

**DAVIS MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.
ANNUAL PROPERTY OWNERS MEETING MINUTES
JUNE 28, 2014**

President Jeff Fisher called the meeting to order at approximately 2:03 PM. A quorum was established and a courtesy posting of the agenda was verified.

Existing Board members present were President Jeff Fisher, V.P. Steve Barr, Treasurer Joe Rowe, Secretary Phyllis Arp, Harold "Toby" Barker, Rick Draheim, Marti Fellers, Sandra Holzheuser, and Jeff Smith (Terry Segura was not present).

Jimmy George led the pledge of allegiance and Jerry Rhea gave the invocation.

Phyllis Arp read the minutes of the June 29, 2013 Annual Property Owners Meeting, as completed by Marti Fellers and approved by the Board.

President Fisher introduced the current Board members.

President Fisher introduced all the candidates for the Board of Directors election and invited candidate comments (Eleanor K. Maynarich was not present).

Meeting adjourned for voting recess at 2:17 p.m., and reconvened at 2:42 p.m.

Paul Van Tine presented the Annual Auditor's Report; copy of report on file. (Van Tine said he found the books and records to be in good order.)

Joe Rowe presented the Annual Treasurer's Report; copy of 6-page report on file. (Rowe answered Jimmy George's question concerning an overage in collected attorney's fees; Rowe confirmed with Willis LeJeune that hotel fees are not being charged [by our attorney]. Julian Pierce pointed out an error on the Balance Sheet; an addition rather than a subtraction and Rowe concurred. Rowe also confirmed with Pierce that "accounts receivable" on the Balance Sheet is a total.)

Steve Barr presented the Annual Road Committee Report. (Barr said he became committee Chair about October of last year and will report from that point; work time was split at about 50% on equipment repair and about 50% on road maintenance. Barr said the bulldozer is 30 years old, the maintainer was manufactured 20 years ago, and since January about \$150,000 in repairs were done for a cost of approx. \$27,000-\$28,000. Barr gave an overview of the road plan, including the need for drainage. Paul Laverty asked who worked the main road [ranchers or us], Barr confirmed we worked it. Sue Smith asked Barr how much he and Joe Rowe are paid per hour and their year's total; Barr answered he made \$16 per hour and guesstimated approx. \$4,500-\$5,000 total. Barr also said he does not keep a running tally of what Rowe makes [it is approved by the Board every month]. Barr confirmed with Jimmy George that the annual budget generally allows for 1 fulltime salary, and about ½ that amount for part-time wages which has been divided among part-time employees.)

(Lynn Beekman asked if there was any way we could get the State to declare our main road as a farm-to-market or ranch road. Barr gave a brief of history, and Rowe further explained the logistics, criteria and legalities involved with a state-dedicated road; a primary point being that the main road is only an easement and we do not own that road right-of-way.)

Joe Rowe readdressed the part-time wages issue. (Rowe said a lot of people have worked on the roads part-time through the years including, himself, Steve Barr, Loren Spencer, Chuck Smith, Clay Webb, Ron Davis, Toby Barker, and Bryan DeLesdernier. Rowe said part-timers work as directed by the Road Committee via the Chair, and he doesn't understand the complaint about those wages. Sue Smith said that equipment is in the shop rather than on the roads half the time, and "you're being paid to stand in there [the shop]." Rowe said equipment is repaired when it needs to be repaired. Barr further explained necessary repairs. Lee Scarborough said Sue Smith's point was "the use" of equipment, saying "are we using it properly?" Ken McLoud said when he first came here, based on his experience, he was asked to assess all the equipment. McLoud said his assessment was that all the equipment had been abused; he then gave numerous details. Ralf Patterson asked if this was a "one time thing" and if everything would be "back up to par" by next year. McLoud said he believed so with exception of the backhoe. Scarborough asked for clarification regarding long-term use vs. short-term neglect. McLoud said neither is necessarily the case, citing that he has seen brand new equipment aged 20 years in 6 months. Julian Pierce thanked Joe, Steve, Jeff and Ken for fixing everything. Joey Brooks commented about how our rough country tears-up equipment and mechanics charge \$80-\$125 per hour. Loren Spencer agreed with Joe Rowe and commented on his own experience operating equipment on these rough roads; McLoud concurred. Paul Laverty made comments concerning his knowledge of our geology and related equipment repairs. Michele Bouiter asked what would be the approx. average life-span of all new equipment, properly maintained. Barr said he couldn't answer the question, but he gave a few relative examples.)

(Sue Smith asked why road equipment was used to take down trees rather than a chain saw. Barr said it was a matter of expediency and went on to explain. Sue Smith affirmed Barr's question about her thinking he was "lying.") President Fisher called for point order and said decorum must be maintained. (Chuck Sanders said these questions wouldn't be asked if people saw the equipment he had as Road Committee Chairman 32 years ago. Willis LeJeune offered to sharpen the chainsaw. Michelle McDougal commented about how terrible [unsightly] it is to have trees knocked over and left on roadsides. Jim Olsen and Ron Davis made similar comments.)

(Tracey Davis asked if property owners could remove large rocks from the road, and Barr answered yes. Davis also cited the recent condition of the duck pond mud catcher and asked if property owners could use their own equipment to "clear" such [on common property]; Barr said there should be prior discussion with the committee Chair. Deb Lagarde told a story about removing rocks from the road. Cindy Davis commented about how Ron Davis is not allowed to remove rocks. Lee Scarborough commented on removal of vegetation on the main road. Barr explained he'd agreed with the ranchers to remove brush as they'd requested and in hopes of acquiring binder material in the area. Joe Thompson said the roads are in better shape now than when he came here in '99 and we should be thankful for what we've got.)

Joe Rowe readdressed the Treasurer's Report, confirming everyone had gotten a copy of the Annual Budget (there were no questions concerning the Budget).

Former Fire Chief Darell Fellers presented the DMR VFD Report; copy of report on file. (Fellers answered Jimmy George's question concerning testing of the emergency siren, which is the second Sunday every month at 1:00 p.m.) New Fire Chief Loren Spencer introduced new Asst. Fire Chief, Bryan DeLesdernier. (Spencer then described the mission statement and gave an overview of the VFD. There was discussion concerning 9-1-1 dispatch. Kelly Bryan congratulated Darell Fellers on his past service; there was applause. Spencer gave an overview of firefighter training. Paul Van Tine commented on the "Brush-74" efforts of Fellers and Julian Pierce. Spencer affirmed a suggestion that "DMR" be told to dispatch when calling 9-1-1. There was more applause upon Spencer leaving the floor. Michele Boulter clarified she had a request for Spencer but would ask during open comments.)

Marti Fellers presented the Evacuation Committee Report. (Fellers detailed emergency siren magnets, volunteers to install new road signs, people to post their 9-1-1 address, and the evac plan which will include maps via GPS of structures, lots & blocks, and physical addresses. The completed plan will also be used by county EMS and fire departments. Lee Scarborough asked about evacuation routes. Fellers confirmed that routes will not be provided except to emergency personnel and property owners will be directed by personnel as needed.)

Co-Chairs Jeff Smith and Phyllis Arp presented the Firewise Committee Report; a written report addressing voiced issues is on file. (J. Smith explained the program, read the committee's mission statement, announced a planned event for October 25th, and gave a brief overview of the Firewise page at www.dmpoa.net. Arp announced the committee's other members, gave thanks to past members, also mentioned the October 25th event, and highlighted the info table and Jeff Smith's creation of the DMR "firewise owl." Marti Fellers commented on the Livermore fire, saying that because we are a firewise community the "Red Team" GPS'ed areas of DMR, and she is grateful.)

President Jeff Fisher gave the Water Resource Committee Report. (Fisher gave a brief, starting with the June 30, 2012 Annual Meeting, giving periodical status details, and ending with the current status of now owning the Cochise Canyon well per the Water District's acceptance of the committee's proposal. Via our Legal Liaison DMPOA met the Water District's additional requirements [that the well become part of common property and it is used for emergency purposes only]. The well has already been tested, Fisher read the "good" test results and gave an overview of last month's Board approved recommendation [see June 14th meeting minutes]. Jimmy George asked about a holding tank. Paul Laverty asked about the "non-potable" sign on the "community well" tank and Fisher confirmed it has to do with regulations.)

Meeting adjourned for recess at 4:20 p.m., and reconvened at 4:40 p.m.

Phyllis Arp gave the overview of membership voting procedures. (Arp explained that voter signatures and Election Judge verification-cards are required in order to vote. Fisher said the procedures follow new state legislation.)

Joe Rowe made the motion to approve the Resolution, "We authorize the Board of Directors to sell, at fair market value, Lot 19 in Block 37 which was obtained at a Sheriff's Sale in Cause #2400. Steve Barr seconded. (Phyllis Arp asked how much was paid for the lot and what is the estimated value. Rowe answered, \$725-750; but we have approx. \$2,300 invested and last year the lot was valued at \$10,860 by the tax appraisal district.) President Fisher called for a raise of hands; no one straw-pollled against the motion. Marti Fellers called to question. (Rowe answered Michele Boulter's question about a

“unanimous straw-poll” by saying the new law requires voting in writing as well as each voter’s signature [except for an unopposed election candidate].) Property owners queued up to vote. Once voting was finished, Rowe called out the total on each “counter’s” voting sheet. Motion carried 326 to 3.

Joe Rowe made the motion to approve a Resolution, “We authorize the Board of Directors to sell, at fair market value, any lots which are obtained at future Sheriff’s Sales that are not adjacent to existing common property.” Bill Flanders rose to a point of order [the motion had not yet been seconded]. Jeff Smith then seconded the motion. (Flanders said, “I believe this modifies Article 9 Section 1 of our By-Laws and violates Article 11 on how the By-Laws can be modified. This disenfranchises all property owners who are not physically present.”) President Fisher asked Rowe to explain his motion. Bill Flanders called for point order again, telling the President that a point of order has already been made; citing Robert’s Rules of Order. (Flanders said, “I am waiting for your ruling before we go into any discussion.”) President Fisher sustained Flanders’ point of order. (Joe Rowe asked the President if his ruling was appealed then we would have to vote to sustain or reject his ruling. Fisher answered affirmative. Fisher also confirmed with Rowe that we would have to go through the voting process on an appeal. Rowe said even though the motion was for efficiency purposes and he could win the appeal...) Rowe decided to withdraw his motion and “move on with business.”

President Fisher called for new business from the membership. Joe Rowe suggested having the VFD benefit BBQ at noon, between the VFD and DMPOA meeting times (Rowe also cited Eddie Lewis cooking). Paul Van Tine suggested a straw-poll and Fisher called for a show of hands. The majority of the membership was in favor. No other new business was brought forth.

OPEN COMMENTS

President Fisher reminded everyone to please maintain decorum.

Joe Thompson talked about our being in a border drug-route; he gave news examples and geography.

Rick Draheim read a poem he’d written titled the Parable of the Donkeys (there was applause).

Marti Fellers thanked everyone and encouraged everyone to go to regular monthly Board meetings.

Paul Laverty asked for the final result of the property built on DMPOA right-of-way. Fisher gave the details, including that the case was settled and that we recovered all our related costs; Rowe elaborated.

Jeff Smith gave details about the new metal road signs and asked for volunteers to help install. Marti Fellers confirmed with Rowe that the funding for posts and concrete is in the approved budget.

Steve Barr asked for a straw-poll concerning moving forward with putting the new Cochise water well in operation; the membership majority was in favor. Joey Brooks asked about usage of the well, Barr confirmed it was for emergency purposes only and re-clarified with Julian Pierce. Lee Scarborough asked about “the beef” with the Water Board [District], and he cited broader usage by property owners. Jeff Fisher explained the Water District’s requirements (fire suppression and emergency use). Fisher also clarified to Steve Calderone that the well was initially drilled without a permit, it had been capped for about 10 years, and the Water District Board made the decision to allow DMPOA emergency use only.

Fisher and Barr confirmed with Brooks that of our 3 possible well options this one is the best and the only one being “set-up” for now. Tracey Davis asked if the Board could arrange access to the well one day per week for those who haul water. Fisher reconfirmed “emergency situations only.”

President Fisher commented about common sense with regard to remove rocks off the road, and the unlikelihood of “paving the main road.” Fisher also spoke of the DMR’s history and longtime “reputation,” and how former Fire Chief Darell Fellers helped us break the stigma associated to DMR. Fisher commended Fellers and the VFD (there was applause).

Meeting recessed to await the Board of Directors Election Results.

Election Judge Lloyd Low thanked all the volunteers for their hard work; the Nominating Committee, the election team and counters, and he gave special thanks to Ann Brevard. Low also commented on how everyone should support *our* new Board, regardless of how each of us voted.

President Fisher read the election voting results: Jeff Fisher-195, Michael A. Fryer-259, Eddie Lewis-300, Eleanor K. Maynarich-301, Ken McLoud-242, Joe Rowe-160, Lee Scarborough-305, Charles R. “Chuck” Smith-260, and Wretha Smith-224; votes abstained-39 and ballots voided-11.

Elected to the Board of Directors were Mike Fryer, Eddie Lewis, Eleanor Maynarich, Lee Scarborough and Chuck Smith.

There was no objection to a general consent to adjourn.

Meeting adjourned at approximately 5:50 P.M.

Minutes approved as corrected 7/12/14

Phyllis Arp
DMPOA, Inc. Secretary