on the Healthy Living Park proposal, local paper op-eds, fact sheets, an online petition, and other Keep Polston Public material can be found at [www.keppolstonpublic.org](http://www.keppolstonpublic.org)

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