

DAVIS MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.  
BOARD OF DIRECTORS MONTHLY MEETING MINUTES  
JUNE 11, 2011

President Bob Newman called the meeting to order at 2:03 P.M. The eligibility of the members and posting of the agenda were verified. Members present were Bob Newman, Paul VanTine, Joe Rowe, Marti Fellers, Jeff Smith, Chuck Smith, Tamara Mayo, Phyllis Arp, Steve Barr, and Ken Gossett. All members were present.

Marti Fellers read the minutes of the May 14, 2011 monthly meeting. Steve Barr makes the motion to accept the minutes as corrected. Seconded by Jeff Smith. Motion carried.

Joe Rowe gave the Treasurers Report. Jeff Smith makes the motion to approve and pay the bills. Seconded by Marti Fellers. Motion carried.

RE: Check # 4970 Richard Baker, our attorney, stated that the Board needed to be aware of why we wrote him this check. When we sell property at a Sheriffs sale we must inform the previous owner, by certified mail, then we have to file an affidavit that we did notify them. The previous owner has 6 months to redeem the property, at their expense.

Joe Rowe gave the Budget Committee Report. Joe Rowe presented the Board with the 3<sup>rd</sup> Revised Annual Budget for 2010-2011. Steve Barr makes the motion to accept and approve the 3<sup>rd</sup> Revised Annual Budget for 2010-2011. Seconded by Paul VanTine. Motion carried.

Joe Rowe then presented the Annual Budget for 2011-2012. Steve Barr makes the motion to accept and approve this budget. Seconded by Marti Fellers. Motion carried.

Joe Rowe gave the Road Committee Report. No action required at this time.

Jerry Rhea gave the DMR VFD Report. Joe Rowe mentions that Phyllis Arp's tank and well were used for about 5 days and nights non-stop during the Tejano Canyon Fire. Everyone is thanked for all of the help that the fire department got during this fire. Joe Rowe publicly apologized to Harold "Toby" Barker.

Mr. Barker is upset that the DMPOA water truck was not available to him when he needed it desperately on Monday night for the helicopters that had returned to do more water runs. Mr. Barker made a request of the road maintenance man for him to move the water truck where it could be accessed for use of the water in the tank or for the keys to said vehicle. Per Mr. Barker the vehicle was not moved and the operator told him he was not to give the keys to anyone and he left prior to the emergency being over. Due to these facts, Mr. Barker states that at the Annual Meeting he will make the following motion if he does not get satisfaction from the Board today. His motion: that when at any time that there is a fire in the Resort or where the Resort is threatened the President of the Board or his or her designee will immediately see that every piece of DMPOA equipment is

brought to the Fire House area, fueled and with keys put in them , the shop opened up in case of an emergency repair need, that the shop be opened up and placed in the care of the Fire Chief. The President of the DMPOA or his or her designee will then remain at the fire station to facilitate any other cooperation that needs to be done. Only when the Chief declares the emergency over will the President or his or her designee retrieve the equipment and keys and secure the maintenance building. Any damage to DMPOA equipment or tools will not be charged to the Fire Department.

Joe Rowe replied to Mr. Barker that he had had conversations with Fire Chief Jerry Rhea, about where the drivers of the vehicles would be if they were needed and that the DMPOA personnel left only after they were cleared through Fire Chief Rhea. He also made note that when he helps in the event of a fire he is taking time off work and losing a days pay. When the road man is standing-by on a regular work day the DMPOA is paying him for his time. When the road man comes down on one of off days, he is volunteering his time. Joe Rowe thinks that he overstepped his authority as Road Committee Chairman by making what he did available.

Jeff Smith states that we have to remember that this is the first time, in at least the last 12 years, so it is a learning experience for all of us. We need to figure out what is the right thing to do in this type of a situation. Ken Gossett suggests that this item be tabled and moved to the Tejano Canyon Fire agenda item. Fire Chief Jerry Rhea does have a key to the DMPOA shop where the keys to the equipment are kept.

#### OLD BUSINESS

DMPOA WEBSITE. No new action at this time.

Block 5 Lot 33. This item is not on the Agenda for Commissioner Court for Monday, June 13, 2011. Joe Rowe states that none of the four (4) owners have ever come to a meeting to request anything from us and he is in doubt as to who actually owns the property, as one property owner has never picked up his certified mail. Joe Rowe believes that they are in violation of Section 6.1, 6.5, and 6.6 of our Restrictive Covenants. Before this matters ends today, after the Board has discussed it all they want I will want to make the motion that we contact our attorney, Richard Baker, to pursue legal action up to and including a civil suit against the owners of Block 5 Lot 33 to enforce compliance of Section 6.1, 6.6, and 6.6 of the Covenants. Joe Rowe makes the motion that if they do not present a valid replat of Block 5 Lot 33 at the Monday, 10:00 AM, June 13<sup>th</sup>, 2011 Commissioners Court meeting then we contact Richard Baker on June 14, 2011 to pursue legal action. Seconded by Steve Barr. Ken Gossett calls to question. Motion carried.

Follow up on illegal dumping complaints. This item has been turned over to the JDC Sheriffs Office. A Deputy Wallace visited with the Dabney's and they denied any knowledge of this and said they would not do it in the future. Phyllis Arp states that she has heard directly and from other property owners that they knew they had done it. Evidently this item is in the hands of the Sheriffs Office. Jeff Smith makes motion to

leave it in the hands of the Sheriffs Office. Seconded by Phyllis Arp. Motion carried.

Parking of vehicles on DMPOA Roadway. Phyllis Arp makes the motion that the DMPOA purchase four (4) signs to be posted front and back, to be seen entering and leaving the DMR, and recommends “Unauthorized vehicles will be towed away at owner’s expense” sign along with the brackets. Seconded by Ken Gossett. Motion carried.

Phyllis Arp makes the motion that the signs are posted at the discretion of the Road Committee. Seconded by Marti Fellers. Motion carried.

Nominating Committee Report. Phyllis Arp states that the Nominating Committee is ready to go. No other action at time.

Election Judge Report. Phyllis Arp gave the report for Bruce Bates. He is still looking for one more person to help with the Election. The idea is suggested of paper plates with the number of votes and proxies written on them with their name on it. Joe Rowe makes motion to use the paper plate idea. Seconded by Paul VanTine. Two abstentions. Motion carried.

DMR Evacuation Committee Report. Marti Fellers gave an update on the status of the Phone Lists. Requested a copy of the Alpha List for cross reference. Steve Barr moves that the Committee be given a modified Alpha List for the purpose of moving forward in the Evacuation Plan. Seconded by Jeff Smith. Motion carried.

Annual meeting agenda. Joe Rowe states that under New Business it should be “Any new business as properly brought before the membership“. Phyllis Arp makes the motion that the Texas Forest Service item be moved to New Business with discussion and any necessary action. Seconded by Steve Barr. Motion carried.

Paul VanTine makes the motion to approve the Annual Meeting Agenda. Seconded by Chuck Smith. Motion carried.

## NEW BUSINESS

Tejano Canyon Fire. Paul VanTine presented the Board with the possibility of alternative water resources. Phyllis Arp makes the motion that Paul VanTine be the Chair for a Water Resources Committee. Seconded by Joe Rowe. Motion carried.

Ken Gossett reminds the Board about Mr. Barker’s issue. Joe believes that there were other resources that were available for the filling up of the water tank for the helicopters to draft from. Mr. Barker states that in an emergency you don’t have time to stop and look for someone with a key to a building to find a key to drive a vehicle that is needed **right now**. Jeff Smith makes the motion that we give the Fire Chief or his designee the authority to use his key to get the DMPOA water truck in the event of a fire emergency. This removes any Road Committee/Road crew responsibility for the equipment.

Seconded by Joe Rowe. Motion carried.

Forest Service Firewise Assessment of Community Center Property. Patrick Allen presents the assessment of Block 17 Lot 13 done by him and Jan Fulkerson. Vehicle parking areas will need to be taken into consideration in the event of a fire and the need for community safety zone. No action required at this time. Copy of Assessment available on request.

Guthrie Brush Hauling. Jeff Smith requests that his information be included to rebut Jerry Guthrie's statement to Bob Newman that he was not hauling in material from somewhere else to put in our brush pile. Jeff Smith presents his information that he was told directly from people that he knows that Jerry Guthrie was cutting and hauling brush from residents in Limpia Crossing and taking it to the DMR brush pile. Jeff Smith called and talked directly to an unnamed person to verify that Jerry was doing this. The person said he was but he wasn't getting paid for it. Steve Barr met Jerry Guthrie on the road with his trailer full of brush. Phyllis Arp states that there are a number of people that saw Jerry hauling and unloading brush. Jeff states the Jerry threatened lawsuits and was angry. Jeff Smith stated that he told Jerry that no one is trying to run him out of the DMR but that we want all property owners to follow the rules. No other action on this item at this time.

Joe Rowe makes motion to purchase a sign for the brush pile that states that "Only DMR Brush allowed, No Dumping" in our brush pile and the Road Committee will install it. Seconded by Phyllis Arp. Motion carried.

DMR Free Dumpster via County Clean-up Event Jun 14-18, 2011. This is the last clean-up. Phyllis Arp requests that the Road Committee provide the crew and the front end loader to assist our property owners. Marti Fellers makes that motion. Seconded by Ken Gossett. Motion carried.

#### OPEN COMMENTS

Deb Lagarde questions does anyone know anything about how the dent got in her daughters little red Jeep. Deb is also glad to be part of the good vibes going on now.

Steve Barr apologizes for anything he may have said that was inappropriate. Toby did a great job during the fire.

Paul VanTine asks for any volunteers to assist in his new committee.

Steve Barr makes the motion that we recess until the next meeting. Seconded by Phyllis Arp. Motion carried.

Meeting recessed at 5:40 PM

Respectfully submitted

Marti K. Brockman-Fellers

Secretary, DMPOA (at the time of this meeting)

July 9, 2011