

April 25, 2008

Alice Catallini, President of the Governing Board  
Catalina Foothills School District  
2101 East River Road  
Tucson, Arizona 85718

Dear Ms. Catallini:

We are full-time residents of the Paloma Encanto neighborhood of La Paloma. We use the Campo Abierto entrance and exit to La Paloma several times a day. Neither of us is on the Board of the La Paloma Property Owners Association (LPPOA). Mrs. Soares is a former member of the Paloma Encanto Neighborhood Association's Board of Directors.

This letter is our response to the letter addressed to "La Paloma Neighbor," signed by you and Dr. Kamerzell and dated April 22, 2008. The letter omits several important facts and contains a number of inaccuracies. The first of these is your reference to us as your neighbors. We understand that when CFSD purchased Block 24 of the La Paloma master development in 1994, the District opted out of membership in the La Paloma Property Owners Association and has never paid dues or assessments to LPPOA. Good neighbors acknowledge and honor their obligations to their fellow neighbors. CFSD has not done this.

You then compound this insult by expressing your belief that you have the right to access your property from our street, Campo Abierto, like all other La Paloma property owners. You are, in fact, not a La Paloma property owner. You opted out. If your claim is valid, then why have you filed expensive and wasteful lawsuits asking our courts to condemn Campo Abierto for your benefit?

The beginning of the second paragraph of your letter is also inaccurate. CFSD did not acquire the Block 24 property for the early learning center. The District purchased the property in 1994 intending to build a grammar school on it and then determined the parcel was inadequate for that purpose. At one time in the past, we understand CFSD thought it would be a good idea to build a swimming center on the property. That inappropriate idea met with the fate it deserved.

The president of LPPOA did meet with the district's administrative officer in November 2006 to discuss Campo Abierto access. During the meeting, we understand your administrative officer confronted him with a letter, which she arrogantly represented to be a legal opinion from the district's law firm. We know that good lawyers like those in the DeConcini firm rarely issue legal opinions about anything. And now that we have had an opportunity to read a copy of this letter, we do not believe that it was a formal

legal opinion at all. It was merely a recitation of legal views and advice from the law firm to its client. If we had been confronted in this manner, we doubt that we would have ever wanted to have further discussions with CFSD's administration about access to Campo Abierto or much else, for that matter.

It is not correct to state in your letter that CFSD was left with "no other options." There is an entrance to the center's site from Sunrise Road and an entrance and exit to the center on Skyline Drive. It leaves us almost speechless to believe that another entrance and exit to and from the center is required on Campo Abierto using, as a questionable pretext, the notion that doing so would be safer. Campo Abierto is a very short and very busy street and is the sole commercial and emergency vehicle entrance to the northern section of the La Paloma neighborhoods. It is also in almost constant use by at least half of the residents of the neighborhood. Also, we understand traffic volume is approximately 40,000 vehicles per day on Sunrise Road while volume on Skyline Drive, to which the center currently has access, is undoubtedly much less. So it puzzles us greatly why CFSD has insisted on squandering at least \$453,000 (according to the May 2008 issue of *The Desert Leaf*), plus substantial legal fees to obtain access to Campo Abierto. In addition, CFSD will be required to incur significant additional costs to redesign, reconstruct and maintain the street as well as to provide liability insurance coverage to those who will use it. Expenditures of this magnitude for the questionable benefits to be obtained simply defy common sense. There must be more to this story than CFSD's administration is willing to tell us – and perhaps its board members.

This is voters' and taxpayers' money that is being unconscionably squandered here. Compounding this foolishness is the obvious fact that fees charged for attendance at the center are probably only about one-half of what they should be. Clearly, fees in the \$600-\$700 per month range for each child will not cover the approximate \$4,000,000 to \$5,000,000 cost of constructing the center plus another \$1.5 million or so, once everything is properly accounted for, for access to Campo Abierto. We have a grandchild who attends a preschool in another state. The cost is more than double the amounts you propose to charge. So what we may have here is taxpayer subsidization of the cost of an early childhood education center masked by the fiction that the parents are paying that cost. This may become an issue later this year when you ask the taxpayers in District 16 to approve another tax override – a year, by the way, when values of real property are likely to plummet even further than they have.

Neither of us is a lawyer. We would caution you, however, not to represent that work on access to Campo Abierto will begin in May. We know from reading the May issue of *Desert Leaf* that a Pima County court has granted CFSD a right of access to Campo Abierto. We have been around long enough, however, to know that judges can make mistakes. That is why there are courts of appeal and supreme courts. So, not so fast – unless, of course, you want to run the risk of incurring the cost of removing the center's access to Campo Abierto at some future date.

We would also invite your attention to the fact that, should the appellate courts decide against CFSD, the district will undoubtedly be required to reimburse LPPOA

approximately \$200,000 for its legal costs. Further, we would ask that you not overlook the requirement imposed recently by the Pima County Court that CFSD obtain permission to use Campo Abierto from the State of Arizona, owner of the parcel of land at the northeast corner of Sunrise and Campo Abierto.

Your reference to our community's children in the conclusion of your letter is misleading. The implication is that the community is defined by the boundaries of District 16. You should know as well as we do that the parents of any child in Pima County will be eligible to avail themselves of the services of the early learning center. The final paragraph also asserts, in effect, that we should be delighted that the public good has been served since the center will generate less traffic than the originally planned development of Block 24. This, of course, is illogical. We would have expected better of people dedicated to educating our children.

Both of us were educated in public schools at a time when pedagogy was the primary objective of the educational process. We have always valued and respected education and educators highly. We understand also that our society has dramatically changed since we were in the classroom and that our educational systems are now asked to do much more than teach. Nevertheless, when a school district unnecessarily wastes money that could better be spent in classrooms and libraries, as is certainly the case here, and attempts to cover up that improvidence by issuing a disingenuous letter, we find it impossible to remain silent.

Yours very truly,

Lise E. Soares

Robert L. Soares

Cc: Mary Lou Richerson, Vice President  
Janell Jellison  
Carole Siegler  
Sherri Silverberg  
Dr. Mary Kamerzell