



OCTOBER  
1999

THE NEWSLETTER OF INTER-NEIGHBORHOOD COOPERATION

# DENVER NEIGHBORHOOD CONNECTION

## FRIVOLOUS LAWSUITS THREATEN CITIZENS, NEIGHBORHOOD GROUPS

by Michael Henry,  
Attorney and  
INC Zoning Committee Chair

In mid-July, 1999, the Board members of the Washington Park East Neighborhood Association all received letters from a neighborhood resident, accusing the association of doing something illegal because some of its members were engaged in a discussion regarding "possible new restrictions

***...effective representation depends to a large extent upon the ability of the people to make their wishes known to government officials***

of pop-tops and scrape-offs, by way of possible historic designations...or zoning changes, including overlay districts." The unhappy writer of the letter stated that "I believe your actions could result in lost property rights, freedoms and value" and enclosed a copy of a letter from a 17th street lawyer he had hired.

Fortunately, the threat of a lawsuit against the neighborhood association and members of a citizen's steering committee studying land use issues in the Washington Park East neighborhood have not succeeded in frightening the citizens to the extent that they have stopped their discussions. Because more and more neighborhood associations, however, are discussing such possible tools to regulate land use in their neighborhood as historic districts and overlay districts, a brief discussion of whether citizens or neighborhood associations in Colorado are able to be successfully sued for engaging in such activities is in order.

In 1996, George W. Pring and Penelope Canaan wrote a book entitled *SLAPPs* (also known as Strategic Lawsuits Against Public Participation)—*Getting Sued for Speaking Out*. The

Continued on p. 3

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# Chairman's Column

by Dick Bjurstrom

I'm glad to report that this month's meeting will be the last one that will disrupt our general meeting format for the near future. Our School Board Forums will be taped by Channel 8 and that will cause some changes to our format. As with the City Council forums that we sponsored with the League of Women Voters last spring, all candidates will give a two minute opening statement followed by a question and answer period. The candidates will be limited to 1:30 responses. This will be followed by a two minute closing statement. Questions will be accepted in written form from the audience with preference given to INC members. Because of TV requirements each forum will be 1 hour long with the 2 year at-large seat going first at 10:00 followed by the 4 year at-large seat at 11:00 and the District 5 seat at 12:00. This means that we need to complete Around the City by 10:00. Hopefully with your assistance we can get all this in.

In other INC news the Board met last month at the proposed new office space. It was decided to

forego this space in order to pursue a less expensive locale or possibly find some donated space. Anyone who knows of such a space please contact me at your earliest convenience.

A reminder to everyone concerning the special events on the calendar this month. The Neighborhood Conference is on Oct. 16th. Two representatives from each neighborhood group are allowed to attend this event for free. This is a very useful event for all neighborhood leaders. The Neighborhood Handbook we all have been awaiting will be passed out and discussed.

The INC Presidents Dinner will be on Oct. 13th at the Hyatt Hotel downtown. Invitations have gone out in the mail as of Sept. 27th. Anyone that would like extra invites can contact me at 303-753-9198. That number can also be used to RSVP. Please let me know if you plan to attend this gala event.

Hope I'll see you on Oct 9th.

From p. 1

authors of the book state that:

"A new breed of lawsuits is stalking America. Like some new strain of virus, these court cases carry dire consequences for individuals, communities and the body politic. Americans by the thousands are getting sued, simply for exercising one of our most cherished rights: the right to communicate our views to our government officials, to 'speak out' on public issues."

The book quotes U.S. District Judge Charles R. Norgle in *Westfield Partners, Ltd. v. Hogan*, 740 F. Supp. 523, 524-26 (N.D.Ill. 1990): "The wholly lawful exercise by citizens in a community, of the right to petition their local government to follow a certain course of action...should be vigorously protected and should not expose individuals to suit by persons unhappy with the results of such petitioning."

Fortunately, in Colorado, citizens are protected by the fact that the Colorado Supreme Court has a very strong prejudice against law-

suits of the type being threatened by the disgruntled Washington Park East resident. In *Protect Our Mountain Environment v. District Court*, 677 P2d 1361 (Colo. 1984), the court held that: "The First Amendment to the United States Constitution guarantees the right of the people to petition the government for a redress of grievances. Citizen access to the institutions of government constitutes one of the foundations upon which our republican form of government is premised. In a representative democracy government acts on behalf of the people, and effective representation depends to a large extent upon the ability of the people to make their wishes known to government officials acting on their behalf. The right to petition has been characterized as one of the 'most precious of the liberties safeguarded by the Bill of Rights.'"

In that case, a developer had sued a citizens' group for trying to block a large rezoning near Evergreen. The Colorado Supreme Court ordered the lawsuit against the citizens' group should be dismissed.

In 1997, the Denver District Court not only dismissed a SLAPP lawsuit against a citizen (Margot Hartmann, then a Board member of Inter-Neighborhood Cooperation)—*Ready Men Labor, Inc. v. Hartmann*—but also awarded

attorney's fees against the Plaintiff because the lawsuit was frivolous and groundless under Colorado law. The Plaintiff had sued Ms. Hartmann simply for speaking out on behalf of proposed zoning changes which, arguably, would have limited the Plaintiff's property rights.

Ever since 1926 in its first zoning case, *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, the United States Supreme Court has upheld the right of a municipality to impose reasonable land use restrictions. Ever since 1978, the U.S. Supreme Court has also upheld preservation of historic buildings as a legitimate governmental purpose. There are simply no Colorado or federal cases which would even remotely suggest that a reasonable historic district or overlay district established by a local government would be invalidated by a court or that citizens or neighborhood associations advocating such reasonable land use controls would be penalized by a court. Citizens and neighborhood associations, therefore, should not allow angry individuals to intimidate them or chill their willingness to discuss and consider and advocate reasonable measures to identify and preserve the values and best characteristics of a neighborhood. ■

Articles for  
Denver Neighborhood Connection  
must be submitted by the 20th  
of the month prior to publication to:

**Dick Bjurstrom**  
**756-6421 (h) • 753-9198 (w & fax)**  
**dick@bjurstrom.com**

Articles longer than 200 words  
should be submitted in text format (.txt)  
on a floppy disk.

## MAKE A DIFFERENCE DAY

INC, Mayor Webb, Keep Denver Beautiful and Denver Public Schools sponsored the Neighborhood Schools Grounds Beautification Project on Make A Difference Day.

5,000 people participated to do maintenance, groundskeeping and landscaping projects at our 110 Denver Public Schools. Are our schools and their land valuable assets in our community? You betcha! Do they look better now than they did in 1995? You betcha! That's called making a difference!

Is there something in your neighborhood that has been bugging you—making you crazy? This could be the time to round up the troops, spread the word & get it done! Let your imagination go! Plant the seed—form a plan—ask for help & DO IT!

By the way, volunteerism is needed (time & energy), but money can be a great help! Grants are available from each Wal-Mart store for \$1,000 and all projects are asked to submit entries to USA Weekend for national awards!! ([www.usaweekend.com](http://www.usaweekend.com))

P.S. Where does a great idea lead? Our school grounds do look 100% better. Thank you to us and DPS for making it so! The \$2,000 INC won as a National Honorable Mention Award Winner in 1996 led to our ability to start the Dollar Dictionary Drive. October, 1999—30,000 DPS third graders receive a dictionary of their own in three years!

**A Good Idea Just Grows & Grows!!**

## DOLLAR DICTIONARY DRIVE

THANK YOU, VOLUNTEERS!

The dictionaries came from Ohio and the volunteers came from throughout Denver. Together, with the help of K-Mart and DPS Central Distribution, 7500 dictionaries were delivered to 86 Denver Elementary Schools by Labor Day. Each has a gift label added by neighborhood volunteers at Rocky Mountain SER in Northwest Denver. The gift label says the dictionary is a gift from INC, U.S. Bank and the individual neighborhood association(s) for each school. The best part of the Dollar Dictionary Drive is yet to come! That is giving this great resource to each of the DPS third graders in their classrooms or at a school assembly.

If you would like help setting this up with your school or would like to participate, please call Cathee Fisher at 303-333-3141. Join US & Have FUN! ■

1999 DONORS

**1 DOLLAR = 1 DICTIONARY**

U.S. Bank  
Numerous Individuals  
Auditor's Office Employees  
Baker Historic NA  
Capital Hill NA  
Congress Park Neighbors  
East Montclair NA  
George Washington HOA  
Harkness Heights NA  
Hutchinson Hills/  
Willow Point HOA  
Mayfair Neighbors  
Neighborhood Inspection  
Services Employees  
North City Park  
Civic Association  
Sloan's Lake Citizen Group  
St. Anthony's Hospital  
Sunnyside United Neighbors  
The Beacon Club  
United Southeast Denver  
Washington Park East NA

**Thank You One & All!**

Donations can still be sent to:  
INC Dollar Dictionary Drive  
P. O. Box 300116  
Denver, CO 80218 ■

## RIGHT-OF-WAY "SPOTS" AVAILABLE for ADOPTION SOON

Keep Denver Beautiful "Adopt-A-Spot" program is gearing up again, with an expected 30 more "spots" coming up for adoption. The program is an easy way for volunteers to make a difference in Denver by making their communities better places to live and play.

City Council members are being asked to designate "spots" in their districts that they would like to see adopted. Volunteers agree to maintain the site for one year by removing litter, illegal signs and graffiti.

Public Works will install 30 new semi-permanent signs at the locations acknowledging the community spirit of those who adopt sites.

Adopters may be a business, civic organization, group, family, or individual. Public Works will provide the volunteers with vests, trashbags, gloves, safety tips, and trashbag pickup, as well as the sign.

For more information on the Adopt-A-Spot program, contact Jeanie Sedgely at 303-640-2900. ■

## INC MEMBERS

(Patrons capitalized)  
(GOAL: 100 in 99)

Alamo Placita NA  
Beacon Club  
Bellevue Hale NA  
Berkeley NA  
Cherry Point HA  
CHUN (Capitol Hill United Neighbors)  
Clayton NA  
College View NA  
Cook Park NA  
Cory/Merrill NA  
Country Club Historic Neighborhood, Inc.  
Curtis Park Neighbors  
Denargo Market NC  
DOWNTOWN DENVER RO  
East Montclair NA  
East Washington Park NA  
Far Northeast Neighbors, Inc.  
George Washington Home Owners Assoc.  
Golden Triangle N.A.  
GREATER PARK HILL COMMUNITY, INC.  
Harkness Heights NA  
Harman NA  
Highland United Neighbors, Inc.  
HISTORIC MONTCLAIR COMMUNITY ASSOCIATION, INC.  
HUTCHINSON HILLS/WILLOW POINT HOMEOWNERS  
Indian Creek Neighborhood Association  
Inspiration Point NA  
Lower Downtown District, Inc.  
Mayfair Neighbors, Inc.  
Mayfair Park NA  
Metro Denver Local Development Corp.  
North City Park Civic Association  
North Downtown District, Inc.  
Organized Baker Residents  
Overland NA  
Park Hill for Safe Neighborhood  
Sloan Neighborhood Association  
Sloan's Lake Citizens Group  
Sonny Lawson Park NA  
South Gaylord NA  
South Jackson Street NA  
St. Charles N.G.  
Stokes Place-Green Bowers Home Owners Association  
Sunnyside United Neighbors, Inc.  
UNIVERSITY PARK COMMUNITY COUNCIL  
Upper Larimer Neighborhood Association  
Virginia Vale Community Assoc.  
Virginia Village/Ellis Community Association  
Warrens University Community Council  
Wellshire Home Owners Association  
West Highland NA  
West University Community Association  
Whittier NA

### SUPPORTING ORGANIZATIONS

League of Women Voters  
Neighborhood Resource Center  
Community Mediation Concepts

\*New Organization Since Last Newsletter

For membership information, call  
Jim Ritzdorf at (303) 322-7058.

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Restaurant...  
of free valet parking on Thursday, Friday and Saturday nights, hoping to encourage restaurant patrons to use valets and reduce parking and late night noise in residential areas. Restricted resident-only parking is already in place and will continue indefinitely.

**Housing Committee, Christy Romano**— As this committee gets underway, I would like to do some research as to what issues the INC members have identified in their own communities that deal in one way or another with housing. Please call me at 303-388-4146 to share your concerns (group

ies, homeless shelters, housing code enforcement, etc.), and we know what you would like to see addressed. I would also welcome anyone interested in joining on the committee. In the meantime, I am working to obtain comparative facts from our surrounding municipalities. It is important to know where we currently stand, what Denver provides in the housing market, what our housing stock consists of, and how it is used for, e.g., rental vs. occupied, number of group units and so on. This research will take several weeks, and a final report will be given by the end of the year. Thank you.

**SCHEDULE FOR COMPREHENSIVE PLAN MEETINGS, Fred Corn**— The Community Planning and Development Agency has developed a new schedule for the Denver Comprehensive Plan.  
**October 14, 7-9 p.m.**  
**City Council Chambers**  
Comprehensive Plan Briefing for Planning Board and community. Informational meeting—planning staff will present the Plan and Board and public will have the opportunity to ask questions.  
**December 1, 7-9 p.m.**  
**City Council Chambers**  
Planning Board public hearing—Planning Board will raise any concerns with the plan. Two weeks following meeting are for planning staff to address issues raised at hearing.  
**December 15**  
Planning Board meeting to vote their recommendation to City Council.  
**January 17**  
First reading at City Council.  
**January 24**  
Final reading and public hearing at City Council. ■

Newsletter design & production by:



**IRON HORSE DESIGN STUDIO**  
Kate Hamilton 303-722-4030

**NEXT MEETING**  
**October 9, 1999**  
**9:00 a.m.**  
**Highlands**  
**Lutheran Church**  
39th & Lowell

**AGENDA:**

**9:00**

Coffee & Chat

**9:15**

Around the

**SCHOOL P  
FORUM**

**10:00**

2 Year At-Large Seat

**11:00**

4 Year At-Large Seat

**12:00**

District 5 Seat

*Hosted by  
Harkness Heights  
Neighborhood Association*

h Way  
30237

*by Beverly Benavidez Ryken,  
Secretary,  
September 11, 1999*

INC Chairman Dick Bjurstrom  
convened the meeting at 9:00 a.m.  
Greater Park Hill Community hosted.

**NEW BUSINESS**

The INC Board meeting was held  
September 13, 1999 at 907  
Acoma. Anyone is welcome to  
attend board meetings.

Dick Bjurstrom made full disclosure  
of his position with CRL &  
Associates and his work with them  
on the upcoming ballot initiative.  
Discussion on this subject took  
place at the INC Board Meeting  
September 13th.

INC shared a table at the League of  
Women Voters' "Visions of Denver"  
on September 14, 1999.

A motion was made that INC pay  
for one half of the purchase of a  
table with the remainder to be paid  
by those board members attending.  
Motion was unanimous in favor.

INC Presidents Dinner will be held  
on October 13, 1999 at the Hyatt  
Regency Hotel, 1750 Welton St.  
Anyone wishing to attend please  
RSVP to 303-753-9198 no later  
than October 9, 1999.

Distribution of dictionaries began  
Monday, September 13, 1999.  
Contributions from the following  
organizations were made during  
this past month: City Auditor Don  
Mares and staff; Sloan's Lake  
Citizens Group; Virginia  
Village/Ellis NA; Sunnyside United  
Neighbors; and Steve Nissen.

The Office of Neighborhood  
Response will be hosting this  
year's "Neighborhood Leadership  
Conference" on October 16, 1999  
at the Colorado Convention Center.  
For more information please con-  
tact ONR at 303-640-5827.

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*Inter Neighborhood Cooperation  
invites you to the*

**1999 Neighborhood  
Presidents Dinner**

*Proudly sponsored by AT&T  
Wednesday, October 13, 1999*

*Keynote Speaker  
Lt. Governor Joe Rogers*

*Hyatt Regency Hotel  
1750 Welton Street  
Cocktails 5:30 p.m.  
Dinner 6:30 p.m.*

*RSVP to (303) 753-9198  
by October 10, 1999*