

Comment on Agenda Item
ColoVista POA Board Declaration of Opposition to Appelt Ranch Mining
Operation & Formation of APO Subcommittee

Board Members, tonight we are going to vote to disapprove or approve several documents (this resolution and an internet blog article) that are vaguely related to the proposed sand and gravel operations. With respect to this aforementioned resolution, you need to ask yourself “Does this resolution move us closer to stopping the proposed sand mining operation?” Before you vote and before you consider that question, have you considered or studied the “Stop the Vulcan Quarry” cases? Have you considered the legal implications and ramifications to yourself personally if you vote to approve this resolution? Have you consulted a lawyer about the ramifications? Since this document and the other email distributions that we are voting to disapprove or approve, are not actionable and do absolutely nothing to stop the proposed sand mining operation, could they be viewed without merit in a law suit? If the proposed purpose of these documents is to stop the sand and gravel operation then these documents do nothing to further that cause. These documents put the POA and POA board members in a position of assuming a tremendous amount of liability.

On this agenda item, I really want to implore you to either vote no or to table this agenda item until you have had time to adequately do your research on the stop the Vulcan campaign in Comal County (<https://www.stop3009vulcanquarry.com>). Once you have researched it, you will realize that to stop such an operation is a long term process – they have been trying to stop Vulcan for over 5 years. There are at least 4 (four) 501-C3 non-profit and LLC corporations raising money and fighting the installation and operation of this Aggregate Production Operation (APO). You will also realize that NONE of the neighboring POAs or HOAs are involved in leading or spearheading this effort. There are a couple of obvious reasons why the POA/HOAs are not involved that you should to consider before voting. The first is the potential legal liability to the POA/HOAs and their board members and the second was the ongoing cost of fighting the battle in court and other agencies. The POA/HOAs cannot and should not take on that tremendous financial burden. Also, the POA/HOAs cannot afford from a community standpoint to be involved in these ongoing law suits, which are inevitable to stop an operation – they do not just disappear) as they destroy the community from a real estate sales point of view and a house value point of view. (Janis Penick, the leading authority in real estate in Bastrop, has already expounded on the

devastating impact of a law suit involving a community. Also, locally, please talk to the Pine Forest POA, they were involved in a law suit that was devastating to the board members personally and to the community as a whole.)

Thus you need to ask yourself, why would we, as a POA, want to start this fight and put all of us at risk to do this? After you research this fight (<https://www.stop3009vulcanquarry.com>) and any of the other 4 or 5 currently ongoing battles, your answer should be - we do not want the POA to take this on. Your conclusion should be to have the folks, who are interested and passionate in stopping this sand and gravel operation, to form a corporation and raise the necessary funds to fight this operations. Taking this fight on is definitely a burden, legally or financially, the POA cannot assume nor is it equipped to assume.

In closing, I am not a legal scholar and none of us on the board are legal scholars in this area, but since these documents do nothing to stop the potential sand operation, I have consulted an attorney who specializes in this area and he has provided definitive legal advice to me. If you have not done so and you wish to continue to pursue the approval of this resolution, I would highly encourage you to seek your own legal advice on this matter before you approve this APO opposition resolution so you fully understand all the potential legal and financial ramifications to you personally, to the Board, and to the community.

Thank you

Gary Stevens