

## **Proposed Declaration Changes**

By Phil Lemler

I am going to vote **NO** on all the “Proposed Declaration Changes” except the declaration change that deals with our right to *amend the declarations whenever we want* versus once per seven years. So, that is **NO** on all and **YES only** on Article XIV, Sections 1 & 6 - Duration.

First of all, I agree that as stand alone changes each may ultimately be beneficial and needed (we can easily add them later) for the Village, however, I am voting NO (except the duration amendment) because of the following:

### **1. Proposed Declaration Changes are CMP driven.**

Throughout the CMP, “Declaration” changes, protective covenant changes, building code changes, ACC and other committee changes are all required and recommended for the implementation of the CMP. Since I believe the CMP is a bad document, I cannot support “Declaration Changes” that are being modified for its implementation.

I believe it is necessary for us to first create a workable strategy/plan and then introduce “Declaration” and other document changes that support the new plan. To approve changes for a broken strategy (that no one wants) just **does not make sense**.

If we vote **NO** on everything and **YES** for “*amendments-at-any-time*” (duration clause), in the future, we can change the Declarations any time we want. So a YES vote on Duration takes the pressure off for having to make ALL these changes now. Let’s get a new plan first and then craft the changes we need to implement the right plan.

### **2. Future proposed Declaration Changes can be modified at any time.**

There is no sense of urgency to pass these changes NOW. If we pass (vote YES) on the duration change only, which allows us to amend these Declarations any time we want, we can change them next week, next month, or whenever.

### **3. Declaration Changes are not needed right NOW.**

Much of the proposed Declaration changes are structured to limit or penalize CCI (Cooper). I believe that CCI could be one of our best allies for the future of HSV. At least, let’s meet with CCI and try to develop a workable strategy for everyone. Twisting CCI’s arm, doing things behind their back, purposely isolating them from the conversation and describing them as an adversary is ill advised.

A Hot Springs Village that is profitable, healthy and growing is potentially a tremendous asset for CCI. Mr. Cooper’s (III) father and grandfather built our Village. They have a vested and an emotional connection here. We are prominent on their website. CCI is in the land development business. They have a substantial interest in having us succeed. We

are a “flagship” example for CCI’s future marketing plans. Why would they purposely damage the Village? In my opinion, we have done a terrible job of managing our relationship with CCI. A well run HSV should bring all partners to the table, on substantial issues, and develop a plan where everyone could participate and prosper. You can’t push your partners around with a “my-way-or-the-highway” approach.

#### **4. Trust**

Another substantial reason I cannot vote for the proposed Declaration changes is trust. I have lost complete faith in the POA Board. I cannot vote for a set of proposed changes that are recommended and authored by this POA Board. One who would spend \$500,000 for a massive CMP that is confusing, financially impossible and irresponsibly structured. I am very afraid of what may be “hidden” inside the changes!

I believe the POA Board hangs on to the CMP because they don’t want to admit they have wasted \$500,000. They are standing by their intention to implement this disastrous plan even in the face of numerous Villagers who want it stopped. And, they are willing to waste our money, and our future, because they cannot admit they made a mistake and set aside their pride. This attitude, and misdirected management style, makes the proposed Declaration changes concerning and impossible for me to support. *Except the “Duration” clause which allows us to amend at any time.*

#### **5. What we do need.**

**A New Plan** - one that uses logical and time tested marketing theory to direct our advertising/promotion towards a target audience who is likely to move here and invest here. This plan should include this new marketing strategy and a Village development process that meets the long term goals of the Village. We do not need a CMP for this.

This plan should have a priority of addressing immediate revenue needs to begin correcting our large maintenance deficit.

This new plan should gives us the foundation to re-work all of our HSV documents so they are based on a logical plan versus the CMP.

**YES** on Duration clause (amend at any time).

**NO** on all other Declaration Changes.

I believe this strategy allows us to have our cake and eat it too! The POA has used this “pass it now or wait seven years” mantra for the proposed Declaration changes. We can now take our time and evaluate these changes and make the changes when we are ready.