

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Sunday, May 18, 2014 9:35 AM
To: 'bmiiler@cityofllano.com'; 'tkeller@cityofllano.com'; 'ahopson@cityofllano.com'; 'John Ferguson'; 'Gail Lang'
Cc: 'cary@boveylaw.com'
Subject: Zoning Judicial Review Settlement Alternative

Council Members,

I propose an alternative to settling on my judicial review legal action: City Council instructs the city manager and P&Z chairman to answer my complaint without waiting for the court to order it. The City of Houston has done this and there is case law that demonstrates it.

This approach bypasses all the expensive legal wrangling and also demonstrates respect for citizens. At present, you are spending \$thousands to prevent from answering my complaint but will eventually have to answer. Why waste the money? Just present your position on the 3 zoning issues.

So to summarize, there are three options before you:

1. Settle with no cost or future liability. This is the best answer if Brenton has misunderstood the law. You can verify the law for free by asking the TML or the AG.
2. Answer the complaint without waiting for a court order to do so. This will cost about \$125 for the city attorney to review your answer. This is the best answer if you think I have misunderstood the law.
3. Continue on present course and spend another \$20,000 or more to delay options 1 or 2.

As a citizen of Llano, I recommend option #1 or #2. I'll bet every citizen in Llano would also.

Marc Sewell

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Friday, May 16, 2014 3:10 PM
To: 'bmiiler@cityofllano.com'; 'tkeller@cityofllano.com'; 'ahopson@cityofllano.com'; 'John Ferguson'; 'Gail Lang'
Cc: 'cary@boveylaw.com'
Subject: Zoning Judicial Review Settlement

Council Members,

The judicial review is back in the district court and entering a new phase in which your attorneys(2) plan to revisit all the issues they brought up during the appeal. You just spent about \$2000 for 2 attorneys from Austin to attend a hearing on Wednesday. Even the judge commented, twice, that he was surprised to see the city attorney present for a status hearing. I am not sure whether Brenton or the mayor are approving the legal strategy but council is still responsible – particularly since legal fees are already over budget and the city manager needs council approval to spend more. So, we can predict that Brenton and the mayor plan to continue to spend at least \$20,000 more to not answer my citizen's simple zoning questions.

I offer again to settle – see email below. Settling will not cost the city anything and not expose the city to further litigation. Not settling will cost the City about \$20,000 for the next round alone. Can you find a citizen that would not want a settlement?

Council controls the budget and the city manager. You all have the opportunity to end this.

Marc Sewell

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Thursday, April 17, 2014 7:58 AM
To: 'mhazel@cityofllano.com'; 'bmiiler@cityofllano.com'; 'jpuryear@cityofllano.com'; 'tkeller@cityofllano.com'; 'ahopson@cityofllano.com'
Subject: Zoning Judicial Review

Council Members,

The city attorney has rejected my offer(below) to settle the zoning judicial review. This offer would have cost the city nothing. Not even postage. Instead, a hearing is set for next month in district court and you are now on a path to unnecessarily spend more taxpayer dollars.

The legal fees you are poised to spend are just to keep the judicial review from happening. You have already spent \$18,000 on that and, to-date, have failed. If your city attorney fails again, you will have to actually answer my complaint of 3 zoning law violations. This you will certainly fail. If you are in doubt, ask the Texas Municipal League or the Attorney general, for free, If a zoning usage change is a text change or a regulation change. You can even give them my answer: A zoning usage change is a regulation change because State Statute 211.003(5) and State Statute 211.005 say it is.

You have already exceeded the budget for legal expenses. According to Local Government Code §102.009 (*Municipal budget - after final approval of the budget, the governing body may spend only in strict compliance with the budget*), you will have to vote, in open session, to fund additional legal expenses. The citizens of Llano are now watching. You all will be held accountable.

I am a citizen of Llano and pay a substantial percentage of the legal fees you are about to spend. I suggest you do what is in the best interest of the citizens and settle.

Marc Sewell

From: Cary Bovey [mailto:cary@boveylaw.com]
Sent: Wednesday, April 16, 2014 4:39 PM
To: 'Marc Sewell'
Subject: RE: Cause 18504.in Llano District Court

Mr. Sewell,

Your settlement offer, outlined in your April 8, 2014 email to me, is rejected.

Cary L. Bovey
Law Office of Cary L. Bovey, PLLC
2251 Double Creek Dr., Suite 204
Round Rock, Texas 78664
(512) 904-9441
Fax (512) 904-9445
cary@boveylaw.com

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From: Marc Sewell [<mailto:marcs@simonlabs.com>]
Sent: Tuesday, April 08, 2014 9:28 AM
To: 'Cary Bovey'
Subject: RE: Cause 18504.in Llano District Court

Mr. Bovey,

I will stop my pursuit of the 3 three zoning law violations for the following:

1. Brenton Lewis places and pays for a full page apology to the citizens of Llano for violating the 3 zoning laws – both papers. He does not blame council or accuse council of voting for it. This was his assertion and he was wrong. My name is not mentioned. I must approve final text.
2. Diana Firestone is replaced on P&Z. She does not have the knowledge of the law or position nor does she have respect for citizen's property rights. She is also serving on two boards which is a violation of Government Code §574.001. This can be said nicely so she may save face or she could just resign.
3. Brenton Lewis pays \$1,000 of my costs incurred in this pursuit.

You have only copied two of your clients. I request that you poll them all.

Marc Sewell

From: Cary Bovey [<mailto:cary@boveylaw.com>]
Sent: Monday, April 07, 2014 5:33 PM
To: 'Marc Sewell'
Cc: mvirdell@cityofllano.com; 'Brenton Lewis'
Subject: RE: Cause 18504.in Llano District Court

Mr. Sewell,

Please send me an offer of settlement in writing detailing the specifics of your settlement proposal.

Cary L. Bovey
Law Office of Cary L. Bovey, PLLC

2251 Double Creek Dr., Suite 204
Round Rock, Texas 78664
(512) 904-9441
Fax (512) 904-9445
cary@boveylaw.com

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From: Marc Sewell [<mailto:marcs@simonlabs.com>]
Sent: Monday, April 07, 2014 2:29 PM
To: 'Cary Bovey'; mverdell@cityofllano.com
Subject: Cause 18504.in Llano District Court

I, once again, offer to settle this issue.

Marc Sewell