

**DAVIS MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MONTHLY MEETING MINUTES
OCTOBER 12, 2013**

President Jeff Fisher called the meeting to order at 2:03 PM. A quorum was established and posting of the agenda was verified. All Board members were present; President Jeff Fisher, V.P. Steve Barr, Treasurer Joe Rowe, Secretary Phyllis Arp, Harold "Toby" Barker, Rick Draheim, Marti Fellers, Sandra Holzheuser, Terry Segura and Jeff Smith.

Jeff Fisher led the Pledge of Allegiance and Mike Fryer gave the Invocation.

Phyllis Arp read the minutes of the September 14, 2013 Monthly Board Meeting. Marti Fellers made the motion to "approve the minutes with one spelling correction." Motion carried with Steve Barr abstaining.

Joe Rowe gave the Treasurer's Report. Michelle Boulter posed a question from the floor (concerning a dumpster fee payable to Sandra Holzheuser vs. reimbursements made to the Firewise Committee, and Boulter asked for an agenda item. President Fisher suggested Boulter ask a Board member to request the item. Fisher also addressed decorum.) Rowe concluded the Report and made the motion to "approve and pay the bills." Motion carried with Sandra Holzheuser opposing.

Joe Rowe addressed a salary increase for the Office Manager, Deb Lagarde. Jeff Smith moved that "we approve a \$1.25 increase" (from \$11.75 to \$13.00 per hour). Motion carried unanimously.

Joe Rowe gave a report on past due assessments (\$5,928 has been collected). No action taken.

Joe Rowe gave an update on the professional review of Records (Lannom & Roach, CPA will send a letter of engagement and Board members confirmed no conflict of interest with the firm). No action taken.

Steve Barr gave the Road Committee Report. (The written report outlines roads worked and numerous equipment repairs. There was also discussion concerning "the road plan.") Barr read the resignations of road committee members Charles R. "Chuck" Smith and Terry Segura. Joe Rowe made the motion "we accept their resignations." Motion carried (Sandra Holzheuser voiced abstention after the vote was called unanimous, and President Fisher addressed point of order.).

President Jeff Fisher recommended appointment of Steve Barr as Road Committee Chair and Rick Draheim as a new Road Committee member. Joe Rowe made the motion "we accept your recommendations." (Sandra Holzheuser questioned Barr about "the original road plan." Rowe stated that the committee is to develop a road plan.) Motion carried unanimously.

Steve Barr addressed the probationary status of Road Maintenance Operator Mike Fryer, making a motion for a \$1.00 raise and to extend his probationary period another 90 days. Sandra Holzheuser moved "we go into Executive Session." Steve Barr seconded. Motion carried unanimously. The Executive Session began at 2:55pm, and the Board meeting reconvened at 3:35pm.

President Fisher repeated the motion on the floor, "to give Mike Fryer a \$1.00 per hour raise and extend his probation another 90 days." Sandra Holzheuser made a motion to amend the motion to "\$2.00 an

hour.” (Joe Rowe commented about the Road Committee’s unanimous recommendation of the original motion.) The amendment failed 5 to 4 with Phyllis Arp, Steve Barr, Rick Draheim, Joe Rowe and Jeff Smith in opposition of the amendment. The original motion carried 6 to 3 with Sandra Holzheuser, Toby Barker and Terry Segura opposing.

Fire Chief Darell Fellers read the DMR VFD Report (Fellers requested approval to pour another concrete apron). Joe Rowe made the motion that “the Board allow the fire department to pour the concrete aprons as requested.” Motion carried unanimously.

Meeting recessed at 3:40 PM and reconvened 4:00 PM.

Joe Rowe made the motion to “move item #11 (Water Resource Committee Report) ahead of the Legal Report” (to accommodate a Board member). Motion carried unanimously.

Jeff Smith, Jeff Fisher and Steve Barr gave the Water Resource Committee report, presenting 3 possible water well options; the Duck Pond, the High Meadow well and a capped well located on Cochise (financial and logistical details were outlined concerning the Cochise well which was drilled by a property owner on DMPOA common property. And two maps were distributed). Joe Rowe made the motion “we authorize the Water Resource Committee to get a permit to activate that well, so we can at least test it” (the motion and related costs were reconfirmed; the permit at \$75 and the test at \$1,000). The motion carried unanimously. Jeff Smith was excused from the Board meeting at 4:31 p.m.

Joe Rowe gave the Legal Report (Rowe outlined the District Court ruling of the hunting violation case, cause #2418, which included a Permanent Injunction against both Finley and Walker, and a Judgment in favor of DMPOA for \$888.50 in court costs, \$3,100 in attorney fees and \$600 in civil penalties. Rowe also gave an update on cause #2389, the Bailey right-of-way encroachment; Bailey’s attorney is to follow up concerning a re-plat submission to Commissioners’ Court. The case is on the December court docket.). No action taken.

Memberships of committees were addressed and appointments were made. Budget Committee Chair Joe Rowe confirmed Marti Fellers and Rick Draheim as committee members and made the motion “to appoint Steve Barr as a new member.” Motion carried. Evacuation Committee Chair Marti Fellers stated that new members for consideration are forthcoming. No action taken. Firewise Committee Co-Chair, Phyllis Arp, confirmed members as being Co-Chair Jeff Smith, Bob Newman and Ann Brevard. Arp made the motion “to appoint Fran Voight to replace former member Jan Barr.” Motion carried unanimously. Jeff Smith was not present to discuss the status of a Road Signage Committee. No action taken. President Fisher confirmed that the Water Resource Committee consists of members Steve Barr, himself, Jeff Smith and Paul Van Tine. No action taken.

President Fisher addressed the item Reconsideration of Proposed Nominating Committee Procedures (Fisher stated his position of “reconsideration of an action” according to Robert’s Rules). Fisher yielded to the floor for any protest of his position. Sandra Holzheuser appealed the Chair’s ruling; Holzheuser, Toby Barker and Terry Segura were in favor of the appeal. The appeal failed with Phyllis Arp, Steve Barr, Rick Draheim, Marti Fellers, and Joe Rowe voting in favor of sustaining the Chair.

OPEN COMMENTS

Maria LeJeune thanked Chuck Smith for all he did concerning the hunting violation case.

Cindy Davis complained about a posting on the DMPOA website and said she wanted an apology posted (referencing Mike Nickels as a source). Davis then read from and commented on the Nov. 2011 Meeting Minutes. President Fisher called for point of order. Fisher also explained that a complaint needed to be on an agenda before action could be taken. Davis also referenced a letter written by then President Steve Barr, and stated that, "the Board owes us an apology." President Fisher again explained the difference between open comments and an actionable item on the agenda. Marti Fellers provided Davis with a complaint form. Davis expressed opinion of some board members, and asked if she was "right or wrong" in saying that "all of us own the roads." Davis allowed Steve Barr to answer; he said Davis' statement was incorrect and he explained corporate ownership vs. membership. Davis commented about Board representation of "all" property owners. President Fisher attested that everyone on the Board is doing their due diligence to represent everyone.

Bill Flanders commented on the posting of agendas on the Tomahawk bulletin board (may be convenient for Cindy Davis since she doesn't have a computer).

Joe Rowe commented on the recent hunting case as an example of the Board collectively representing the property owners and what they want. He also commented about the costs involved.

Sandra Holzheuser stated that she never heard anyone complain about the legal fees related to the hunting case. Holzheuser also addressed President Fisher, saying that she'd asked Deborah (the office manager), "if a property owner who does not have a computer comes in here and would like a copy of the agenda could they get it?" She said that Deb answered "No. Not without a certified letter. And they'd have to pay \$1.00." Fisher said he would look into it. Holzheuser also read from a print-out from the website regarding open meetings, CORRECTION: (there were comments about the Road Committee). Fisher said that committee deliberations are closed.

Maria LeJeune also thanked the "legal committee" and the Board for the hunting case.

Cindy Davis asked about paying for copying. Sandra Holzheuser repeated and clarified her earlier statements concerning "a copy of the most recently posted agenda."

President Fisher gave appreciation to the Board, and then read "Rattlesnake Logic" (a western passage).

Steve Barr made the motion to adjourn. Motion carried. Meeting adjourned at 5:15 PM.

APPROVED AS CORRECTED 11/9/13

Phyllis Arp
DMPOA, Inc. Secretary