

Village Pond Park is a disaster waiting to happen. The health hazards are enormous, not only to the people who visit the park and the people living around the park, but also to the elementary school children nearby whose sports fields are filled with bird droppings. In addition, the current state of the Park harms the property values of those living on the park and nearby, and denies every citizen in Lake Forest from the joys of visiting a unique place.

The reconstruction of Village Pond Park should have commenced more than a year ago. Instead, the people of Lake Forest are being held hostage as a result of a lawsuit, which, in my opinion, has nothing to do with Village Pond Park.

The History

The City has spent millions of dollars improving parks. Village Pond Park was slated to be improved, and the City spent hundreds of thousands of dollars holding workshops and preparing plans for the renovation. But then everything stopped when the HOA sued the City because of damage to the HOA's lake.

The Lawsuit

According to the claim made by the Beach and Tennis Club HOA, for years, debris has piled into their lake because the City failed to provide adequate screens to stop the debris. As a result, tons of debris piled up and people who live on the lake are unable to circumnavigate. The City denied that they are at fault, refused to assist the HOA dredge the area of the lake impacted, and as a result the HOA sued the City.

None of this has anything to do with Village Pond Park. The lake and the pond are not connected. The lawsuit between the HOA and the City is no reason to stall the renovations of the park.

The Water Quality Issue

The City and the HOA have an agreement that goes back nearly 40 years that the HOA will manage the water quality. Both the City and the HOA have pointed out that having one agency responsible for maintaining water quality while another agency is responsible for factors impacting water quality is not sound policy and is not the way to go about addressing a problem. For 40 years the City and the HOA have discussed how to resolve this problem.

Bear in mind that Village Pond Park is the only park that the City holds hostage for payment. The City has taken over several parks from HOAs and in every case the City took responsibility for all the costs associated with the park. Only the Beach and Tennis Club has not been afforded the opportunity given to every other HOA.

In 2012 the HOA was upset that City contractors were washing feces into the pond, making the HOA's job of maintaining water quality impossible. The HOA sent a stern letter that the City interpreted as a threat of litigation. In any event, the City made efforts to improve the handling of bird waste, and the matter was not pursued. That being said, there are nonetheless pictures since that time showing that the City contractors continue to wash feces into the pond. In any

event, the City and the HOA have continued to engage in negotiations about how to resolve the issue.

As disclosed by the HOA, the City made a demand on the HOA to pay money for the rehabilitation of the Park, which the HOA refused. The HOA made a counter offer to pay the City to be let out of the contract, and to continue to maintain water quality until the City was able to get a contractor to take on the task. These negotiations continue.

The City's Claim

The City claims that there is "pending litigation" about the water quality issue, and because of this, construction on Village Pond Park is being held up.

There is no lawsuit on this issue, only the lawsuit about the lake, and nothing in that lawsuit refers to the Pond.

There is a letter dated July 15, 2016 from the HOA attorney that says there is no litigation and also that no litigation is intended.

So what is the City talking about? The City claims that the 2012 letter represented a threat of litigation and the litigation is still "pending," despite attestations from the HOA attorney to the contrary. This could mean that the City intends to initiate litigation, yet litigation by the City against the HOA on the water quality issue has never been agendized.

The City's claim that the 2012 letter from the HOA represents a continuing threat of litigation and that threat prevents the City from moving forward with the construction of the Park or even discussing the construction of the Park is an absurd argument, because since 2012 the City has been actively engaged in discussions, workshops, legislation, and funding projects related to the construction of the Park. If the 2012 letter from the HOA disqualified the City from moving forward on the construction of the Park, how did it not prevent the City from spending hundreds of thousands of dollars getting ready for the construction of the Park?

To me, the City's claim seems ridiculous.

Next Step

The City should move forward.

1. Agendize the construction of the Park.
2. Continue negotiations with the HOA to resolve the water quality issue so that the City alone is responsible for all aspects of the Park, as we do in all other parks.
3. Do a good job cleaning up the waste.
4. Do a good job enforcing the ordinance.