

DAVIS MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.  
BOARD OF DIRECTORS MONTHLY MEETING MINUTES  
JULY 14, 2012

President Chuck Smith brought the meeting to order at 2:12 PM. A quorum was established. Eligibility of members and posting of the Agenda were verified. Board members present are: Chuck Smith, Phyllis Arp, Joe Rowe, Marti Fellers, Jeff Fisher, Sandra Holzheuser, and Terry Segura. Board members absent are Jeff Smith (working with search and rescue), Rick Draheim, and Steve Barr.

Joe Rowe led the Pledge of Alliance and Jeff Fisher gave the Invocation.

Marti Fellers read the June 9, 2012 monthly Board of Directors meeting minutes. Phyllis Arp makes the motion to approve the minutes as corrected, seconded by Marti Fellers. Sandra Holzheuser abstained. Motion passed.

Marti Fellers read the June 19, 2012 Emergency Telephone Board of Directors meeting minutes. Joe Rowe made the motion to approve as read, seconded by Phyllis Arp. Motion carried.

Marti Fellers read the June 30, 2012 Annual Property Owners' Meeting minutes. Phyllis Arp makes the motion to approve the minutes as corrected, seconded by Marti Fellers. Motion carried.

Marti Fellers read the June 30, 2012 Board of Directors, Selection of Officers meeting minutes. Phyllis Arp makes the motion to approve the minutes as read, seconded by Joe Rowe. Motion carried.

#### Treasurers Report

Joe Rowe gave the Treasurers Report. Joe Rowe makes the motion to accept the report and pay the bills, seconded by Marti Fellers. Motion carried. (Hard copy of report on file at the DMPOA, Inc Community Center)

Joe Rowe makes the motion that we authorize the names of Charles R. Smith as President, Phyllis Arp as Vice-President and Joe Rowe as Treasurer be placed on the signature cards(s) of Marfa National Bank and State Farm Bank for all financial transactions for the Davis Mountains Property Owners Association, Inc., seconded by Marti Fellers. Motion carried.

#### Resolution Committee Report.

As of last report there were seven property owners that had been contacted by the Resolution Committee for the required payment of assessment fees. Three property owners have paid in full, one has made arrangement and the committee has proceeded with foreclosure on the other three. Cause number 2400 is against two of them and 2401 is against the other one. Phyllis Arp makes the motion to accept the report, seconded by Chuck Smith. Motion carried.

#### Request for accounting software

Phyllis Arp makes the motion that our Treasurer purchase accounting software, seconded by Joe Rowe. Motion carried.

*Board Approved as Corrected*

#### Select a Tax Accountant

Joe Rowe makes the motion to keep our current tax accountant, Mr. Barry Wuntz, seconded by Marti Fellers. Motion carried.

#### Review of Annual Meeting Election Results

Proper vote tally sheet was not provided at the Annual Meeting to the President of the Board for the election results. Phyllis Arp makes the motion that our President contact our Election Judge and coordinate getting the completed tally sheet. Joe Rowe seconds and amends the motion that the document becomes a part of the Minutes from the Annual Meeting. Amendment seconded by Jeff Fisher. Amendment motion carried. Original motion carried.

#### Suggestions for the 2013 Annual Meeting Agenda

Sandra Holzheuser suggests that we read at the next Annual Meeting the proper minutes. The un-approved minutes were read at this last meeting instead of the approved minutes.

Phyllis Arp makes the motion that the DMPOA Board Election Results be placed on the agenda prior to the DMR VFD Raffle, that the results are announced promptly upon receipt from the Election Judge, and that the new board meet to elect officers immediately thereafter. Phyllis Arp withdraws her motion due to required adjournment of the meeting prior to appointment of new board members. Joe Rowe makes the motion that the DMR VFD Raffle be held after the meeting is adjourned, seconded by Sandra Holzheuser. Motion carried.

Phyllis Arp makes the motion that the DMPOA President promptly give the floor to the committee Chair or spokesperson responsible and/or expected to report or address an Agenda item, seconded by Joe Rowe. Sandra Holzheuser opposed. Motion carried.

#### Road Committee Report

Joe Rowe gave a history report on the way the roads have been worked in the past and the materials used versus the way things are done now with the rock crusher doing the job it was purchased for and the amount of time it takes.

Joe Rowe gave the Road Committee Report. Mickey Sorrel submitted his resignation from the Road Committee. Joe Rowe thanked him for his many years of hard work and faithful service, your input and knowledge has been invaluable. Joe Rowe submitted his resignation as Chairman of the Road Committee. Sandra Holzheuser thanks Joe for all that he has done over the years. Jim Olson thanked the Road Committee for doing the road from Jerry Bakers' down to the creek. Jeff Fisher makes the motion to accept the resignation letters, seconded by Phyllis Arp. Motion carried. Jeff Fisher moves that we accept the report, seconded by Marti Fellers. Motion carried.

#### DMPOA VFD Report

No report as there is a search and rescue operation going on now to find a lost hiker.

#### RECESS

#### Appoint new Webmaster

Phyllis Arp makes the motion that she reassumes the role of Webmaster, seconded by Marti Fellers. Motion carries. Phyllis Arp would also like to work closely with our Secretary over the next year so that Agenda and Minutes are posted promptly and efficiently, and possibly have a back-up person. Sandra Holzheuser makes the motion that Sue Smith be trained as a Webmaster back-up, seconded by Phyllis Arp. Motion carried.

#### Firewise Committee Report

Phyllis Arp gave the Firewise Committee Report. (Hardcopy of written report on record in DMPOA, Inc. Office)

Phyllis Arp makes the motion that the DMPOA take exception to its restrictive Resolution of issuing checks to Board members IF the check is for a Firewise Committee approved and submitted expense, seconded by Joe Rowe. Phyllis Arp withdraws her motion and Joe Rowe withdraws his second.

Phyllis Arp makes the motion that the DMPOA accept the Firewise Committee's operating balance of \$645.50 and issue a reimbursement check to Jeff Smith in the amount of \$154.77, seconded by Joe Rowe. Marti Fellers opposed. Motion carried.

Phyllis Arp makes the motion that the DMPOA assume management of deposits and disbursements of all further Firewise Committee revenues and expenses under the direction of and in coordination with the DMPOA Treasurer and the Committee's Chair and/or Co-Chair, seconded by Joe Rowe. Marti Fellers opposed. Motion carried.

Phyllis Arp makes the motion that the DMPOA take exception to its restrictive Resolution of issuing checks to Board members IF the check is for a Firewise Committee approved and submitted expense, seconded by Joe Rowe. Opposed by Marti Fellers and Sandra Holzheuser. Votes in favor were Jeff Fisher, Joe Rowe, Phyllis Arp, and Terry Segura. Motion carried.

#### Metal street and evacuation signs

Joe Rowe makes the motion to table this item to the August meeting, seconded by Phyllis Arp. Motion carried.

#### Review of Settlement Proposal in Cause #2389

Court date is set for September 6, 2012. No other action taken at this time.

#### Review of Letter from Mr. Donald C. Johnson

Chuck Smith read the letter to the Board of Directors from Mr. Donald C. Johnson. Joe Rowe makes the motion that we authorize our attorney, Richard Baker, to write Mr. Johnson a letter concerning this situation, seconded by Sandra Holzheuser. Motion carried.

#### Review/update on Complaint by Marjie Erkkila against Joe Brooks

The certified letter to Mr. Brooks was not picked up. Joe Rowe makes the comment, on record, that he does not like it one bit that the DMPOA spent money on sending a certified letter to Mr. Brooks and that he did not pick it up or respond and feels that this is a snub to the Board. Especially when his verbal response was I said three years ago I wouldn't do it anymore and just moved down another lot. Joe Rowe makes the motion to have our President, Chuck Smith, send another letter certified mail and regular mail to Joe R. Brooks, seconded by Phyllis Arp. Motion carried.

#### Cabin and service pole in DMPOA right-of-way at Block 11 Lot 13

Joe Rowe reported that there is a Morgan building and a power drop pole in the DMPOA right-of-way on this lot. Joe Rowe makes the motion to allow him to contact the property owner to notify them that they need to move their building, seconded by Phyllis Arp. Motion carried.

#### Encroachment on DMPOA right-of-way by Donna Trammel, 301 Thompson Trail

Joe Rowe states that she has moved two building in on her lot and a car port that is in the right-of-way. One of the two buildings may be a second residence. Joe Rowe makes the motion to have our President, Chuck Smith, write a letter informing the resident that she is encroaching on the DMPOA right-of-way,

seconded by Phyllis Arp. Amendment made by Phyllis Arp, that our president write a letter to Miss Donna Trammel after discussion with our legal representative, seconded by Joe Rowe. Amended motion carries. Motion carried.

Request by Lee Goggins to install underground power line across High Lonesome  
Mr. Goggins presents his request. Power line to be run underground from his dome over to a line on Bill Allen's property. Joe Rowe informed the DMPOA Board that the Road Committee has already been informed and has not objected to the proposed installation. This work is a community service. Jeff Fisher makes the motion to approve Lee Goggins request to install an underground power line on High Lonesome, seconded by Joe Rowe. Joe Rowe amends the motion to between Block 31 lot 57 and Block 31 lot 138, seconded by Phyllis Arp. Motion carried.

Recommendation from property owners to drill a second community well  
Joe Rowe makes the motion that we turn this matter over to the Water Resource Committee for them to study the possibility of pursuing the drilling of a second well for the DMPOA, seconded by Phyllis Arp. Motion carried.

#### OPEN COMMENTS

Jeff Fisher suggests that for the 2013 Annual Meeting we improve the audio system.

Phyllis Arp, on behalf of Lee Goggins, reads a prewritten letter. (letter on file at the DMPOA office with minutes)

Lee Goggins expanded on his letter and had suggestions on how to work out some of the problems we have with getting our roads maintained in a better manner. Trash on the roads is getting out of hand. He also offered his assistance with the web page.

Joe Rowe replies to Mr. Goggins comments and reminds us all that the labor pool is very small in the DMR.

Ron Davis states that Joe is doing a hell of a job on the roads. He also thinks that we need to hire more help so that we can make better use of our road equipment.

Matt Oller is looking for lost package(s). The Board verified there is no "policy" or responsibility concerning packages being left in the Community Center.

Jim Olsen states that the delivery problems are not that of the DMPOA but are a problem with FedEx and UPS.

Deb Lagarde states that FedEx has asked her to bring packages to the DMPOA for the driver.

Phyllis Arp states that this is a continuing problem that has been going on for some time.

Joe Rowe makes the motion to adjourn, seconded by Marti Fellers. Motion carried.

Meeting adjourned at 5:36 PM

Respectfully Submitted  
Marti K. Fellers  
DMPOA Secretary

July 16, 2012

*Board Approved as Corrected*