

**DAVIS MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MONTHLY MEETING MINUTES
JUNE 14, 2014**

President Jeff Fisher called the meeting to order at 2:07 PM. A quorum was established and posting of the agenda was verified. Board members present were President Jeff Fisher, V.P. Steve Barr, Treasurer Joe Rowe, Secretary Phyllis Arp, Harold "Toby" Barker, Marti Fellers, Sandra Holzheuser, and Jeff Smith. Board members not present were Rick Draheim and Terry Segura.

Jeff Smith led the Pledge of Allegiance and Pastor Lloyd Low gave the Invocation.

Fisher announced that the meeting was being recorded [video-taped], that there has been talk about the Board "not following the law," and that people who are not property owners of record were guests only.

Phyllis Arp read the minutes of the May 10, 2014 Monthly Board Meeting. Toby Barker made the motion to approve the minutes as corrected. Motion carried unanimously.

Joe Rowe gave the Treasurer's Report. (Sandra Holzheuser confirmed she had earlier reviewed the bills provided by Phyllis Arp, but said only Ken's [McCloud] work logs were attached to time sheets. Steve Barr confirmed he had attached a log to his time sheet. Holzheuser asked Rowe about his log for his half a day's work; Rowe provided his log. Barr said that he notes his work on the "remarks" column on his time sheet. Deb Lagarde provided logs to Holzheuser, apologizing for not having them attached to the time sheet copies.) Jeff Smith moved to approve payment of the bills. Toby Barker called to question. Motion carried unanimously.

Joe Rowe read the Annual Auditor's Report. (Auditor Paul Van Tine could not be present; copies of the report were given to Board members. Rowe pointed out that 1 of 2 missing receipts was found which was for postage reimbursement of \$12.35 to Steve Barr. The other receipt could not be located which was a reimbursement of \$110.35 to Jeff Fisher for cross ties purchased at McCoy's.) Joe Rowe made the motion to accept the Auditor's Report. Jeff Smith called to question. Motion carried unanimously.

Joe Rowe gave the Resolution Committee Report, saying there was nothing new to report.

Steve Barr gave the Road Committee Report. (Barr read his written report. Holzheuser expressed concern about water usage due to lack of rain, and "wells going down." Barr said most of the water was taken from Phyllis Arp's well [at the Country Store]. Holzheuser cited Arp's well being used "a lot" during the Tejano Canyon fire, and stated that "two of us had our wells go down" and there's not been enough rainfall for the wells to recover. Barr said he would try to use less water on the roads. Jeff Smith cited loss of material in working the roads without water. Arp confirmed her well had never been adversely affected except during 10 days of usage during the Livermore fire, and even then it recovered in less than 2 days. Arp also said that regardless of the pump-cost involved there had been many discussions about loose gravel, binder material and speeding vehicles, so she thought watering the roads was important. President Fisher stated that the Baptist Church well is roughly 300 yards away from Arp's well and it has never had a decrease in flow. Rowe gave special thanks to Brad Blakeway for his help in changing maintainer tires. Holzheuser asked why Ken [McCloud] was not paid for Memorial Day. Rowe confirmed McCloud was a temporary employee at that time. McCloud confirmed he was given the opportunity but chose not to work to "make up" the holiday.)

Per the Road Committee's recommendation, Steve Barr made the motion to hire Ken McLoud as our permanent Maintenance Operator, effective immediately, and raised to \$18 per hour. (Sandra Holzheuser said she had several questions and called for an Executive Session. President Fisher concurred. Rowe asked for the reason for the Session; Holzheuser said she wanted to discuss qualifications.)

Meeting adjourned for Executive Session at 3:03 p.m. (Joe Rowe explained an employee's rights and that Ken McLoud requested discussion about his qualifications be presented openly).

Meeting reconvened at 3:07 p.m. (Ken McLoud seated himself in front of the Board. Sandra Holzheuser asked why the "tops of the rub-boards" were not "cut off" the last time the main road was worked. McLoud explained logistics and that "breaking the crust" was avoided due to lack of moisture. There was further discussion. Holzheuser then asked about rocks being left in the "middle of the road." McLoud explained logistics of covering rock vs. sweeping-off rock. Holzheuser cited rocks being left on High Lonesome, parts of Squaw Valley and "other spots." She also said that the "whole road on High Lonesome was covered with big rocks." McLoud disagreed. Rowe said he'd worked with every operator since 1992 and McLoud was one of the two finest operators we'd ever had. McLoud readdressed Holzheuser and explained the uneven, center-wear on the grader blades; he also cited financial and water limitations.) Marti Fellers called to question Barr's motion to hire McLoud. Motion carried with Holzheuser opposing.

Fire Chief Darell Fellers gave the DMR VFD Report; copy of report on file. (Rowe confirmed that he donated a pump to the fire dept.) No action necessary.

Meeting recessed at 3:22 p.m. and reconvened at 3:45 p.m.

President Fisher gave the Water Resource Committee Report. (Fisher said the Cochise well had been tested; he read all the results and confirmed the well is to be used for emergency purposes only. Fisher said it would cost approx. \$1,000 to \$1,200 to get the well "rigged up." Steve Barr explained logistics related to road access, holding tank, etc. Rowe confirmed that \$7,000 was in the proposed budget.) Rowe made the motion to electrify the well, set a tank and that the road work is coordinated by the road committee. (It was confirmed with Holzheuser that the committee would present a proposal/plan to the new Board.) Motion carried unanimously.

Rowe addressed the item Consider resolution to present at the Annual Meeting concerning the sale of the lot obtained in Cause #2400. Rowe made the motion that the resolution reflect: we, the property owners, authorize the Board to sell, at fair market value, Lot 19 in Blk 37 which was obtained in a Sheriff's Sale in Cause #2400. Toby Barker called to question. Motion carried unanimously.

Rowe opened the item Consider resolution to present at the Annual Meeting concerning the sale of future lots obtained. Bill Flanders rose to a point of order, stating that he believes it violates the By-Laws; Article 9. (Rowe explained that there was no motion made. Flanders called for point of order and that there be no discussion until the Chair made a ruling "per Robert's Rules of Order." President Fisher ruled in favor of Flanders' point. Rowe appealed the ruling, stating: 1) A resolution had not yet been presented, and 2) 2/3rds of the membership would be required to pass a resolution [the same as required to amend the By-Laws]. Phyllis Arp agreed with Rowe's appeal saying that there was nothing presented to consider. Rowe responded to Flanders', Holzheuser's and Jeff Smith's comments by saying that they spoke against something they'd not even heard.) Rowe withdrew his appeal.

Ann Brevard gave the Nominating Committee Report. (Brevard presented the Ballot reflecting candidates names and thanked committee members and the office manager. Sandra Holzheuser said the law required voter signature on the ballot [undetached from the ballot]. Brevard said the ballot had been approved by the Board the previous month. Phyllis Arp and Joe Rowe commented about detaching the signature “stub” in order to maintain voter privacy. Lloyd Low suggested legal advice. There was further discussion. Rowe read from last year’s approved voting procedures and Marti Fellers concurred.) Rowe made the motion to reapprove the ballot as presented. (Steve Barr asked if the signature-stub was cut-off of last year’s ballots. Last year’s Election Judge, Betty Smith, and Holzheuser confirmed that signatures were not detached from last year’s ballots.) Phyllis Arp amended the motion to include “a very short, legal-counsel confirmation.” (There was more discussion.) Toby Barker called to question. The amendment to the motion carried unanimously. (There was further discussion.) Arp called to question. The main motion carried unanimously.

Lloyd Low gave the Election Judge Report. (Edna Queen could not be a counter so Low recommended Ann Brevard as a replacement for Queen.) Phyllis Arp made the motion to replace Edna Queen with Ann Brevard. Motion carried unanimously. (Low said he would be in the office to verify proxies and answer questions from 1:00-3:30pm Mon., Wed., & Fri. He went on to explain proxy procedures. Low also confirmed with Sandra Holzheuser that the lock to the proxy “box” had been changed; Rowe & Arp said that “changing the lock every year” is what Holzheuser, and last year’s Election Judge and Nominating Committee proposed last year.) No further action taken.

Phyllis Arp addressed Review of floor voting procedures. (Arp distributed copies of voting sheets and procedures, and explained logistics. There was discussion.) President Fisher relinquished the chair to V.P. Steve Barr. (There was further discussion about the procedures.) Jeff Fisher made the motion to approve the floor voting procedures as presented. Motion carried unanimously. Barr gave the chair back to President Fisher. (Arp asked for Board member volunteers to help with floor voting during the Annual Meeting; Marti Fellers, Jeff Smith, Toby Barker and Joe Rowe confirmed, Sandra Holzheuser declined.)

Phyllis Arp presented the Annual Meeting Agenda. (Jeff Smith commented on the road signs and agreed to mention in open comments. Rowe confirmed verbiage for sale of Lot 19 in Blk 37. President Fisher presented the School District’s request to address a tax increase.) Jeff Smith made the motion to allow the School District to have a table at the annual meeting and the President make related announcements during the meeting. Motion carried unanimously. Marti Fellers asked for inclusion of a DMR VFD raffle in the note at the bottom. Jeff Smith moved to approve the Annual Meeting Agenda as amended. Toby Barker called to question. Motion carried unanimously.

Phyllis Arp gave the Webmaster report. (Arp read the report and offered copies. Arp said that there had been no issues brought to or presented by the Board this past year, and suggested that the Board approve her to continue on as webmaster and to approve her obtaining another person to help manage the site. Jeff Smith made the motion that Phyllis continue on as webmaster and to appoint another person to cross-train. (Sandra Holzheuser said that we’ll likely have many new Board members and that the decision could be changed by the next Board.) Motion carried unanimously. (Marti Fellers asked that the webmaster post a reference to “side dishes” concerning the VFD BBQ.)

Phyllis Arp gave the Firewise Committee Report. Arp made the motion to accept Sandy Irish and Wretha Smith as new committee members. Motion carried unanimously.

Phyllis Arp gave the Update on the replacement of the office computer. (Arp said that all the data had been transferred by Digital Studios in Alpine, and the computer was up and running in the office. Arp also confirmed with Deb Lagarde she would meet her on Monday concerning a “back up” window-message.)

OPEN COMMENTS

Wretha Smith commented on the large sum of check #5095 which reimbursed Jeff Smith for purchase of metal road signs. Jeff Smith and Joe Rowe explained and answered questions.

Sandra Holzheuser confirmed with Jeff Smith that the “\$5,000 was for signs only,” and commented about the cost of pipe to mount the road signs. Smith said pipes and concrete would be purchased as needed, citing a total approved budget of \$7,000.

Bill Flanders commented on the arts & crafts benefit for the DMR VFD; he thanked DMR, said “24 people stepped up,” and he specifically thanked Sandra Holzheuser.

Peggy Flanders read a personal statement of her opinions concerning “political mailouts,” DMPOA Board Officers in relation to the DMR VFD Board, and freedom of speech; copy of statement on file.

Ron Davis asked if speeding vehicles caused wash-boards on the main road then why was there perfectly smooth material in the middle of the road. President Fisher said caliche had always been an ongoing debate [cost, water, etc.]. Willis LeJeune said it took Terlingua Ranch 15 years to complete 20-something miles, and “I don’t care if you do it 10 foot at a time, let’s do something.” (LeJeune then left the meeting.)

Ken McLoud said when he started there was a lot of equipment down and broken parts. He commented on Joe Rowe and Steve Barr charging less than the actual hours they work, and that we really owe them a lot of thanks. McLoud went on to say he couldn’t have done it alone, and that “They did it out of dedication.” McLoud also thanked Sandra Holzheuser for encouraging him to run for the Board.

Paul Van Tine confirmed that the caliche on an area of the main road is naturally occurring; material which comes to the road surface naturally [not purchased or applied].

Steve Barr commented on all the road equipment repairs, saying that had we hired manufacturers or their representatives we could have paid \$150,000. Barr said that Ken, Joe and he managed to do all the repairs and get the equipment operable again for about \$27,000.

Rick Kersey announced his donation of a well pump to the Water Resource Committee.

President Fisher thanked the Board for the past year; their passionate debate and abiding by Board majority decisions. Fisher went on to say it had been a privilege to serve as President, and that he and the officers fulfilled their responsibilities and followed the law. He said no one’s perfect but the Board and the committees have done a fantastic job. Fisher also thanked members who regularly attended the meetings.

Marti Fellers made the motion to adjourn. Motion carried unanimously.

Meeting adjourned at 5:37 P.M.

Minutes approved as corrected 7/12/14.