



March 23, 2010

Let's make this perfectly clear. The City did not initiate this litigation. TUSD filed a lawsuit against the City. The City then filed for an injunction and judge's determination that TUSD is required to comply with the City's grading ordinances as provided under state law. The City Council is adamant that it wants a hearing on the merits and that it has not, nor will it attempt to stop building at either site by securing any temporary restraining order before the case is heard in court.

An injunction differs from a temporary restraining order in that it is granted after a court reviews the merits of a claim and is convinced that there is a likelihood that irreparable harm will occur if a disputed activity continues. The City seeks an injunction to force TUSD to comply with the law and believes that this is a necessary course of action to protect our local waterways and beaches from pollution and neighboring properties from flooding. The City filed for an injunction only after TUSD violated the law and made it clear that it intends to continue violating the law. The District filed a lawsuit to try to get out of following the law while building at Tustin High and Heritage School. In order to ensure that TUSD performs its obligations under law for the protection of citizens, the environment, and private property, the City felt is necessary to take action.

If TUSD fails to grade Tustin High and Heritage School sites in compliance with law, then these sites will become what lawyers call "public nuisances." A public nuisance is a crime which threatens the health, safety and welfare of our community and is punishable by criminal sentence, a fine, or both. Violators may also be required to remove or correct the nuisance.

As a school district, TUSD has an undisputable obligation to ensure that its school sites are not maintained as "public nuisances" but as the safe havens our children deserve.