

STANDARD PRESS RELEASE

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FRIENDS OF MURGOITIO PARK (“FOMP”) PRESS CONFERENCE REGARDING THE CITY’S LEGAL WOES INCLUDING THOSE CAUSING THE SWAP TO FAIL AND THE IMMINENT PROBLEMS WITH FAA FUNDING

Dateline: Boise, ID, July 27, 2021

- The City of Boise is recklessly and frenetically pursuing a high-density development project on the Murgoitio Park site (“MP”).
- Legal errors have already caused the swap proposal to fail. The proposed land swap was scrapped because of a legal mistake (equal value of the exchanged properties is a legal requirement) not due to a prudent financial judgment for taxpayers as the Mayor stated on July 19, 2021 (when she stated it “doesn’t make financial sense for Boise residents and is no longer under consideration”). FOMP identified this fatal flaw from the beginning of the swap, and we told the press about this flaw.
- One day after announcing the swap was over on July 19, 2021, the Mayor and Council resumed their relentless pursuit of a housing development project on MP at a work session on July 20, 2021, as if no one noticed their previously unassailable swap plans were tragically flawed. The City kept the same calendar for returning to the Planning and Zoning Commission on August 9, 2021.
- The Mayor and Council are proceeding with reckless abandon simply because they want this massive and misguided high-density development project approved before the November 2021 elections.

- Since its inception, the City has cut corners in its development process. The City failed to comply with its procedure requiring a timely “pre-application meeting.” The pre-application meeting is held among the various City departments involved in a project. The pre-application meeting precedes the neighborhood meeting to ensure that the presenter at the neighborhood meeting is prepared to answer questions from neighbors.
- The city’s failure to have a pre-application meeting within the required timeframe left Jennifer Tomlinson unprepared to answer community questions at the neighborhood meeting. The frustrating and opaque meeting were reported, but not the reason the City failed to provide a meaningful neighborhood meeting. The City should hold a proper pre-application meeting and then hold a meaningful community meeting before attempting any development project on MP.
- The next tragic flaw in the proposal to develop MP as high-density housing relates to its inconsistency with FAA rules on airport funding. MP is within the Airport Overlay Zone, and it was purchased with FAA funding, requiring restrictions against any residential, industrial, or commercial development. FAA funding has been sought and/or obtained annually thereafter.
- In the early 1990’s the City enacted restrictions on MP and designated as a regional park to comply with these FAA requirements. The prior City administrations didn’t “make promises” out of generosity—as the City would have you believe today—the City was legally obligated to restrict MP from development under FAA rules. The Council was scheduled to lift these restrictions/covenants on July 20, 2021.
- FOMP has records (including email correspondence in 2016 and 2020 reflecting plans to use MP for residential development, i.e., not as a regional park), and showing the City may have taken FAA funds after the City had plans to develop MP, which could lead to serious consequences under FAA rules.
- In July 2021, FOMP has submitted letters to the City related to these issues and requested public records related to airport and FAA funding. At the July 20, 2021, Council work session (scheduled in lieu of lifting the covenants recorded against MP), Jennifer Tomlinson announced that the City has retained an outside law firm (special FAA counsel) and vaguely described the need to “figure out how to pay back the airport.”
- The City may face dire consequences for violations of FAA rules. The City may even have to relocate the airport if it builds on MP or pay to relocate any homes that might be built on MP—both impractical outcomes.
- The city’s prior Mayor (Brent Coles) and prior City Attorney (Susan Mimura) who served during the 1990’s when the property was restricted and designated as MP, say this FAA funding is an absolute non-starter to develop MP for residential uses. Even a U.S. Senator (James Risch) has said the federal airport funding would create issues for this proposed development of MP.

- This city's FAA-specialist law firm has been retained even though the City has the office of the City Attorney who routinely advise the City on land use matters and public records requests. The citizens of Boise are paying specialists hourly fees to confront these FAA legal issues because these are dire legal problems.
- These FAA law specialists are billing for these legal services while FOMP has been unable to obtain relevant public records from the City and the airport authority (including the FAA Assurances from various years). Other individuals have made public record requests but have also been denied the requested records. These are public records, and such requests are routinely handled by the city, leading to City responses with public records which expose matters the City would rather keep secret. FOMP requested copies of the FAA Assurances via public records requests, and the City promised to make those available by the deadline of July 9, but has since failed to produce those records for public scrutiny. What is the City hiding?
- FOMP asks: Why is the City using special FAA counsel at a time of budgetary scarcity? We believe the City retained such counsel because it faces dire problems in trying to develop MP.
- FOMP asks: Is the FAA counsel working with the City to deny the public records requests related to the federal funding for the airport, including funds related to MP? The City should not pay exorbitant fees for a law firm to serve as the city's FAA counsel to stonewall the public.
- FOMP asks: What is the City hiding from the public?

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