



## VILLAGE OF HORSESHOE BAY

"Committed to protecting our lifestyle with a conscientious use of new opportunities, balanced representation of all interests and conservative fiscal management" *Sam Martin*

### A Record of Community Service

#### CURRENT AFFILIATIONS:

**Hill Country Economic Development Council**

(Burnet & Llano Counties)  
Founder and Vice-Chairman of the Board 2003- Present  
Member Tourism Committee  
Member Real Estate Committee

**Capital Area Economic Development District**

(10 County Region surrounding Austin)  
Member - Board of Directors 2005 - Present  
Comprehensive Economic Development Strategy  
Committee Member

**Lower Colorado River Authority**

Upper Highland Lakes NPS Stakeholder  
Committee Member 2004- Present

**The Martin Foundation**

Founder and President 1991 - Present  
HSB Police, Fire & EMS Employee Assistance Fund

**Burnet County Hotel Tax Committee**

Hill Country EDC Representative 2004 - Present

#### OTHER & PAST AFFILIATIONS:

**Marble Falls/Lake LBJ Chamber**

Board of Directors Member & Officer 1999 - 2004  
Awarded "Director of the Year" for 2000 & 2002

**Lower Colorado River Authority**

Lake LBJ Advisory Panel Member 2002-2004

**Highland Lakes Skatepark Association**

Advisor to the Board on Organization 2005 - Present

**Friends of Abused Children Everywhere**

Founding Member

**Boys and Girls Club of the Highland Lakes**

Member Technology Committee 2003 - 2004

**Highland Lakes American Heat Association**

Member of Board of Directors 1998 - 2001  
Celebrity Gala Event Chairman  
Volunteer of the Year 1999

Sam  
**MARTIN** *for* **MAYOR**  
**VILLAGE OF HORSESHOE BAY**

## A Plan for our Village

### 1. ADOPTION OF A SALES TAX

Upon taking office, we should pass an ordinance calling for an election, by the voters, for the adoption of a 1% Sales Tax. This tax can be used for General Fund purposes of the city. The election would be May 6, 2006. If successful, the sales tax would take effect October 1, 2006. The taxes collected are paid to the Village by the Comptroller twice each year. We would begin to realize the revenue stream from sales tax collections in the first or second quarter of 2007.

We should pass another ordinance calling for the election, by the voters, to adopt a 1/2% Additional Sales Tax, which cannot be done until the next successive election date which is on November 7, 2006. This tax must be used to reduce the property taxes imposed by the city. If successful, the collection of that additional 1/2% would begin April 1, 2007 and we would begin to realize the revenue stream from that additional percentage in the third quarter of 2007.

Finally, through the formation of an Economic Development Corporation, or an Economic Development District (EDD), we can adopt an additional 1/2% bringing the total city sales tax rate to the maximum 2%. This portion of the sales tax can be used for any qualified economic development purpose.

### 2. ANNEXATION OF THE REMAINDER OF PROPERTY IN LAKE LBJ MUD

The Trails of Lake LBJ, which is within the boundaries of the Lake LBJ Municipal Utility District, was excluded from the boundaries of the area incorporated as the Village of Horseshoe Bay. As a result, the city cannot absorb the operations of the Lake LBJ MUD unless that territory is either annexed into the city limits, or excluded from the MUD boundaries.

It is therefore, imperative that we work with Mike Walsh, the developer, and the property owners in The Trails of Lake LBJ to achieve a voluntary annexation of that section of Horseshoe Bay into the Village. The alternative of excluding The Trails from the MUD boundaries would not be without the very real possibility of a protracted challenge.

### 3. ABSORPTION OF LAKE LBJ MUD

It has always been the goal of incorporation to have the Lake LBJ MUD as the foundation of our new city government. Its facilities, equipment, staff and operations are already providing most of the essential services of our community that would otherwise be the purview of a city. The revenues of the MUD from ad valorem taxes and utility service sales is essential to provide the basic operating requirements of our city.

If we are unable for any reason, such as any challenges as mentioned in Item #2 above, to absorb the Lake LBJ MUD, the new city government will have NO revenues for at least a year

or more. As mentioned in item #1 above, we will not have any revenue from a sales tax until the second quarter of 2007. If the city council was to adopt its own ad valorem property tax, that tax revenue would not be available until 2007 either.

The city council, in the course of conducting its business, must have some resources to pay, at a minimum, for maintaining the records of the city's operations, including the conducting of open meetings, elections, legal consultations, etc. Short-term borrowing is NOT AVAILABLE since a city must repay any such loans in the fiscal year in which they are borrowed. While some donations and in-kind contributions may be available, the most prudent approach is for us to limit the activities of our city government until the absorption of the Municipal Utility District has been achieved.

### 4. CODIFYING OF RESTRICTIONS & REGULATIONS

The will of the people, as expressed by a majority is for our city government to have more authority to enforce the Declaration of Reservations (deed restrictions). To accomplish this we must pass a series of ordinances that will establish those regulations as the laws of our Village. With that, we will have the ability to establish fines associated with violations of those laws enabling our Police to issue citations for such violations.

Under a Type A General Municipality, the Mayor of the city is the municipal judge. It is, therefore, possible for us to operate a municipal court without the necessity of hiring a judge.

Given our short-term lack of resources, I would not prescribe rushing into this process of codification or enforcement. We can do this gradually based on a prioritized schedule.

### 5. COMPREHENSIVE PLANNING

The primary reason the majority of people voted for incorporation was, "To give property owners more of a voice in the future development of Horseshoe Bay". The development of a Comprehensive Plan is the best way to insure that the citizens of Horseshoe Bay can have the greatest amount of input into what the future holds for this community. Through a series of public workshops we should endeavor to define specific "Goals" of the community together with our "Objectives" related to those goals. We would then determine specific "Action Items" that would enable us to undertake the necessary steps toward implementation.

Comprehensive Planning will include consideration of the following two items:

### 6. SUBDIVISION ORDINANCE

(ZONING, PLATTING & BUILDING REGULATIONS)

Horseshoe Bay already has a very well defined set of zoning, platting and building regulations contained within our Declara-

tion of Reservations. We have evolved over the past 34 years, prospered and emerged as one of the premier resort communities in the nation, based on those regulations, including the rights that we have afforded to the developers under that contract. We all entered into that contract by virtue of the purchase of our property and we should continue to live by those covenants to each other.

As a city, we do not have the authority to override any of the covenants contained within the Declaration of Reservations. We can adopt ordinances that are more strict than a requirement in the deed restrictions, but, not less stringent. The same is true of any rights that the "Declarant" or "Amenities Owner" has granted to themselves respectively in the Declarations. We cannot adopt an ordinance which attempts to overturn or reduce any of their rights.

According to the Texas Municipal League's Handbook for Mayors and Councilmembers:

"Every councilmember needs to know the risks expressly contained in Section 1983, Title 42, of the United States Code:

*"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured."*

An example of potential liability under Section 1983 would be the council's decision to deny a developer the right to use land by denying a rezoning or building permit to the developer because the construction plans are opposed by a vocal neighborhood group."

While the city has an obligation to take over from Llano County the approval of plats or re-plats and the issuance of building permits, under state law the city cannot perform those functions without first adopting a "Subdivision Ordinance".

The process of adopting a subdivision ordinance will require considerable legal consultation to insure that such ordinances do not conflict with any of the provisions of the Declaration of Reservations and create a potential for a civil rights lawsuit as suggested above.

Considering the lack of resources available to the new city government, until such time as the MUD is absorbed, or until a tax can be established, it is unreasonable to assume that this can be done, nor should it be done, immediately. Llano County Commissioners Court has a duty to continue to perform these functions until such time as the city is legally qualified to assume those responsibilities.

## 7. THE ROADS

Much discussion has surrounded the consideration for the transfer of our roads from the HSB POA to the Village. While I believe, from my various conversations in this regard, that Wayne Hurd and Doug Jaffe would agree to transfer the roads to the village, there will continue to be a question about the other roads within the gated sections of Applehead Island, Matern Island, The Peninsula, Bay Country and The Trails.

By law, if the gate prevents access by the public, then those streets cannot be deeded to the village (public). As private roads, the city cannot contribute to their maintenance. It is possible for the gates to remain in place, and for the roads to become city streets, provided the gates do not prevent public access. In the case of one of the aforementioned sections, there is a public access code displayed on the entry keypad. This would qualify that section to dedicate their road if they choose. That is solely a decision for each respective section's property owners.

There is a concern, expressed by many of the people within those gated sections, who are paying assessments to their own respective POA's for the future maintenance of their private roads. They don't believe their property taxes should be used to maintain the HSB POA's roads, while their roads must be personally maintained. Currently the HSB POA roads are only being supported by assessments on the properties serviced by those roads. Granted, many of these roads provide common access to the amenities and therefore should be maintained by ALL property owners, including the people in those sections and the Amenities Owner. Residential streets that are not of a common access variety, do present a valid objection for property owners whose streets remain privately maintained and deserves our serious consideration to insure fairness for all of our citizens.

Some people are in favor of upgrading all the roads to the standard that was used on Hi Circle North. Others would argue that while there are certain roads in serious need of upgrading, most of our roads have been maintained adequately and do not necessarily need any renovations at present.

Obviously, there are many considerations regarding the disposition of the roads. This should be thoroughly explored during Comprehensive Planning with as much public input as possible.

## 8. FORMATION OF COMMITTEES

In conjunction with the development of a Comprehensive Plan, as a means to provide another mechanism to insure the greatest degree of citizen input possible, I would call for the formation of a variety of Committees and Commissions to enable more citizen involvement in the management of the affairs of the Village.

The city council has the authority to create ad hoc committees to address specific, limited time frame topics, as well as standing committees to perpetually work on specific areas of the city's operations. Committees do not have any authority to make binding decisions for the city, but, they can be instrumental in providing sound recommendations and are a great source of expert advice for our city council. It will be my recommendation that we begin by forming the following committees:

MUD & City Council Joint Task Force  
Finance Committee  
Code Committee  
Strategic Planning Committee  
Governmental Relations Committee  
Charter Committee

I am confident that we can achieve all of the above goals within the first full term of office.

## Why I'm Running For Mayor

### I started working to protect our quality of life in Horseshoe Bay years ago . . .

I've been "on point" for Horseshoe Bay ever since I moved here in 1997. In one capacity or another, I've gotten involved in civic organizations and kept my eyes and ears open to watch for the signs of uncontrolled, unmanaged growth that would signify an impact on the quality of life that was the basis for everyone of us to locate here. When those signs began to emerge I organized and founded the Hill Country Economic Development Council to encourage "smart growth" in Burnet & Llano counties. From that regional perspective I was in a position to see the trends and in 2003 I began advocating the incorporation of Horseshoe Bay. In 2004 I encouraged the POA to give incorporation a higher priority than they were. This year, I believed our window of opportunity was closing and I forced the question of incorporation to the forefront.

Once the debate on incorporation got underway, I published information related to incorporation that I believed was essential for people to make an intelligent and informed decision. A large number of people relied on that information in arriving at their decision. Given that assumption I feel a responsibility to insure that our decision to incorporate, for the reasons I espoused, was the right thing to do. That includes the need to defend against over zealous attempts to use the foundation of incorporation to pursue a minority agenda.

When I was considering running for Mayor, I spent several weeks meeting with the various principals related to the "Legs of the Table" as I described in my "Talking Points" memo published during the incorporation debate. My discussions with Doug Jaffe (the "Amenities Owner"), Wayne Hurd (The "Declarant"), Mike Walsh (Developer of "The Trails of Lake LBJ"), Michael Thuss (General Manager of Lake LBJ MUD), Wayne Brascome (County Commissioner Precinct #1) and R.G. Floyd (Llano County Judge), have been in the capacity of a private citizen and as a candidate for Mayor. At no time did I misrepresent myself as having any standing in the community, or make any commitments as to what I could or would do if elected Mayor.

Those discussions, in my opinion, were crucial to my understanding of what I might be able to deliver if

elected. If I did not believe it would be possible to achieve what the voters for incorporation expressed as their goals for incorporation, primarily having more of a voice in the future development of Horseshoe Bay, I would have never entered the race for Mayor.

Based on my knowledge of municipal organization and operational requirements, through months and months of research on that specific subject, combined with my prior knowledge of Texas Real Estate Law, gained through advanced studies associated with becoming licensed by the Texas Real Estate Commission, my experience on a regional level with Economic Development Strategic Planning, and that series of discussions with the various principals, I was able to derive a PLAN that I believe is achievable during my term as Mayor.



### WHO HAS A CLEAR PLAN ?

You need to know what can realistically be accomplished by your city government, and what cannot or should not. You need to know where the candidates stand on all of the issues that are of concern to you. Not everyone has the same concerns, and certainly, not everybody will agree with a candidate's position on all of the issues. But, you should know where each of us

stand. Leadership begins with a plan.

In reaching my decision to become a candidate for Mayor, I was also inspired by a desire to carry on the legacy of my father, Dave Martin, who led the early development of the Lake LBJ MUD for eleven years. If elected, I will be personally driven to add value to the first-class organization he helped build as it is absorbed into and becomes the foundation of our Village.

### I'm running for Mayor because:

- I believe I am the best prepared,
- I believe I am the most knowledgeable in the areas of specialization required for the position,
- I have a proven track record of leadership in organization building and strategic planning,
- I have a good relationship with all of the principals,
- I have a good working relationship with officials in all of the surrounding jurisdictions,
- I have a personal sensitivity to the history of Horseshoe Bay, and
- I have a clear vision of what I can deliver, which is consistent with what I believe the majority wanted incorporation to be, nothing more and nothing less.