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**MINUTES OF THE REGULAR MEETING  
LAGO VISTA PROPERTY OWNERS' ASSOCIATION  
BOARD OF DIRECTORS  
April 14, 2011**

**RECITATION OF AUTHORITY**

The meeting of the Board of Directors of the Lago Vista Property Owners' Association was held at the Activity Center, 2601 American Drive in the Bluebonnet Room on Thursday, April 14, 2011 at 8:00 pm. Board members present were President Nancy Oliver, Vice president Dave Freeman, Treasurer Karen Wallace, Secretary Blaine Standiford and Parliamentarian Jo Anne Molloy. The Directors present are authorized Directors constituting a quorum for transacting business. General Manager Deborah Sorchevich was also in attendance. Administrative Manager Angie Mendez was also in attendance for the purpose of record keeping.

**ITEMS TO DISCUSS**

- 1. Open Meeting:** The meeting was called to order at 8:00 p.m. by President Nancy Oliver. Forty-two (42) members were in attendance. **(The member sign-in sheets are attached to the original transcript held in the Admin office.)**
- 2. Minutes – March 2011 (Standiford):** Secretary Standiford presents the Minutes as written citing no errors. VP Freeman makes a motion to approve Minutes as written; seconded by Treasurer Wallace. No further discussion. All in favor and the motion passes.
- 3. Finance – March 2011 (Wallace):** Treasurer Wallace presents the Balance Sheet with a brief explanation on a few items of importance. Currently, the POA has 1.2 million in liquid assets. Much of this money is collected at the beginning of the year. CDs are purchased and cashed-out throughout the year, as needed for operational expenses. The goal for 2012 is to have 3 months of operating expenses in liquid reserves. There is still, approximately, \$168,000.00 in assessments to collect and 2<sup>nd</sup> quarter billing has been mailed out. Revenue earned for period ending 3-31-11 is \$496,000 and expenses for the same time period is \$438,000; so, we are looking at a net of \$58,000. Currently, we

are in line with the 2011 Budget. In fact, expenses are coming in under budget at this time. Parliamentarian Molloy makes a motion to approve the financial statement as presented; seconded by Secretary Standiford. No further discussion took place. All in favor and the motion passes.

4. **Open Forum:** The time is 8:05pm. President Oliver begins by stating that members will each be given 3 minutes to address the Board. This will, hopefully, give more members an opportunity to speak. Open Forum will be given a maximum of 30 minutes. President Oliver also defends the Board's open discussions with the City of LV, stating that the Board's intentions, at no time, were to hide anything from the POA membership. The Board is truly interested and concerned about the LVPOA. President Oliver also defends the integrity of the Board and expresses her disappointment in the negative rumors that have spread throughout the membership concerning the Greenshore Park topic. The compilations of the letters and e-mails from POA members concerning the possible lease of Greenshore Park have been tabulated. The numbers have resulted in a majority of the membership asking to keep POA parks private. Therefore, during a Special Meeting of the Board of Directors, a vote was passed that discussions with the City, concerning Greenshore Park would cease. Greenshore Park would not be leased to the City of LV. **(Open Forum begins. The time is 8:09pm)** Some comments from the floor were as follows:

- A member thanks the President Oliver and the GM for the January meeting which resulted in the removal of the reservation system for the Tennis Courts. In addition, thanks the BOD for the use of the Grande Pavilion and Tennis Courts for a "Quick Start" tennis program introduction for children.
- A member states his concerns with the Greenshore Park topic, as having the understanding from a November 2010 BOD meeting that the Greenshore Park discussion, to sell the park to the City, at that time, was a dead issue. It was also his understanding that the COLV committee was formed for the purpose of better communications/relations with the City, and stating that the committee had not given the impression that the Greenshore Park topic would be placed back on the table. Yet, in January, the topic was placed on the BOD's agenda and a discussion with the City had already taken place concerning Greenshore Park. This member refers to information in a book entitled "Texas Homeowners' Association Law 2010" written by author Gregory S. Cagle. This member concludes by stating that the BOD has a fiduciary responsibility to the membership of the LVPOA.
- A member states that he has spoken with approximately 35 POA members who are all in opposition of leasing any POA facilities and/or parks to the City. In addition, this member is not interested in providing any facilities to any other outside

municipalities. This member asks the BOD to cease all discussions of this type in the future.

- A member presents the BOD with an additional list of POA members' names who are in opposition of the BOD leasing POA parks/facilities. **(This list is attached to the original transcript)** This member also refers to some of the guidelines contained within the POA's Covenants/Declarations and Articles of Incorporation as it pertains to the Officers and Directors. This member asks the question, "Did the Board obtain legal opinion prior to discussing the leasing of Greenshore Park". President Oliver states, "No, we did not have a legal opinion. The POA has been buying and selling property for years." The member questions whether the BOD is knowledgeable in the language contained within the Covenants, stating that the BOD's chosen path, today, does not seem in compliance with the guidelines set forth in the Covenants.
- A member asks the BOD for clarification of the definition of "community" contained within the Declarations. This member also refers to Texas Property Code, Section 406 as it pertains to the definition of "community".
- A member thanks the BOD for deciding not to lease Greenshore Park and offers 50 more signatures in opposition. **(Attached to the original transcript)**
- A member thanks the BOD for sending the informational post card and for deciding to not lease the park. This member comments that POA members have been victims of a climate of secrecy in this town for a long time which has been perpetrated by the City. The POA membership and the POA Board should be resolute and stand firm for the future of the POA community.
- A member comments on last year's Aquapalooza issue, stating that POA members want to keep their parks private.
- A member thanks the BOD for sending the informational post card to the membership. This member states that all the comments tonight are a request, from the membership, for the Board to remain consistent, into the future, with its Charter. This member states that the conversations with the City were a radical departure from the Charter and from what the LVPOA is supposed to be about. The member asks the Board to refer to the document as a guide, also stating that the membership is going to be more vigilant and active in the future.
- A member asks that, in the future, the Board sends out an informational post card to the membership prior to having any such discussions. The members are aware that no decisions or commitments had been made on the Greenshore Park issue, but the POA membership should be aware of discussions which will directly affect them, prior to the Board engaging in such topics.

- Parliamentarian Molloy states that the entire Board was not privileged to the conversations with the City. Ms. Molloy states that she did not attend any of the meetings. The meetings were held with those Board members who were part of the COLV committee.
- Treasurer Wallace states that she believes it is very difficult to offer information to the members without having some sort of prior discussions.
- A member states that the membership understands that the Board has to have discussions amongst themselves concerning the POA. It is when the Board decides to have discussions with outside entities about something as important as leasing or selling POA amenities that the Board should ask, first, for membership input.

**(This concludes Open Forum. President Oliver thanks the membership for their input. The time is 8:33pm)**

### **GENERAL MANAGER'S REPORT (SORCHEVICH)**

- 5. Fitness Center:** The GM states, no negative incidents have been reported as a result of the new rules at the fitness center as it pertains to unaccompanied minors, ages 16-17.
- 6. Ramps/Marina Update:** Bar-K boat ramp is closed, due to lake levels, but the POA has two boat ramps which remain open at this time. The current lake level is at 661msl. The process to move the marinas has begun. The move is scheduled to take place at the end of April.
- 7. Fourth of July Update:** An agreement is in the Boards' books for tonight's review.
- 8. COLV Employee Park Passes:** A conversation has taken place with the City Manager to advise him that the POA will no longer provide Park access cards to non-POA City employees. All cards, currently issued, will be de-activated. This will not affect emergency personnel.
- 9. Annual Audit:** A copy of the 2010 Audit is on the POA's web site, under the "finance" tab.
- 10. Refinance Update:** The paperwork, at Compass Bank is still being prepared.

### **COMMITTEE REPORTS**

- 11. Nominating Committee (Standiford):** Candidates Night is set for the 19<sup>th</sup> of September. Mr. Standiford is still accepting volunteers for the nominating committee. There are some minor administrative issues that will require some updating, as far as timelines are concerned. This is due in part to the fact that the Board will be increasing its Directors from 5 to 7; additional notifications in the LOG will be necessary.
- 12. Facilities Committee (Freeman):** The committee has concluded its deliberations. The committee has also met with the Board and presented its recommendations. The committee will present its recommendations to the membership during the Open Forum at the May Board of Directors Meeting.

- 13. Long-range Planning Committee (Wallace):** This committee and its discussions have been placed "on hold" for the time being. Ms. Wallace states that, until the POA has the desired amount of liquid reserves in place, the committee would like to refrain from making any recommendations to the Board.
- 14. Bylaws Committee (Molloy):** This committee is also "on hold".
- 15. COLV Committee (Oliver):** The committee will be holding discussions with the City concerning the 4<sup>th</sup> of July. Ms. Oliver states, "that there will be certain times when the City, the LVISD Board, the Tennis Association and all of us will need to cooperate in order to get things done out here." Secretary Standiford states that an example of this could be some "trade" work between these entities. Parliamentarian Molloy invites all POA members to next month's Board meeting to hear the recommendations presented by the Facilities Committee. This presentation will be one of great importance to the membership.

#### **OTHER BUSINESS**

- 16. Purchase of Office Space on Dawn Drive:** President Oliver announces that a new Administrative Office is being purchased. The office is located on Dawn Drive, in front of City Hall. The current admin office is over-crowded, with some staff currently working from the kitchen table. The current office can be utilized for more meeting spaces in the future. The purchase price of the new office is \$185,000. The closing date is scheduled for May 5<sup>th</sup>. This purchase will be part of the refinance consolidation of the remaining Marina loan, as well as the 8.9 acres on Boggy Ford Rd. The loan will be 5-years at a 5.25% fixed interest rate. There will be no prepayment penalties.

#### **ITEMS TO BE VOTED ON**

- 17. Hill Country Dayz Agreement:** President Oliver presents the Letter of Agreement between the LVPOA and the Hill Country Dayz. This is the same agreement as in years past, including the indemnity clause. Treasurer Wallace makes a motion to approve the LOA as written. VP Freeman seconds. Treasurer Wallace points out its similarity to the July 4<sup>th</sup> Agreement. No further discussion. All in favor and the motion is passed.
- 18. July 4<sup>th</sup> Agreement:** President Oliver presents the Letter of Agreement between the LVPOA and the July 4<sup>th</sup> Council. This agreement includes the indemnity clause which was reviewed by the POA's counsel. Parliamentarian Molloy makes a motion to approve the LOA as written. Treasurer Wallace seconds. Secretary Standiford states that no revisions will be accepted from this point forward. This LOA will stand as "final". VP Freeman states that the POA's requirements are **1)** a reservation request, **2)** a contract. VP Freeman asks the GM if the POA has received a reservation request from the July 4<sup>th</sup> Council, to-date? The GM replies, "No, a signed request has not been submitted."

Secretary Standiford briefs the membership on the struggle with the 4<sup>th</sup> of July Council concerning the indemnity clause. Mr. Standiford encourages the membership to contact the July 4<sup>th</sup> Council about their desires to have the July 4<sup>th</sup> celebration. No further discussions. All in favor and the motion passes.

**19. 2011 Event Requests:**

- a) **PTO Fundraiser** – Following a review by the Board, VP Freeman makes a motion to approve the fundraiser. Parliamentarian Molloy seconds. Treasurer Wallace asks for a little more explanation on the details of the event. No further discussion. All in favor and the motion passes.
- b) **Texas Forestry Service** – This will be a fire safety presentation due to the present drought situation in Texas. Secretary Standiford makes a motion to approve this request. VP Freeman seconds. No further discussion. All in favor and the motion passes.
- c) **Special Wedding Request** – Following a review and brief discussion by the Board, Treasurer Wallace makes a motion to approve the request. VP Freeman seconds. VP Freeman also agrees with Secretary Standiford to review the current policy prior to 2012. No further discussion. All in favor and the motion passes.
- d) **Parenting Class** – Following a review and discussion by the Board, VP Freeman makes a motion to approve 2 out of the 5 dates requested. VP Freeman revises his motion. VP Freeman makes a motion to reject the request. Secretary Standiford seconds. The Board asks for more details about the request. Following the Board's discussion, a vote was taken as follows: 3 opposed. 1 in favor. President Oliver states the motion to reject the request is passed. President Oliver states the Board would be willing to review a revised request from this member.
- e) **Time Change for BOD Open Meetings (Not listed on Agenda):** Parliamentarian Molloy makes a motion to change the current time for the Monthly Open Board Meetings from 8:00pm to 7:30pm. VP Freeman seconds. Treasurer Wallace states she is willing to compromise for 7:30pm. Secretary Standiford reminds the Board that the 8:00pm time was chosen due to the fact that he has other commitments that do not allow him to attend at 7:00pm. Treasurer Wallace states that the 7:00-7:30pm timeframe is difficult for Board members who work during the day, 8a to 5p. No further discussion. A vote was taken as follows: 3 in favor; 1 opposed. Motion carried.

**ANNOUNCEMENTS**

20. The next Open Board meeting will be May 12, 2011 @ 7:30pm in the Bluebonnet Room of the Activity Center located at 2601 American Drive.

## **ADJOURNMENT**

There being no further business to discuss, a motion to adjourn was made by Treasurer Wallace; seconded by VP Freeman. All in favor and the meeting was adjourned at 9:20 p.m.

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Blaine Standiford, Secretary  
Lago Vista Property Owners' Association, Inc.