

**DAVIS MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.  
BOARD OF DIRECTORS MONTHLY MEETING MINUTES  
FEBRUARY 8, 2014**

President Jeff Fisher called the meeting to order at 2:03 PM. A quorum was established and posting of the agenda was verified (Phyllis Arp also informed the President she had reposted the Committee List and Community Center Usage postings that had been removed from the Center's recently mounted display case.) Board member not present was V.P. Steve Barr (he was on fire duty). Board members present were President Jeff Fisher, Treasurer Joe Rowe, Secretary Phyllis Arp, Harold "Toby" Barker, Rick Draheim, Marti Fellers, Sandra Holzheuser, Terry Segura and Jeff Smith.

Jeff Smith led the Pledge of Allegiance and Jimmy George lead the Invocation.

Jeff Fisher reminded everyone of decorum and to stay on point.

Phyllis Arp read the minutes of the January 11, 2014 Monthly Board Meeting (which were taken and prepared by standing Secretary Marti Fellers in Arp's absence). Toby Barker made the motion to approve the Minutes as corrected. Motion carried with Arp abstaining.

Joe Rowe gave the Treasurer's Report. Jeff Smith made the motion to "approve the Report and pay the bills." (Rowe answered questions asked by Terry Segura concerning the budget and monies in accounts. There was no further discussion.) Motion carried with Sandra Holzheuser opposing.

Joe Rowe gave the Resolution Committee Report. (The committee met twice in January. Regular and certified letters were mailed to each of 22 property owners concerning 27 lots; 2 have since paid and 2 have made arrangements.) No action taken. (Rowe also requested an item be on the March agenda concerning the lot purchased at a Sheriff's Sale.)

Joe Rowe gave the report on the professional review of records. (The review is in progress and Patty Roach has received copies of all the records she has requested). No further action necessary at this time.

Rick Draheim gave the Road Committee Report. Draheim also addressed the item concerning Road Maintenance Operator job applications. (3 applications have been received but more are expected; one applicant, Ken McCloud, is currently a temporary employee. Draheim confirmed that Road Committee members will be interviewing the applicants, except for Steve Barr who recused himself to avoid any possible views of nepotism; one applicant is Barr's son.) No action taken.

President Jeff Fisher addressed DMPOA, Inc. procedures for employment. (Fisher provided copies of the procedures and the May 13, 1995 meeting minutes which reflected that the procedures had been passed unanimously. [Both Sandra Holzheuser and Michele 'Behrent' Boulter were Board members at that time.] Holzheuser said she would like to see a rate of pay in the procedures and that the Board be more involved in hiring. Joe Rowe explained that any equipment operator must be employed for insurance and workman's comp purposes. He also explained logistics related to hiring for road and equipment maintenance, including the hiring of Road Committee members who were qualified; Rick Draheim concurred. There was further discussion.) Fisher asked Holzheuser if she would like to bring a motion before the Board and she declined (Holzheuser said she only wanted a copy of the procedures. Rowe said he had offered her a copy at last month's meeting). No action taken.

Joe Rowe read the DMR VFD Report as requested by Fire Chief Darell Fellers (Fellers was on fire duty. Rowe also stood and asked for a moment of silence for the passing of DMR's original Fire Chief, Chuck Fellers). Copy of report on file. No action necessary.

President Fisher commented about county office candidates being in attendance and that people could meet them during recess. Meeting recessed at 3:05PM and reconvened at 3:25PM.

Joe Rowe gave the update on proposed settlement agreement – Cause #2389. (Rowe provided a copy for review of the final re-plat. Although Bailey's attorney, Kirk Meade, has given verbal reassurance that funds are in escrow, DMPOA's attorney has not yet received the agreement with Harper's signature. The Board agreed with Rowe that until we have the agreement Rowe is to request Commissioners' Court to postpone approval of the re-plat.) No further action taken.

Joe Rowe addressed the update on the Ron and Tracey Davis alleged commercial mining operation. (A cease and desist letter was sent regular and certified mail to both, and the "deadline" for the Davis' to respond in writing is February 14<sup>th</sup>. Tracey Davis distributed copies of Sections 11.3. and 7. of DMPOA's Covenants, alleging there were "conflicts of interest" with regard to the complainants.) President Fisher relinquished the chair to Joe Rowe. (Fisher explained the covenants, rejected Tracey Davis' premise and called for the Davis' to comply. Ron and Tracey Davis were given the floor several times, and point of order was called for a number of times. Fisher rejected the Davis' definition of "mining" and Rick Draheim pointed out that "mining" may include payment for labor and/or transport of materials. There was much further discussion.) Toby Barker made the motion "if there are no further complaints, then we drop the issue." The motion failed for lack of a second. No further action taken.

Jeff Smith opened the item Clarify personal use of Right of Ways, Common Areas and Private Property in DMR. (Smith asked that members stay on this point rather than the alleged mining issue. There was much discussion. Joe Rowe read from the Covenants and addressed reasonable "use and enjoyment" as opposed to "abuse." He also commented on legal responsibilities related to upholding the Covenants in good faith. Sandra Holzheuser expressed concern about personally hiring for work on private property. There was further discussion.) No action taken.

Phyllis Arp reported on Community Center improvements and usage. (Arp addressed all the requests made by Sue Smith at January's meeting, and gave an overview of what she'd already done in response. Smith asked if the bench cushions were going to be returned; Arp confirmed, "yes" [reupholstering was not finished]. Sue Smith requested again that the "community bulletin board" be moved back to its original location [where the new Firewise and VFD display case is located].) Arp made the motion that "the improvements to the Community Center, including the recent adjustments around the wood stove area, remain as are and that the proposed improvements be completed as previously approved and unopposed by this Board." Motion carried with Sandra Holzheuser abstaining.

Phyllis Arp addressed detrimental actions affecting the association. No action taken. Copy on file. Arp addressed the responsibilities of Board members. (Arp gave a general brief concerning obligations vs. entitlements. Joe Rowe commented on legal responsibilities and the importance of carrying out all responsibilities "in good faith.") No action taken. Arp addressed the necessity of using Robert's Rules of Order (Arp referenced decorum of meetings and using the basic, simplest version of the Rules.). Arp made the motion "the Board use the 1923 version of Robert's Rules of Order and more fully apply the

Rules to the extent meetings are held in better order and duties may be better fulfilled.” (Sandra Holzheuser said she opposed anything that keeps members from speaking from the floor. Arp commented on the intent of her motion [i.e. questions and opinions posed in positive manner rather than using the floor to antagonize].) The motion failed with Holzheuser, Toby Barker, and Rick Draheim opposing and Marti Fellers abstaining.

Sandra Holzheuser addressed the item, Review rights of the Board of Directors of the DMPOA, Inc. (Holzheuser gave each Board member a copy of a legal opinion she said she had obtained.) Holzheuser made the motion to “table this item and place it on next month’s agenda.” Motion carried with Joe Rowe opposing.

#### OPEN COMMENTS

Ron and Tracey Davis made comments concerning “mining” and the related current issue.

Joe Rowe commented on the Covenants, the best interests of the corporation and the related legal responsibilities and liabilities (Tracey Davis made comments and handed a written response concerning the Cease and Desist letter to Secretary Phyllis Arp).

President Jeff Fisher called for point of order.

Phyllis Arp referenced two previous issues which had been mediated concerning the selling of DMPOA water and firewood outside of DMR. Arp pled that Ron Davis please respond in compliance concerning the current mining issue.

Jeff Smith made the motion to adjourn. Motion carried unanimously.

Meeting adjourned at 5:25 P.M.

APPROVED AS READ 3/8/14

Phyllis Arp  
DMPOA, Inc. Secretary