

**DAVIS MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.  
BOARD OF DIRECTORS MONTHLY MEETING MINUTES  
SEPTEMBER 14, 2013**

President Jeff Fisher called the meeting to order at 2:02 PM. A quorum was established and posting of the agenda was verified. Board members present were President Jeff Fisher, Treasurer Joe Rowe, Secretary Phyllis Arp, Harold "Toby" Barker, Marti Fellers, Sandra Holzheuser, Terry Segura and Rick Draheim (Draheim joined the meeting during Agenda item #4). Board members not present were V.P. Steve Barr and Jeff Smith.

Marti Fellers led the Pledge of Allegiance and Mike Fryer gave the Invocation.

Phyllis Arp read the minutes of the August 10, 2013 Monthly Board Meeting. Marti Fellers made the motion to "approve the minutes as presented." Motion carried unanimously.

Jeff Fisher gave a Presidential Review, citing our rules he addressed four issues (1. Committee Meetings: Reading from Robert's Rules Fisher confirmed that all committees can call for closed deliberations. He also requested that all committees provide current member information before next month; 2. Formal Complaint Form: Fisher explained that a completed form must be submitted to the Board before the Board can do anything concerning a complaint; 3. Records Production and Copying Policy: Except for copies germane to those charged with duties, Fisher stated there is a \$1.00 cost per copy; 4. Books and Records: Fisher said he obtained a legal opinion which reconfirms he has been correct concerning our policy and the law. Fisher more fully detailed the Records Production and Copying Policy, and stated that any two Board members have the privilege to call for an executive session if they would like to read the legal opinion.). Fisher reiterated that all rules would be followed as long as he was President, and if any Board member would like to comment they could do so during Open Comments.

Joe Rowe gave the Treasurer's Report. (Terry Segura questioned Mike Fryer's employment and probation period. Segura also requested he be in charge of the books. Jeff Fisher cited "the way things work" with regard to officer elections.) Rowe made the motion "to pay the bills." Motion carried unanimously.

Joe Rowe gave a report on past due assessments. (38 letters were sent on Sept. 8<sup>th</sup> and there are now 59 people on the list.) No action taken.

Joe Rowe addressed the Texas Workforce Commission item. Sandra Holzheuser moved that "we pay the Texas Workforce Commission by electronic funds transfer." Motion carried unanimously. (Rowe also stated that income tax had been filed and nothing was owed.)

Loren Spencer gave the Road Committee Report. (Spencer stated he was the "interim-interim" Chair and that the committee has been going through a transition; citing Toby Barker's and Chuck Smith's resignations, and that Interim Chair Steve Barr was on vacation. Spencer also explained that the Water Resource Committee was looking into possibly reactivating the Cochise well as another water station. Terry Segura approached Spencer and submitted his written resignation. Spencer gave the resignation to the Board President. Sandra Holzheuser asked if the number of miles worked could be included in monthly reports. Spencer said he would pass on the request. Mike Fryer made comments concerning road work plans.) President Fisher read Toby Barker's written resignation. Phyllis Arp made the motion that "we accept Toby Barker's resignation." Motion carried with Sandra Holzheuser opposing.

Loren Spencer and Joe Rowe explained the need and details for water tank repair. Marti fellers made the motion that “we hire an electrician to fix the problem” with the contactor (Rick Draheim asked if we had anyone in mind and about cost. Rowe said, “less than \$500” and Jeff Fisher reconfirmed. There was more discussion concerning who would be hired and the timeliness involved.) Motion carried unanimously.

Loren Spencer read the DMR VFD Report. (Spencer and Jeff Fisher responded to comments concerning burn bans and Fisher said he would post the county’s requirements.) No action taken.

Meeting recessed at 3:03 PM and reconvened at 3:19 PM.

Joe Rowe gave the Legal Report. (Rowe gave the status of cause #2400; the property owner in cause 2400 was notified and documents have been filed, “wrapping up” the duties of the Resolution Committee.) Rowe made the motion “we dissolve the Resolution Committee.” Motion carried unanimously.

Rowe confirmed that causes #2389 and #2418 remain set for court on September 18 at 1:30 PM. (Chuck Smith and Phyllis Arp have been subpoenaed by the defense in cause #2418. Sandra Holzheuser asked if all legal documents were in the DMPOA office. Rowe explained that files are secured in the office once cases are closed. Holzheuser asked why copies couldn’t be kept in the office, citing access in the event of death. Rowe stated that DMPOA’s attorney, Richard Baker could recreate all legal documents in such an event. Terry Segura commented and President Fisher responded by further explaining the election and appointment of DMPOA officials.) No action taken.

Phyllis Arp addressed the minutes of the June 30, 2012 Annual Property Owner’s Meeting. (Arp confirmed that the “line struck” from the minutes was a Board approved correction, and that the corrected minutes were posted to the website by then Secretary and Webmaster, Rick Draheim. Arp also pointed out that the corrected minutes were not found in the office file. Draheim and Marti Fellers agreed to follow up in locating and filing those minutes.) No action taken.

President Fisher addressed the Professional Audit item. (Fisher stated he talked to Barry Wuench and researched local sources. Fisher also presented a document from Laura L. Lannom, CPA, and he explained the difference between a review and an audit.) Sandra Holzheuser moved that “we hire this CPA for a review.” (Joe Rowe and Rick Draheim questioned the \$2,000 expense. Holzheuser stated that her motion did not say “when.”) Motion carried 4 to 3 with Rowe and Draheim opposing and Phyllis Arp abstaining.

Jeff Fisher addressed his research about mosquito fish; primarily on watershed and the Pecos River. Joe Rowe then explained his discussion with a marine biologist with Fish and Wildlife. (Sandra Holzheuser said that Michele Boulter just wants to control mosquitoes, maybe “perch” etc. There was discussion about stocking the duck pond with other fish.) Joe Rowe made the motion “we go on to the next agenda item.” Motion carried with Terry Segura opposing.

## OPEN COMMENTS

President Fisher corrected his earlier statement concerning copies; the cost is 25¢ per page for documents provided by members, and that copies of books and records produced by the office are \$1.00 each.

Cindy Davis commented on stocking the duck pond with a variety of fish via member donations.

Cindy Davis also stated that Sandra Holzheuser talked to her and Davis, too, thinks copies of all legal documents should be in the office. Phyllis Arp gave several “death” scenarios, explaining that DMPOA’s attorney and his law office also maintain all the legal records which could be provided to DMPOA in any such scenario. Joe Rowe explained correspondence related to attorney-client-privilege. Terry Segura stated he disagreed. President Fisher further explained attorney-client-privilege. Cindy Davis also asked if we could get an attorney “closer than Houston,” and questioned Rowe’s “personal” emails to our attorney. President Fisher clarified correspondence and further explained legal responsibilities. Loren Spencer made the comment, “I thought we settled this a while ago,” citing the Legal Report/item #9 on the agenda. President Fisher called for other open comments.

Bill Flanders thanked all those in the community who helped with the library expansion (stating there were so many volunteers, some had to be turned away); specifically thanked were Rick Draheim, Betty Smith, Chuck & Sue Smith, the LeJeunes, the Houses, and Richard Brevard.

Marti Fellers commented about news reports of increased numbers of mosquitoes, and referenced bats, swallows, and the upcoming season. Fellers stated that she thinks it’s too early to put fish in the duck pond.

Loren Spencer stated that the DMR VFD financial officer says it will take about \$15,000 to equip the department’s new 5-ton truck, and asked for donations.

Cindy Davis commented about legal files in the office. President Fisher clarified that our legal representative is charged with legal files, further explaining DMPOA’s access to those files. Davis said “it was a misunderstanding.”

Marti Fellers made the motion to adjourn. Motion carried. Meeting adjourned at approximately 4:20 PM.

MINUTES APPROVED AS CORRECTED OCTOBER 12, 2013.

Phyllis Arp  
DMPOA, Inc. Secretary