

# REGULAR BOARD OF DIRECTORS MEETING

## AGENDA

Thursday, 7 p.m.,

March 17, 2011

Community Center

1. **Call to order.**
2. **Review/approve previous minutes.**
3. **Member/Guest Forum.**
4. **Department/Committee reports.**
  - a. Recreation Dept
  - b. Maintenance Dept
  - c. Standards Dept
  - d. Community Management Dept
  - e. Architectural Review Committee
  - f. Finance Committee
  - g. Landscaping Committee
  - h. Nominating Committee
  - i. Communications Committee
  - j. Public Safety Committee
  - k. Strategic Planning Committee
5. **Unfinished Business.**
  - a. Ad Hoc Pool Committee proposal for 2011 (Kevin Drummonds)
    - 1) Electronic gates/key cards – proposal submitted/looking for additional bids.
    - 2) Electronic Gate for park – tabled.
    - 3) Gate guard/Deputy change to Facility Monitor's - tabled
  - b. Park proposal for 2011 (Rick Severs)
    - 1) Purchase/Lease a trailer or build new building in the Park & move Rec Dept to Park – tabled
    - 2) Combine several positions (i.e., pavilion monitor/Deputies) into Park monitor - tabled
6. **New Business.**
  - a. Pool Schedule/Amendment to Pool Schedule.
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
7. **Schedule next monthly meeting.**
8. **Adjournment.**



*Approved 4/0*  
*Alan Foss*  
*not present*

**Regular Meeting of the Board of Directors  
Villages of Westcreek Owners' Association, Inc.**

**I. OPEN MEETING:** The Regular Meeting of the Board of Directors was called to order by the President at 7:00 p.m., Thursday, March 17<sup>th</sup>, 2011. The purpose of the meeting was to conduct regular business as identified in the pre-announced Agenda. Meeting minutes for the February Regular Monthly Meeting (dated February 17, 2011) were reviewed and approved by a vote of 4/0. Alan Foss was not present until after the vote was taken.

Board Members Present:

John Steele, President  
Kevin Drummonds, Secretary  
Alan Foss, Vice President  
Judi Cannon, Treasurer  
Rick Severs, Asst. Secretary

Board Members Absent: None.

Staff Present:

Brenda Tate, Community Manager  
Oswald Willis, Asst. Community Manager  
DeAdra Harston, Recreation Superintendent  
Freddy Gavia, Maintenance Superintendent

Members Present:

Julio Aguilera  
Michele Bekhor  
G. A. Besecker  
Bill Fenstermacher  
Guy Oliver  
Gayle Modrovsky  
Eugene & Barb Hopkins

**II. OPEN FORUM:**

Mr. Steele opened the Member's forum.

Mrs. Besecker asked two questions/issues: 1) that the wild flowers in the greenbelt not be cut until after they finished blooming. She was assured it would not happen; and 2) is the Association still using the off-duty Deputies in the park? The answer is yes, we are still using them at this point to validate members using the park.

Mr. Julio Aguilera brought up several issues concerning the Gardens. A lengthy discussion ensued concerning the private streets versus a county street, police enforcement, and what was told to Mr. Aguilera by the Realtor and the Association. A question was raised about the completion (build out) was completed and when the street should have been turned over to the County by the developer. If this is still within the statute of limitations, then we may have some legal recourse; otherwise, we would not.

Mr. Willis was asked to find out what the date of when the build-out was completed and if the developer ever asked the County to come and inspect it to be accepted into their responsibility.

Mr. Fenstermacher asked about the status of the clock tower landscaping. Mr. Steele said that would be discussed later in the meeting, specifically during the strategic planning discussion.

**III. COMMITTEE/DEPARTMENT REPORTS:**

- a. Recreation Department: A written report was provided and is attached to these minutes. No questions were raised. She briefed on the bids received to provide CPR training for our gate guards. There are approximately 20 individuals to put through this training. **CLOSED.**
- b. Maintenance Department: A written report was provided and is attached to these minutes. Mr. Gavia briefed on the status of staining the fences. He also said the paint sprayers we purchased actually had more capabilities than we originally thought, so we got a bonus for our purchase. **CLOSED.**
- c. Standards Department: A written report was provided and is attached to these minutes. There were no questions; however, there was some discussion on trash cans. **CLOSED.**
- d. Community Management Department: Mrs. Tate provided a written report and is attached to these minutes. She reported that the overdue assessments are currently \$97,662.80. She also stated the VWOA is now hiring lifeguards, gate guards and seasonal personnel. Mr. Severs asked about the electrical contract status and Mr. Gavia reported the project is on schedule. **CLOSED.**

- e. Architectural Review Committee. Mr. Hopkins briefed from the written report that are attached to these minutes. No questions were raised on the report. A total of eighteen (19) PIA submissions were received with seventeen (13) being approved and one (6) disapproved. Disapproval was due to lack of information or other issues. One of the disapprovals was a 2500 pound rock. **CLOSED.**
- f. Finance Committee: Mrs. Cannon provided written statements and briefed that we were doing well and running under budget, however, she cautioned that the expenses are spread over a twelve (12) month period and this may not accurately reflect the actual numbers since we are just coming into the season where our expenses are higher. **CLOSED.**
- g. Landscaping Committee. No action taken this month. **TABLED.**
- h. Nominating Committee. Mrs. Cannon briefed that the absentee ballots and announcements have been prepared and mailed out. Mr. Steele asked if everyone had received theirs and everyone indicated they had. She outlined the nomination process, including those on the ballots and that members would be given a chance to nominate from the floor at the meeting, which means the nominee would have to be a write-in candidate. **CLOSED.**
- i. Communications Committee. A written report (attached) was not available. Mr. Fenstermacher briefed on the progress of the Committee. He outlined some of the actions being accomplished including things they were doing to increase the constant contact list, looking at costs for the web site and newsletter, and other things of that manner. **CLOSED.**
- j. Public Safety Committee. Mr. David Daniels was not present. No report was provided. Mr. Foss asked if the input date for the newsletter had passed for this quarter. Mr. Foss outlined some issues concerning the support from local law enforcement that he wanted to include in the newsletter. **CLOSED.**
- k. Ad Hoc Pool Committee: Nothing discussed. **CLOSED.**
- l. Ad Hoc By-Law and Administrative Resolution Review Committee: Nothing discussed. **CLOSED.**
- m. Strategic Planning Committee: Mr. Severs provided an outline of the results of the survey from the community. The committee met on March 8<sup>th</sup> to discuss the results. The outline included the top results of the survey, including (not in priority order) street lights, fencing, walking trail, access cards and clock tower. The committee recommended the following short term, 1-year projects: clock tower landscaping (approximately \$12,000-15,000), walking trail (almost finished by volunteer's), and electronic access cards (estimated at \$35,000-\$50,000). Mr. Severs also outlined the 2-3-year committee recommendations, which included updating the electrical/water systems/landscaping at the monuments, expanding the restroom facilities at the sports park, and upgrading the electrical system at the pavilion. The 5-year plan included new smaller parks/playgrounds throughout the community which may involve volunteers or contractors. The 10-year (plus) plan outlined by the community included such things as fencing and street lighting. After discussion, it was stated that the committee would provide rough estimates along with their recommendations when they bring their plan to the Board for a decision. **OPEN.**

### III. UNFINISHED BUSINESS:

- a. Ad Hoc Pool Committee proposals for 2011:
  - 1) Pool Schedule. The Board held a special meeting on March 7<sup>th</sup>, which was open to the community and several members attended to discuss the 2011 pool schedule. The scheduled was presented via overhead projector. An amendment to the pool schedule was provided in writing and on the screen, which moved the aquatics program from 6:45 pm to 8 pm. The other parts of the schedule had been approved at the special meeting of March 7<sup>th</sup>, 2011. The proposal advantages and disadvantages were discussed, including the potential loss of revenue with moving to a later time and a motion was made to accept the proposal. The motion was seconded and approved by a vote of 4 to 1, with Mr. Severs opposed.
  - 2) Electronic Gates/key cards. Mr. Drummonds briefed on the cost estimate received so far. The Board asked that a specification document be created and tasked Mr. Drummonds with coming up with it. Additionally, an attempt should be made to get cost estimates from other sources. **OPEN.**
  - 3) Electronic Gate for Sports Park. Nothing to discuss. **TABLED.**
  - 4) Gate Guards/Deputy change to Facility Monitor's. Dependent upon electronic gates/key cards. **TABLED.**



b. Park Proposal. No discussion at this meeting. **OPEN.**

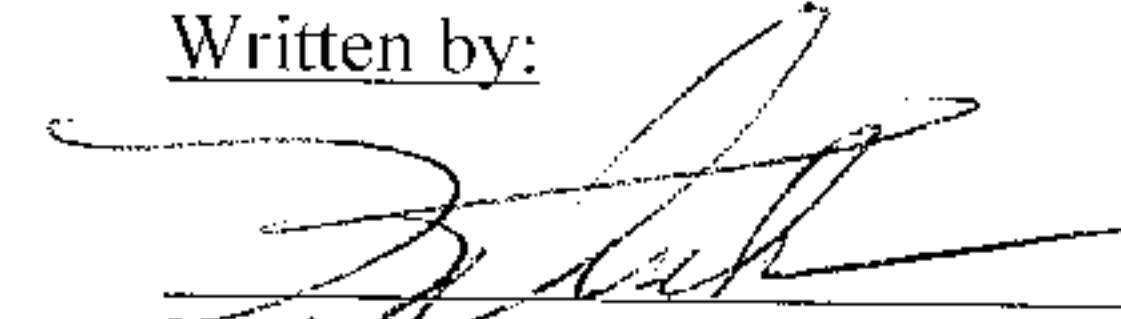
**V. NEW BUSINESS:**

- a. Mrs. Cannon reminded everyone of the meet-the-candidates meeting being hosted by the Association on April 2<sup>nd</sup> and everyone is invited.
- b. Mr. Severs made a motion and it was seconded to have a Board meeting on the 14<sup>th</sup> of April to conduct normal business for the Association that would not normally be covered at the annual meeting. The motion was approved unanimously.

**VI. The Next Meeting:** The next regular meeting will be held on Thursday, April 14<sup>th</sup>, 2011 at 7:00 p.m. in the Community Center (the week before the annual meeting-April 21st).

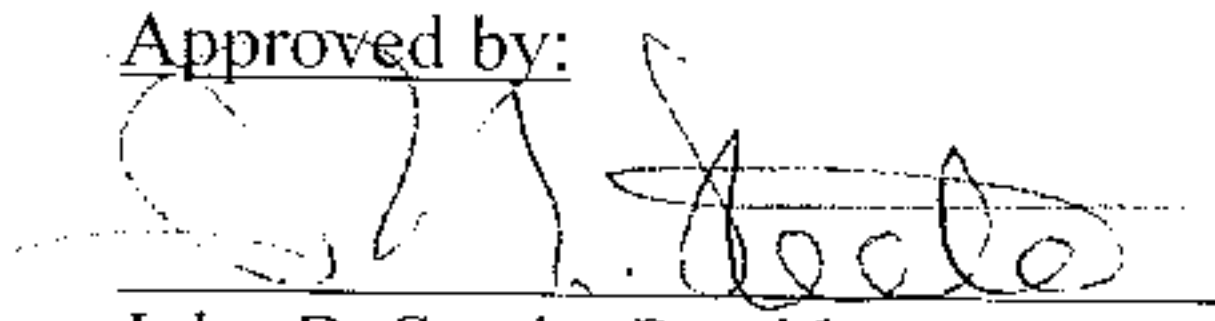
**VII. Adjournment:** There being no further business before the Board, the meeting was adjourned at 8:45 p.m.

Written by:

  
\_\_\_\_\_  
Kevin M. Drummonds, Secretary


Date: April 14, 2011

Approved by:

  
\_\_\_\_\_  
John B. Steele, President

Date: 4/14/2011

Posted in the VWOA Book of Minutes by:

  
\_\_\_\_\_  
Brenda Tate  
Community Manager, VWOA

Date: 4.14.2011

# *PARKS AND RECREATION FEBRUARY 2011 REPORT*

Board of Directors Meeting – March 17, 2011

Submitted by: DeAdra Harston - Superintendent of Parks and Recreation

## I. Programs/Classes

March 26, 9:30 – 11:00 am a demo class will be given at the Community Center for members to come out and try Cardio Mix, PiYo and Karate. This goes along with the marketing plan to increase class size.

- a. **Cardio Kickboxing** – Monday & Wednesday nights @ 6:30 pm with 16 participants.
- b. **Olympic Karate** - Class running Tuesday and Thursday evenings with 21 participants.
- c. **PIYO** – Tuesday/Thursday mornings and Tuesday/Thursday evenings with 16 participants.
- d. **SMASH (School of Modern Arts, Salsa & Hip-Hop)** with 69 participants.
- e. **Soccer** – Concessions are now open on Wednesday evening and Saturday morning during games.
- f. **Muscle Toning** – Monday, Wednesday, Friday. With 9 participants.
- g. **Employee CPR/First Aid Class** – Currently seeking bids from instructors to offer the classes on-site.

## II. Events

- a. **Easter Egg Hunt** – Saturday, April 16 at 9:00 am in the Park.  
Marketing through constant contact and on the VWOA web began today. Volunteers are needed to stuff the 10,000 Easter Eggs. They will be in the lobby at the Community Center for visitors to stuff and invitations will be sent to invite members to participate as they did last year.
- b. **Annual Picnic/Health Fair** – May 21, 2011, 11:00 am – 3:00 pm  
WellMed will be conducting the following screenings: blood pressure, glucose and hearing. They will also have a doctor on site to answer member questions, meet, and greet the community. Our contact at WellMed is Alicia C. Martinez.

Maintenance Department Monthly Report  
February 2011  
Maintenance Supervisor  
Freddie Gavia

**Equipment Status:**

- The Fast Cat riding lawn mower repairs and services are complete. In addition, 3 of the 10 pulleys also had to be replaced.
- The Poulon Pro Chainsaw-won't start—carburetor/choke problem. We will continue to troubleshoot.

**Airless Paint Sprayer:**

- The new airless sprayer has arrived and we've begun the fence staining on Westcreek View. The fence along this road is going to take a bit longer because we have to move the landscape rocks away from the fence, paint the bottom facial runner, allow the paint to dry and then replace the rocks.
- The new sprayer is capable of operating two spray guns at the same time.
- The borrowed Airless Sprayer has been refitted and returned to Mr. Rick Severs.

**Completed Projects and Repairs:**

- Sports Park-The Tot Lot gates have been refitted with new gate closing springs and new child safety latches (magnetic).
- The overflow parking lot gate has been repaired and an additional gate has been installed near the basketball court, to allow an easier access to the pavilion.
- Leaf gathering throughout the park.
- Applied an ant bait/killer to the Tot Lot, picnic area, Pavilion and also within the swimming pool fence.

**Future Projects:**

- Removal of old expansion material and re-installation of new expansion material of the Sports Park Pool deck.
- Installing a shower at the Community Center Pool.
- Develop cost estimate for sealing/staining the cedar around the Community Center building.
- Repainting of the lines in the Community Center parking lot.
- Add mulch to Community Center's picnic area and around the pool, Clock Tower, The Oaks, The Hills (both on Westcreek Oaks), and to the trees in the medians.
- Improve the picnic areas behind the Community Center.

## STANDARDS DEPARTMENT REPORT

REPORT FOR THE WVOA BOARD OF DIRECTORS FOR THE MONTH OF FEBRUARY 2011  
Presented to the BOD on March 17 2011.  
Kenneth M. Lemanski Sr., BA, CEM.  
Superintendent of Standards

<u>Topics</u>	<u>ACTION AND OR NOTES</u>	<u>STATUS</u>
<b>STANDARDS</b>		
ARC Committee Membership	The ARC is fully staffed with five community members who volunteer their time on a weekly basis.	Closed
Property Improvement Applications	Thirteen (13) were approved and six (6) was not approved for February.	Info Only
Staffing/Personnel	Fully staffed with seven (7) part time Standards Monitors.	Closed
Texas Property Code Letters	Fifteen (15) TPC Letters were mailed. This is an increase of ten (10) from Jan.	Open
Attorney Referral for Action	None for this month.	Closed
Courtesy Notices Issued	352 were issued for the month of February. This is an increase of 57 from the 295 that were issued in January.	Info Only
Verbal Courtesy Notices Given	61 for February. This is the same amount we had in January.	Info Only
Re-Sale Inspections	Two (2) were completed for the month of February by the Standards Dept.	Info Only
Yard/Garage Sales	Thirteen (13) residents participated in February. No problems this month.	Info Only

## PROJECT MANAGEMENT

### Public Safety Report

We have had several reports of home burglaries during the day light hours. This has been posted on a Crime Alert and on Constant Contact. The \$100.00 reward for the taggers is still in effect.

### Nature Trail

As soon as I can meet with the Scout who lead the Eagle Project for the Nature Trail, the association can accept it and he can close out his project. A normal Eagle Project is projected to take 100 hours, this one took 400 hours. A second Scout is planning his Eagle Scout project for a foot bridge on the eastern edge of the trail for a gully that is quite deep. I met with the Scout Master last week and a third Scout is in the planning phase of his project for three picnic areas along the front side of the trail, just behind the Community Center.

Info Only





**Villages of Westcreek**  
Owners' Association

Community Managers Report  
For February 2011  
Presented to the  
Villages of Westcreek  
Board of Directors  
March 17, 2011

Physical Plant

- The Community center exterior fire sprinkler system began to leak Firetrol protection systems were contacted and repaired the piping.
- The new paint sprayer has been purchased , the one being borrowed from Mr. Severs has been returned

Personnel

- We are currently accepting applications for lifeguards and gate guards for the summer pool season.
- We have hired a full time grounds porter.

Business

- San Antonio pool management will be our new pool contractor for the 2011 pool season.
- The contract for Promotivations to continue our website and newsletter has been renewed.
- The contract to begin street sweeping in April and then once per month in the Gardens and at the sports park has been signed.
- The VWOA Property and liability insurance policy has been renewed with SWBC insurance
- The annual meeting and election agenda and ballots have been mailed out.

Exclusive usage contracts

- Community center hall 6                      Sports park Pavilion 3

Facilities control    Identification Cards 58

Home sales /resale

- New home sales 5
- Resale homes 6

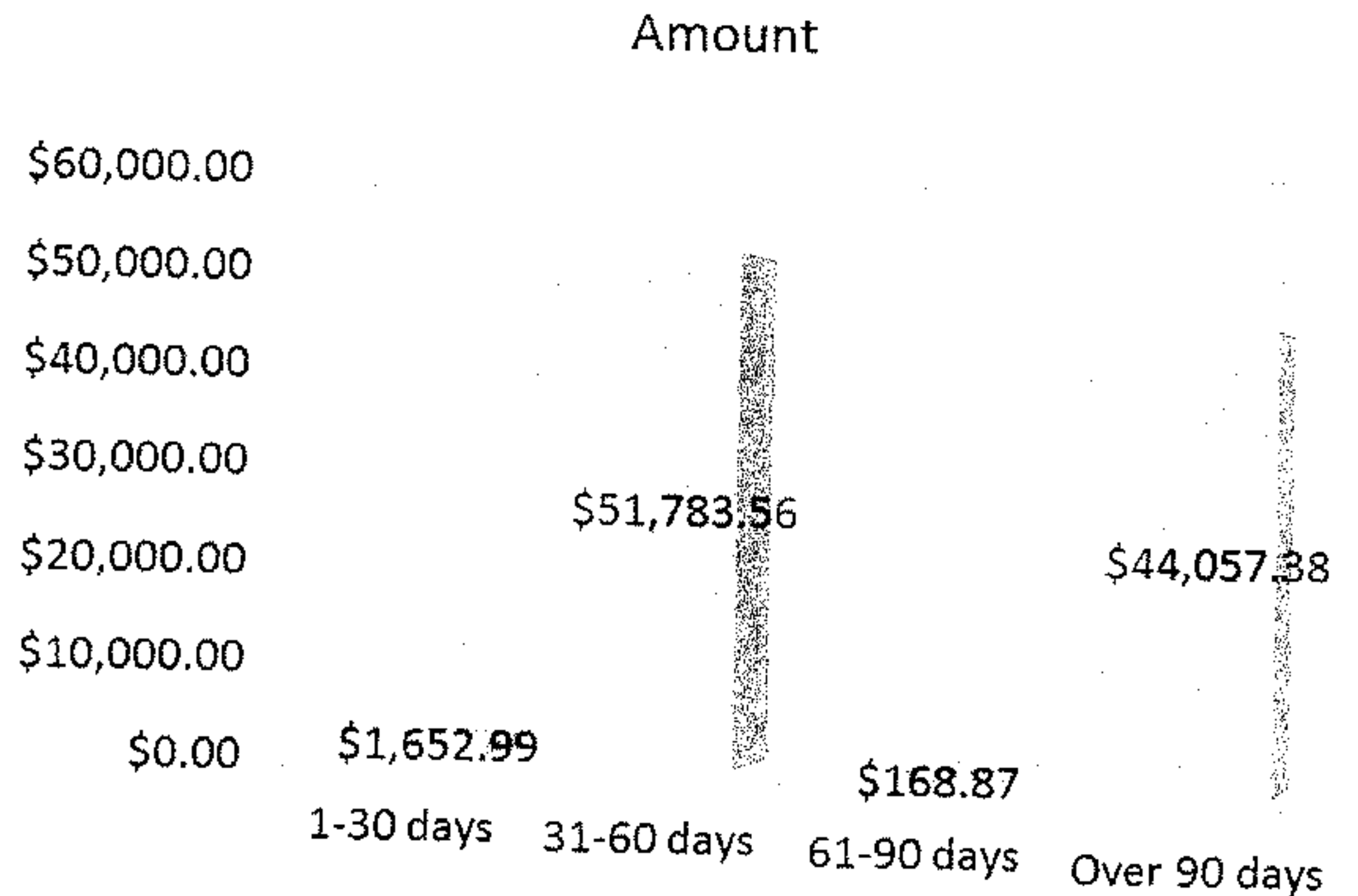
Villages of Westcreek Constant Contact Email Status Report  
 February 2011 Emails: Total 984 email addresses

Date	Email	# of recipients	# of opens	# of website click-thru
2/1	Strategic Planning Mtg Canc	882	273	2
2/1	Casino Night – Sold Out	882	280	1
2/7	This Week in WC	902	422	5
2/11	Roadwork in The Estates	903	346	1
2/14	This Week in WC	903	421	9
2/22	This Week in WC	977	448	15
2/22	Special Board Mtg	980	404	6
2/28	Short Notice Board Mtg	984	342	5

Days	H/O's	Amount
Current	2550	\$181,050.00
1-30 days	5	\$1,652.99
31-60 days	515	\$51,783.56
61-90 days	0	\$168.87
Over 90 days	257	\$44,057.38
Total	777	\$97,662.80

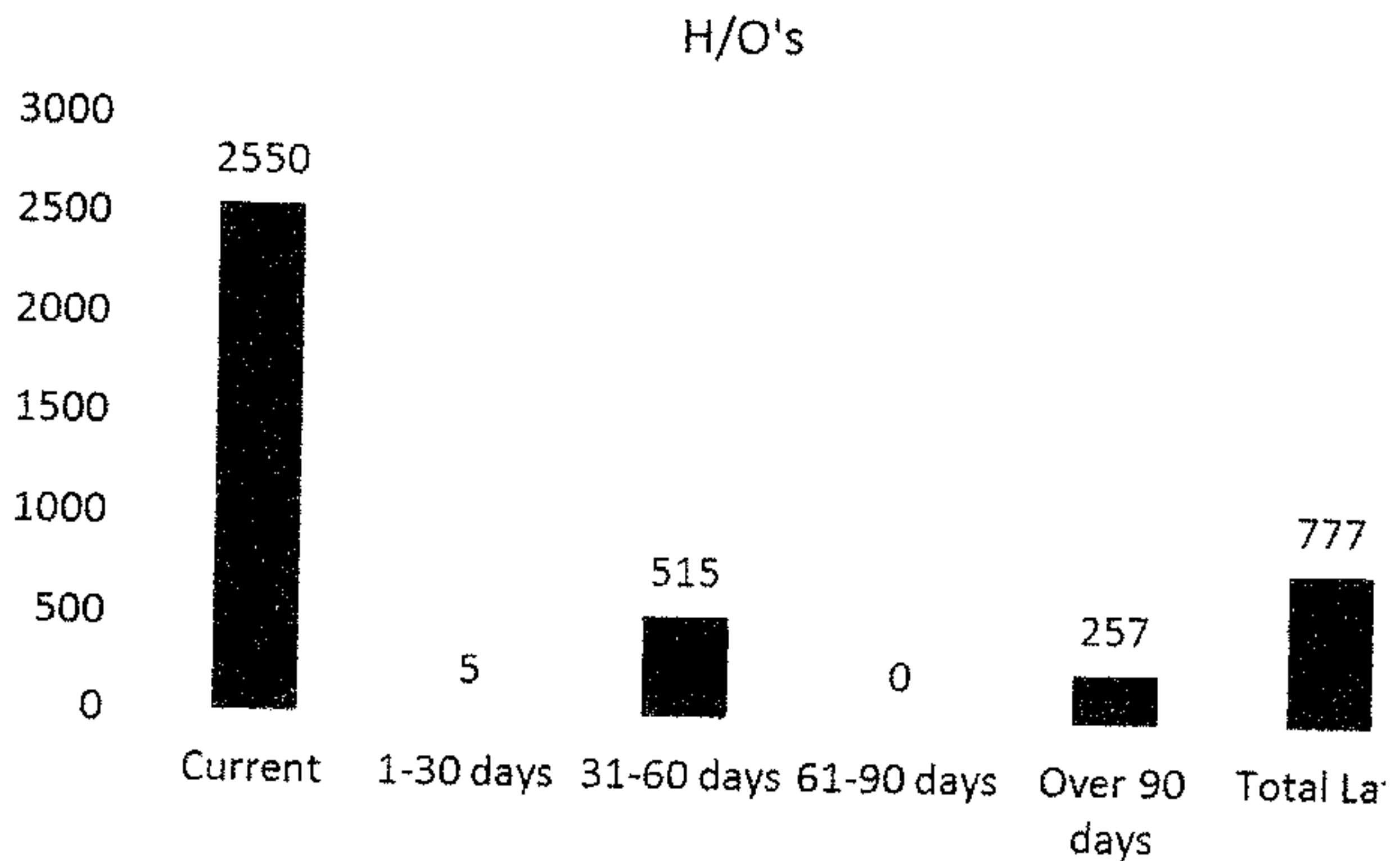
2011 Delinquent Assessments

Current homeowner payments  
 \$181,050.00



Days	H/O's
Current	2550
1-30 days	5
31-60 days	515
61-90 days	0
Over 90 days	257
Total Late	777

Delinquent total ytd  
 97,662.80



**Villages of Westcreek Owners Association**  
**Balance Sheet**  
 As of March 9, 2011

	Mar 9, 11
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
1010 · Operating Accounts	262,145.87
1011 · Reserve Accounts	158,885.97
Total Checking/Savings	421,031.84
Accounts Receivable	
1020 · Accounts Receivable	-127,570.93
Total Accounts Receivable	-127,570.93
<b>Total Current Assets</b>	<b>293,460.91</b>
<b>Other Current Assets</b>	
1021 · Interest Receivabl	34.19
1030 · Other Current Assets	15,341.35
1040 · Undeposited Funds	1,753.84
1045 · Due from Operating Fund	53,713.05
1071 · Allowance For Doubtful Accts	-2,000.00
<b>Total Other Current Assets</b>	<b>68,842.43</b>
<b>Total Current Assets</b>	<b>362,303.34</b>
<b>Fixed Assets</b>	
1050 · Fixed Assets	76,954.49
1056 · Community Center^	2,021,505.24
1057 · Community Center Furniture	14,578.52
1058 · Software	4,673.91
1059 · Vehicle	22,996.00
<b>Total Fixed Assets</b>	<b>2,140,708.16</b>
<b>Other Assets</b>	
1037 · Chase CD	2,440.27
<b>Total Other Assets</b>	<b>2,440.27</b>
<b>TOTAL ASSETS</b>	<b>2,505,451.77</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	4,465.53
2010 · Accounts Payable	4,465.53
Total Accounts Payable	8,931.06
<b>Credit Cards</b>	
2040 · Credit Card	1,033.30
Total Credit Cards	1,033.30

Villages of Westcreek Owners Association  
**Balance Sheet**  
As of March 9, 2011

	Mar 9, 11
Other Current Liabilities	
2020 - Other Current Liabilities	-1,200.00
2100 - Payroll Liabilities	901.51
Total Other Current Liabilities	-298.49
Total Current Liabilities	5,200.34
Long Term Liabilities	
2022 - Due to Reserve Fund	53,713.05
2200 - Long Term Notes Payable	1,384,925.57
Total Long Term Liabilities	1,438,638.62
Total Liabilities	1,443,838.96
Equity	
2031 - Retained Earnings	50,532.26
3000 - Fund Balance	922,144.53
Net Income	88,936.02
Total Equity	1,061,612.81
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>2,505,451.77</b>



Villages of Westcreek Owners Association  
**Profit & Loss Budget vs. Actual**  
January through February 2011

	Jan - Feb 11	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
4150 · Miscellaneous Income	74.80	83.32	-8.52	89.77%
4170 · Program Fees	8,449.81	4,166.68	4,283.13	202.8%
5000 · Revenue	241,359.88	244,130.00	-2,770.12	98.87%
5090 · Yard Sales	405.00			
5100 · Newsletter Advertisement	110.00	166.66	-56.66	66.0%
5200 · Rummage/Yard Sales	0.00	83.34	-83.34	0.0%
5400 · Pavilion Rental	992.50	833.34	159.16	119.1%
5800 · Community Center	3,905.00	3,000.00	905.00	130.17%
<b>Total Income</b>	<b>255,296.99</b>	<b>252,463.34</b>	<b>2,833.65</b>	<b>101.12%</b>
<b>Gross Profit</b>	<b>255,296.99</b>	<b>252,463.34</b>	<b>2,833.65</b>	<b>101.12%</b>
<b>Expense</b>				
8000 · Operating Expenses	51,773.54	59,283.32	-7,509.78	87.33%
8200 · Administration	52,697.48	63,544.12	-10,846.64	82.93%
8300 · Maintenance	15,644.03	17,586.70	-1,942.67	88.95%
8400 · Recreation Department	10,981.77	17,849.70	-6,867.93	61.52%
8500 · Misc. & Contingency	108.57	1,250.00	-1,141.43	8.69%
8980 · Depreciation Expense	20,766.40	8,500.00	12,266.40	244.31%
9500 · Reserved Funds	2,825.19			
<b>Total Expense</b>	<b>154,796.98</b>	<b>168,013.84</b>	<b>-13,216.86</b>	<b>92.13%</b>
<b>Net Ordinary Income</b>	<b>100,500.01</b>	<b>84,449.50</b>	<b>16,050.51</b>	<b>119.01%</b>
<b>Net Income</b>	<b>100,500.01</b>	<b>84,449.50</b>	<b>16,050.51</b>	<b>119.01%</b>

# Outline

## Strategic Planning Time Line

### One year plan:

1. Clock Tower Landscaping Project. (Capital Improvement Project) Cost estimate based on past bids is \$12,000.00 - \$15,000.00
2. Create new walking trails (Part of this project has been completed).
3. Electronic Access Cards. (Capital Improvement Project) Cost estimate based on current estimates from potential bidders is \$35,000.00 - \$50,000.00

### Two-Three year plan:

1. Upgrade the electrical and water systems at the Village Monuments.
2. Expand the restroom facilities at the Sports Park Pavilion and upgrade the electrical system for the Pavilion at the same time.

### Five year plan:

1. New smaller playgrounds and parks. (Community volunteer projects and contractors)

### Ten year plan:

1. Street Lighting-Community wide
2. Common Fence upgrade
3. These two projects will require extensive funding and some legal opinions/documents. For instance, 1) Does the Association have the legal right to replace fences versus maintaining them. 2) There are numerous questions concerning street lighting; such as city type street lighting or individual lot street lamps or other options. 3) Can a non-profit organization accumulate such funds.
4. A suggestion on the funding is to increase assessments by 10% for the next 2 years with 5% of the 10% being held in a separate account. Those figures are as follows:  $\$284.00 \times 10\% = \$28.40 + \$284.00 = \$312.00$  (rounded off)  $\$28.00$  divided in half =  $\$14.00 \times 3400$  homes =  $\$47,600.00 \times 10$  years =  $\$476,000.00$ .  $\$312.00 \times 10\% = \$31.20$  ( $\$30.00$  rounded off)  $\$30.00$  divided in half =  $\$15.00 \times 3400$  homes =  $\$51,000.00 \times 10$  years =  $\$510,000.00$   $\$510,000.00 = \$476,000.00 = \$986,000.00$ . Note this figure does not include any interest so the savings will be higher. If during the 10 years a need to increase assessments to accumulate the the following Boards will have to make that decision.

## *Villages of Westcreek Owners Association*

### Homeowners and Guest release of liability and waiver for pool usage

In exchange for my/our being allowed to use the swimming pool ("the Pool") owned by Villages of Westcreek Owners Association (hereinafter referred to as "VWOA ") and located at Villages of Westcreek, and in exchange for my/our child or ward being allowed to use the Pool, all premises located within the fence surrounding the Pool, and all facilities and equipment on such premises connected with the operation of the Pool, I/we, on our own behalf and as the custodial parent(s) or legal guardian(s) of:

---

*Children's Names*

(Individually and collectively referred to below in the first person singular), agree to be bound by each of the following:

1. Voluntary Use. I understand and confirm that my use of the Pool, my authorization of my child or ward's use of the Pool, and my children's or ward's use of the Pool, is voluntary.
2. Identification of Risks. I understand that there are periods when there are **NO LIFEGUARDS** on duty at the Pool. I understand that my use of the Pool and my children's or ward's use of the Pool may involve risk of injury and loss, both to person and property. I also understand that the risk of injury may include the possibility of permanent disability and death. I understand that this Release of Liability and Waiver is intended to address all of the risks of any kind associated with **any** use I and my child or ward makes of the Pool, including, particularly, such risks created by actions, inactions, or **negligence** on the part of the VWOA members, directors, officers, employees, volunteers, successors, or assigns, including **but not limited to** risks created by the following: (a) the use and condition of the Pool; (b) the lack of and or inadequacy of policies, rules, or regulations governing the use of the Pool; (c) the failure of the VWOAs members, directors, officers, employees, volunteers, successors, or assigns to foresee or to protect my child or ward from actions, inactions, negligence, recklessness, or intentional or criminal misconduct of persons not affiliated with the VWOA; (d) the inadequacy or unavailability of medical facilities or treatment; or (e) the lack of and or inadequacy of supervision.
3. Assumption of Risk. I assume all risks, known and unknown, foreseeable and unforeseeable, in any way connected with my use and my children's or ward's use of the Pool I accept responsibility for any liability, injury, loss, or damage in any way connected with my use and my children's or ward's use of the Pool. This assumption of risk does extend (a) to a risk arising from any action taken by any individual (including those individuals identified in paragraph 2(c) above), who personally operates, maintains, adjusts, regulates, corrects, or modifies (other than by taking any action necessary to close the Pool) the Pool's mechanical or chemical systems or (b) to a risk arising from actions taken by the VWOA, or by parties with whom the VWOA enters into contracts, related to the Pool.

4. Release and Waiver. I release the VWOA members, directors, officers, employees, volunteers, successors, and assigns from any and all liability including liability for intentional or reckless misconduct of the VWOA members, directors, officers, employees, volunteers, successors, or assigns for and waive any and all claims for injury, loss, or damage, including attorneys' fees, in any way connected with my use and my children's or ward's use of the Pool, whether or not caused in whole or part by the negligence of the individuals mentioned in this Paragraph. This release and waiver does release or waive claims against the VWOA, or against parties with whom the VWOA enters into contracts, in any way connected with my use and my child's or ward's use of the Pool. Further, this Release of Liability and Waiver does release or waive claims arising from actions taken by any individual (including those individuals identified in paragraph 2(c) above), who personally operates, maintains, adjusts, regulates, corrects, or modifies (other than by taking any action necessary to close the Pool) the Pool's mechanical or chemical systems.

5. Indemnification. I agree to indemnify and to hold harmless (in other words, to reimburse and be responsible for) the VWOA members, directors, officers, employees, volunteers, successors, and assigns from all claims for any liability, injury, loss, damage, or expense, including attorneys' fees (including the cost of defending any claim I might make, or that might be made on my behalf, that is released or waived by this instrument), in any way connected with or arising out of my use and my children's or ward's use of the Pool, whether or not caused in whole or in part by the negligence of the individuals identified in this Paragraph 5. This indemnification shall extend to any individual (including those individuals identified in paragraph 2(c) above), who personally operates, maintains, adjusts, regulates, corrects, or modifies (ether than by taking any action necessary to close the Pool) the Pool's mechanical or chemical systems.

6. Binding Effect. This instrument shall be binding upon me, upon my child or ward, upon me as parent or guardian, and upon our relatives, personal representatives, heirs, beneficiaries, next of kin, and assigns and shall inure to the benefit of the VWOA members, directors, officers, employees, volunteers, successors, and assigns.

7. Consent to Medical Treatment. I authorize the VWOA to provide to me and to my child or ward, through medical personnel of its choice, customary medical assistance, transportation, and emergency medical services. This consent does not impose a duty on the VWOA to provide such assistance, transportation, or services.

8. Severability. If any term or provision of this instrument or the application thereof to any persons or circumstances shall to any extent or for any reason be invalid or unenforceable, the remainder of this instrument and the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of the instrument shall be valid and enforced to the fullest extent permitted by law.

9. Applicable Law. Because the Pool and the VWOA are located in the State of Texas and in order to provide certainty in the law to be applied to the construction of this instrument, this instrument shall be governed, construed, and enforced in accordance with the law of the State of Texas.



**THIS IS A RELEASE OF LIABILITY AND WAIVER. I HAVE READ THIS RELEASE OF LIABILITY AND WAIVER. I UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT. I AM SIGNING THIS RELEASE OF LIABILITY AND WAIVER VOLUNTARILY.**

**I/WE VERIFY THAT I/WE FULLY UNDERSTAND, AGREE TO, AND ACCEPT ALL PROVISIONS OF THIS RELEASE OF LIABILITY AND WAIVER. BOTH PARENTS AND LEGAL GUARDIANS MUST SIGN.**

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Printed Name (Parent or Legal Guardian)	Signature	Date
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Printed Name (2 <sup>nd</sup> Parent or Legal Guardian)	Signature	Date
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Address of Home Signing Liability Waiver

*Please provide your phone number and email address below, for the VWOA to have a means to contact you.*

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Home Phone Number

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Email Address