From: B Waite
To: "Gary Gates"; "Nancy Oliver"; "DAVE SHAFFORD"; "JO ANNE"; "Deborah Sorchevich"; "Dave Freeman"
Subject: RE: We'd prefer to continue to support local businesses but for some, soon we may not have that option
Date: Wednesday, July 07, 2010 10:47:00 PM

I can answer your questions. Tracy, Terri, and I will be there. We don't lead a group, we've just got an idea that we think is compelling.

One thing, you say "private", but your rangers enforce private use all the time. Not to pick, but all along we meant private parks in the manner any of your rangers already understand and enforce the rules.

Here are my personal thoughts because you asked one of us to explain.

1) If the board believes the Aquapalooza organizers can't assure the safety of the LVPOA properties, or endangers the community, then to protect the LVPOA homeowners interests, the event should have been formally contested until those concerns were resolved. If they had held the event regardless, from an LVPOA risk perspective, I would submit there would have been less liability had the board gone in the opposite direction and kept the parks open and private as usual

a) The board introduced a greater liability hosting the event. If someone gets hurt, or god forbid, drowns, grinds up a swimmer, or breaks their boat on a rock, we homeowners could be on the hook.

b) If they were violators - the board could argue that they were breaking no-trespass laws and such possibly reducing liability. Now you can't. You invited them. They're guests.

c) I love your rangers, they are the best! I see them handle people all the time and they explain private use to non-members.

d) LOCAL members/owners and guests would have been there in mass, protecting our own parks in a friendly way.

e) Assuming "no-boats/private park" signage, or a couple of buoys any homeowner could say, "no boats, you're trespassing" before the boat got to shore. It works all the time elsewhere.

f) If we weren't hosting the event but had signs prior to the gate which warned "private park" - fewer would come to the gate.

g) Boats have bow numbers. Cars have license tags. People are identifiable. Video preserves evidence. Vandals pay damages.

If the board still believes the Aquapalooza organizers can't assure the safety of the LVPOA properties, or endangers the community, then to protect the LVPOA home owners interests, the event should now be formally contested until those concerns are resolved. You know you assume greater liability when you are aware of a risk and don't mitigate it right? (Ex-wife was an insurance adjuster.) Since the board is still stating it's not safe enough for a metal gate, or property, it's not safe enough for soft people.

2) The board STILL doesn't understand many homeowners' concerns about how this is different. Many tried, all failed. That argues in favor of voting. At that point, it's just tabulating. We understand someone would have to craft wording to get a workable proposal for a by-law amendment; we're just trying to communicate a common sense idea. It could be that traditional events could come up for annual votes which we believe would pass easily, or perhaps traditional events could be individually

listed and safely grandfathered in an amendment since no one objected to them to date. We'd not want to affect traditionally allowed member events, either.

I look forward to meeting all of you at the meeting as well.

Brad Waite

From: Gary Gates [mailto:ggatessr@yahoo.com]
Sent: Wednesday, July 07, 2010 10:22 AM
To: B Waite; Nancy Oliver; DAVE SHAFFORD; JO ANNE; Deborah Sorchevich; Dave Freeman
Subject: Re: We'd prefer to continue to support local businesses but for some, soon we may not have that option

I think Nancy Oliver said, See you tomorrow night. I as one member of your Board, hope you will take the time to come. We hate having to sit there month after month with only a small number of people in attendence. So please come.

I have two questions that have never been addressed that I would hope one of your people will address. I will not ask these at the meeting, but if your group wishes to answer these, please do.

1 In response to the LVPD telling us they would not be available to work Trespass or similar enforcement, anticipating people seeing sanitary, drinking water, open space, and coming into the park from the water, also having no way of controlling walk-in, and believing the park would suffer trash and damage, the BOD was left with the choice of shouldering the costs [Private police, extra sanitation, damage repair, clean up] of park invasion, or accepting a proposal which would cover damage, insurance, police, clean up by allowing the Chamber to shoulder all these costs. This knowing that the cost to the members could have caused the Board to have to have a special assessment to cover costs. Would you have wanted to pass the burden to the Chamber or had the POA shoulder the costs?
2. The second question is, the Chamber has their Regatta and Pirates of Lake Travis at Bar K, there is the 4th, The singers, players, The Women's Club Gala, Seton Gala, Chamber Annual Fund Raiser, Lions Events, and other times when the publice is allowed to come into our "Private Facilities". Does you group wish us to close out all of these events?

Thank you in advance for coming tommorrow night at 7PM with your answer.

Regards,

Gary R Gates SR

From: B Waite <bwaite2@austin.rr.com>
To: Nancy Oliver <noliver834@gmail.com>; DAVE SHAFFORD <dshafford@austin.rr.com>; JO ANNE <Jam1490@aol.com>; Deborah Sorchevich <deborah@lvpoa.org>; Dave Freeman <djfreeman@austin.rr.com>; GARY GATES <ggatessr@yahoo.com>
Sent: Tue, July 6, 2010 10:06:08 PM
Subject: RE: We'd prefer to continue to support local businesses but for some, soon we may not have that option

Sorry about the delay. When we received your response we had to back off and ponder how to explain to you how commandeering private property for general public use is unacceptable. As today, if you don't understand, we are still at a loss for words.

Tracy Alexander, Brad Waite, Terri Hunt

From: Nancy Oliver [mailto: noliver834@gmail.com]
Sent: Sunday, July 04, 2010 4:02 PM
To: B Waite; DAVE SHAFFORD; JO ANNE; Deborah Sorchevich; Dave Freeman; GARY GATES
Subject: Re: We'd prefer to continue to support local businesses but for some, soon we may not have that option

Your Chamber of Commerce came to the board and requested that they be allowed to have an event at one of our parks to help local businesses.

I will look forward to hearing your opinion on why this is different then the rest of the events the Chamber of Commerce sponcers.

See you Thursday night.

On Sun, Jul 4, 2010 at 6:43 AM, B Waite <bwaite2@austin.rr.com> wrote:
Hello,

We'd prefer to continue to support local businesses but for some, soon we may not have that option. We are willing to spread our message widely, including letting surrounding communities and visitors know if we need their help. We've been told another group called some local businesses. We found out when someone asked about our plans because they saw similarities. We did not call any business yet.

We love local businesses. We are being wronged. The parks belong to the homeowners. We pay the LVPOA for privacy. We believe the LVPOA board acted in a way not intended with the by-laws when giving permission. We are NOT accusing the LVPOA board of anything bad at the time they made the original decision. Although we do understand there was a contemporaneous complaint which should have been a red-flag to all involved, if we understood correctly. Also, all independently - there has been a petition - complete with many signatures and comments, there have been letters to the editor, people have sent emails, somebody made calls, etc, but the request has not been withdrawn, nor the event canceled. Homeowners didn't choose this fight or choose to continue it. You did.

We are being harmed. You may disagree. You may elect to have this event anyway. We're going to get

our messages out regardless; long term - not simply for this one event.

One message is simple and it will outlast any entity – “one can vote with their feet”. That message is as old as business itself. We believe that once people realize their urge to be supportive neighbors has been abused, they’ll begin making informed decisions to do more business with good neighbors, opposite with bad neighbors. We’re just reminding folks that being good neighbors is not a suicide pact.

Also, we’ll be trying to get a mandatory <60% majority homeowner vote for general public events added to the by-laws. This is a low cost item that could have prevented all this. Even though it is not in the current by-laws, the board could have realized the request was likely contentious. Failing outright rejection they could have sent out an informal vote to test the water then made a decision accordingly. Regardless, going forward we elect board members, so at election time general public events could go on the same paper ballot alongside board candidates, sent at the same time, in the same postage, tabulated in the same manner, likely on the same machines. Low additional cost. Easy. Good for everyone, including the LVPOA board who could simply ask us all to vote should the by-laws be amended.

We hope you will support this change to the by-laws because had it been present all this could have been avoided. We believe current community events like the July 4 events would pass by a wide margin at each election. If you’re wondering why, we believe the majority will see a difference between a traditional community event for our nation’s birthday and a purely commercial invasion into homeowner owned parks, but that is an opinion, it would be up to the LVPOA homeowners/voters to decide.

We ask you to forward this entire email with the mailer to any organizations, businesses, or participants that you represent simply because you represent them and we’re giving you the chance to pass it on before the meeting if you choose. Should you elect to not inform any one you’re representing, that’s on your conscience. We’re primarily focused on homeowners for now and may not have time to approach participating businesses before the meeting.

We hope that as good neighbors you will choose to cancel this event and stop harming us.

Sincerely,

Brad Waite, Terri Hunt, and Tracy Alexander
Lago Vista, TX

---------- Mailer follows ----------

Subject: Keep LVPOA Private - Does anyone want to organize?

Hi Everyone,

We believe there are significant LVPOA issues beyond Lagopallooza. We want to thank Joe for his fantastic petition, and because we believe there is additional work to be done, we'd like to explore extending his work into an organized group.

Are you aware NEXT Thursday July 8, 2010, the LVPOA Board will be looking into COMMERCIAL use of the facilities, 2011 events, and short term renters? LOCATION: Bluebonnet Rm. @ POA Activity Center , 2601 American Dr TIME: 7:00 p.m.

See for yourself in the North Lake Travis Log 7/1/2010, page 4A, or click
http://www.lvpoa.org/Newsletters/Newsletter.html

We were happy with the LVPOA until they decided to take our private money to fund commercial public interests. We believe the parks should remain as they were intended, as private parks for the homeowners.

We believe LVPOA issues are a problem that will keep occurring. Does anyone want to get organized beyond this petition?

We would like to amend the by-laws to require 60% majority or more for any general public or commercial event. We vote for board members why not general public events? The idea would take some work. The idea is to cause general public events to require a vote, while currently allowed member items remain unaffected.

We believe the vendors and commercial interest are a magnet, that the POA is an enabler, and that similar problems will persist as long as it is comfortable for them.

Are ANY of the commercial interests unaware they are using private parks already paid for by private homeowner money expressly to provide privacy? How could any local business, the City, or the Chamber of Commerce NOT already be aware it was infringing on all our rights to privacy in parks and facilities that we already paid for?

Is anyone willing to come to Lagopalooza and/or the LVPOA board meetings to inform them, and protest? (Laid back/Polite Lago style) We could use their force against them simply by showing up in a polite mass to protest and inform. This would only work as a mass, is anyone willing show up, inform, and complain?

We hope people will inform those interfering with our parks of the facts first, then give them a chance to change quickly, but if needed, widely communicate who they are, such that those so inclined can boycott any organizers and vendors who, after being informed they are infringing on our preexisting rights to privacy persist in taking our parks public regardless. We'd hope to make that a long term cost the organizers and vendors have to consider. And we'd like a respect for homeowner rights to become a true benefit to those businesses who support the homeowners, we believe those should be widely communicated as well so that those homeowners so inclined can support those businesses who support them. A business wanting support should be willing to provide support to homeowners and vice versa.

Like you, we're tempted to give local businesses a break because the LVPOA, City, and Chamber of Commerce are representatives and frankly because they're local businesses and we love many of them. On the other hand, this is a thin excuse since we find it inconceivable that any local businesses are already unaware of our homeowners pre-existing claim, and of all the controversy being caused.

Whoever knows about the issues and the harm it causes homeowners, but plays along anyway does not care about our rights as homeowners. The POA exists to provide those rights to us, and we already paid for those rights.

We ask ourselves, why should we fund anyone who willfully acts against our interests in the POA, including the POA? They brought this fight to us, we didn't bring it to them.

Are we wasting our time or is anyone willing to move forward on anything? Does anyone else have other ideas?

We're just citizens, just like you. We're simply trying to start a conversation and to give us a way to communicate to see if we can get a group going. If a group is established the group can elect a leader, establish a strategy, and establish long term communications but it has to start somewhere with starter ideas and a simple starter inbox. We created a group yahoo id we can hand out publicly, for the group

use to begin to organize should that prove worthy.

Please add keeplvpoaprivate@yahoo.com to your contacts list and send a message to us, so we can contact you and so your spam filter won't trap our messages. We've spoken our piece. We do not have all the answers, just ideas. We're open to your ideas. Please send us any of your ideas and please pass this message on to any LVPOA members who have not seen it. We're ok with wide distribution, feel free to email, link to, or hand this out to whoever you think will be interested on either side of the issue, but the group we'd be most interested in reaching out to would be LVPOA homeowners.

Thanks in advance,

Brad Waite, Tracy Alexander, Terri Hunt

Email: keeplvpoaprivate@yahoo.com

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