

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

President Jeff Fisher called the meeting to order at 2:05 PM. A quorum was established and posting of the agenda was verified. Board members not present were Steve Barr and Terry Segura. Board members present were President Jeff Fisher, Treasurer Joe Rowe, Secretary Phyllis Arp, Harold "Toby" Barker, Rick Draheim, Marti Fellers, Sandra Holzheuser and Jeff Smith.

Rick Draheim led the Pledge of Allegiance and Jerry Rhea gave the Invocation.

President Fisher announced that some issues would be for Board discussion only, and asked that everyone stay on point and maintain decorum.

Phyllis Arp read the minutes of the February 8, 2014 Monthly Board Meeting. Rick Draheim made the motion to approve the Minutes as read. Motion carried unanimously.

Phyllis Arp explained that the heading date on the January 11, 2014 minutes needed correction. Marti Fellers moved to make the correction. Motion carried unanimously.

Joe Rowe gave the Treasurer's Report. Jeff Smith made the motion to approve the Report and pay the bills. (Marti Fellers asked about McDougal welding. Sandra Holzheuser asked about checks #5829, #5825 and mentioned "several for the maintainer." Rowe described repairs to windshield, glass, final drive hub, and axle housing bearings. It was noted that a date needed to be added to the report.) Jeff Smith moved to approve the amended report and pay the bills. Motion carried with Sandra Holzheuser opposing.

Joe Rowe gave the Resolution Committee Report. (44 letters were sent to 22 owners of 27 lots concerning past due assessments. At the end of February, 9 paid in full, 1 partially, and pay arrangements are being made with 4 others. Approx. \$5,000 of \$15,000 has been collected thus far.) No action taken.

Joe Rowe gave the report on the professional review of records. (March 3<sup>rd</sup> Patty Roach said she wanted to reconcile our account cards with accounts receivable and agreed to schedule a time with Officer Manager, Deb Lagarde. A \$1,000 bill was received from Lannom & Roach and Rowe asked for a breakdown of the charges. Roach still hopes to have the review completed in April). President Fisher called for an Executive Session due to a recent "incident". (Phyllis Arp asked Fisher to consider having an open discussion due to breaches of confidentiality of past Executive Sessions. Joe Rowe voiced in favor of an Executive Session since the issue is about complaints or charges against a Board member.)

The meeting adjourned for Executive Session at 2:28 p.m. and reconvened at 2:50 p.m. No action taken.

Rick Draheim gave the Road Committee Report. (The report detailed equipment repairs and Draheim summarized operator applicants. Sandra Holzheuser questioned a change in the road plan and Draheim said he would make note for the committee. Holzheuser noted that only 4 days of road work had been done in the previous month. Draheim explained that extensive repairs to equipment were necessary prior to further usage and damage. Draheim also cited the savings of doing the work internally.) Draheim then asked that Joe Rowe address the item Road Maintenance Operator Applicants. (Rowe said they had received some good applications and that Draheim had scheduled the interviews. Rowe also stated that the Road Committee was in agreement of its recommendations to the Board.) Rowe made the motion that we hire Ken McCloud as the full time Road Maintenance Operator at \$16.00 per hour, and that the Road

Committee have the authority to look for a permanent part time employee, while working within the maintenance budget. Sandra Holzheuser amended the motion to include that the Board approve the Road Committee's recommendation of a part time employee prior to hiring on a permanent basis. The amendment to the motion and the main motion carried unanimously.

Joe Rowe addressed the item Disposal of scrap (much "scrap iron" has been accumulated and Rowe recommended that the Road Committee get the scrap metal sold for the best deal). Sandra Holzheuser made the motion, "the Road Committee be given permission to check on the possibility of getting someone out here to get our scrap and paying us for it." (Rowe explained some logistics.) Phyllis Arp amended the motion to include that the Road Committee move forward in having the scrap removed after cutting the best deal possible. Both the amended motion and main motion carried unanimously.

Fire Chief Darell Fellers gave the DMR VFD Report; copy of report on file. (Fellers also asked that the VFD be given permission to mitigate on right-of-ways starting at the Limpia Canyon intersection up Cochise, past Stage Coach to the end of the cul-de-sac). Joe Rowe made the motion, "we grant the Chief's request." Motion carried unanimously.

Meeting recessed at 3:20 p.m. and reconvened at 3:40 p.m.

President Jeff Fisher opened the item Call for order a "tabled" item: Review rights of the Board of Directors of the DMPOA, Inc. Joe Rowe stated "I rise to parliamentary inquiry. I object to discussing an item on the table. You can't discuss an item on the table." Rowe then made the motion "we move on." (Phyllis Arp said we had previously discussed this issue several times, as reflected in the minutes, and that the Board supported the President concerning the legal opinion he had previously obtained [from DMPOA's attorney Richard Baker]. Sandra Holzheuser said "we were never made privy to the information and I think it needs to be addressed." Fisher stated that in September he offered the Board the opportunity to go into Executive Session to discuss the legal brief. Fisher also explained that reconsideration of an item is to be done by the next meeting. Fisher confirmed that he had read the brief Holzheuser had obtained and it did not cover current statute which is reflected in Richard Baker's brief. Holzheuser said, "My whole point is I want the Board to follow the law." President Fisher said, "The Board is following the law.") Motion carried with Toby Barker and Sandra Holzheuser opposing.

Joe Rowe gave the update on proposed settlement agreement – Cause #2389. (Rowe will appear at Commissioners' Court on Monday concerning the re-plat approval subject to receipt of the agreement and monies, which had still not been provided by Kirk Meade. If the settlement is not finalized on Monday the case will be on the April 11<sup>th</sup> trial docket; DMPOA's attorney was given permission by the Judge to not appear.) Rowe made the motion that the Board authorize Fisher and him to coordinate and file all the necessary documents. (\$12,552.25 is expected to cover DMPOA's costs.) Motion carried unanimously.

Joe Rowe addressed the item Decision concerning property purchased at a Sheriff's Sale – Blk 37 Lot 19 (Rowe explained that the time of redemption has lapsed so DMPOA could sell the property). Rowe made the motion we file the affidavit of non-redemption and send the owner notification to remove a trailer on the property. (Rowe confirmed he'd handle both). Motion carried unanimously. Jeff Smith made the motion we get approval at the Annual Meeting to sell the property. Motion carried unanimously.

President Fisher addressed the report on the Ron and Tracey Davis alleged commercial mining operation. (Fisher read a handwritten letter received from Ron Davis.) Phyllis Arp made the motion we accept the letter as an acknowledgement to cease and desist. Motion carried unanimously. (Fisher read a handwritten

note from Tracey Davis.) Arp made the motion we accept it as an acknowledgement to cease and desist. Motion carried unanimously. (Sandra Holzheuser asked why the property owner didn't get a letter. Fisher clarified the issue. Joe Rowe said he thought the discussion was strange considering that in January Holzheuser had made the motion to dismiss all allegations. Fisher said the issue was now dealt with and we should move on. Holzheuser asked for copies of the Davis' letters and the complaints.)

Jeff Smith gave the update on road-name signs. (Smith gave current details and costs which also includes posts and concrete). Smith made the motion that the Board reaffirm buying the signs. (Sandra Holzheuser asked how the signs will be put up. Smith gave a scenario of neighborhood volunteers and said signs will never be up if we don't have them. There was further discussion. Joe Rowe confirmed that the Budget Committee appropriated funds for the signs.) Motion carried with Rick Draheim opposing.

President Jeff Fisher addressed Annual Meeting Preparations. Fisher appointed Ann Brevard, Rick Draheim and Steve Barr as the Nominating Committee. Joe Rowe made the motion to approve the committee. Motion carried unanimously.

Jeff Fisher appointed Paul Van Tine as the Auditor (Joe Rowe cited Van Tine's integrity as being beyond question and asked for discussion if anyone questioned the fact Van Tine is close friends with him, the Treasurer. No one voiced any concerns.) Rowe made the motion to approve the appointment. Motion carried with Sandra Holzheuser opposing.

#### OPEN COMMENTS

Lee Goggins commented on decision-making and the proper time for discussion. Goggins described a situation he had experienced and said, "It's important when you vote and make a ruling."

Bill Flanders said he is a strong believer in Robert's Rules of Order and that he would like to make a clear statement for the record. Flanders read Article 10.7 of the By-Laws. He also read a statement about the Newly Revised 11<sup>th</sup> Edition of Robert's Rules of Order; copy on file. Flanders said he felt strongly about the Board using the most current edition of Robert's Rules of Order, referencing Board decisions and compliance with the By-Laws.

Joe Rowe mentioned daylight savings time.

Phyllis Arp said she removed a handwritten note from the wall display case concerning DMPOA's "Community Center Usage" posting. Arp read the note and clarified what the Board had approved.

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

Meeting adjourned at 4:35 P.M.

Phyllis Arp  
DMPOA, Inc. Secretary