

**Davis Mountains Property Owners Association, Inc.**

**Monthly Board of Directors Meeting**

**October 10, 2020**

The meeting was held at the Davis Mountains Community Center. Board members present were Dale Learish, Mariel Davis, Janette Winters, Chris Kirby, Joe Rowe, Darell Fellers and Wretha Smith. Not in attendance were Tracii Logan and Lori Edwards. Wretha Smith substituted for Lori Edwards, Secretary.

The following New Business was discussed:

The meeting was called to order by Dale Learish at 2:02 pm, a quorum was established and proper posting of the Agenda was verified. Dale Learish gave the invocation and led the Pledge of Allegiance. Dale Learish announced the passing of previous longtime DMR resident and friend, Lloyd Low, who would be greatly missed.

The minutes of the previous Monthly Board Meeting on September 12, 2020 were read by Wretha Smith. A motion to approve the minutes, as written, was made by Darrel Fellers and seconded by Tommy Jackson. Wretha Smith abstained as she had been absent from the September 12<sup>th</sup> meeting. The motion carried.

The Treasurer's report was given by Mariel Davis. A motion to approve payment of the bills was made by Mariel Davis and seconded by Janette Winters. The motion carried.

A budget Committee Report was given by Mariel Davis. The report noted several areas in which spending is moving faster than anticipated. These areas included medicare/unemployment, office equipment repairs and clicks and employee salaries. These areas will be closely monitored in the future.

The necessity of forming a Resolution Committee was discussed by Mariel Davis. She noted that, as Treasurer, she had sent letters to all property owners with delinquent assessments and that more than half had responded with payments. Mariel Davis stated that according to Texas Code, the remaining property owners with unpaid, delinquent assessments would need to be discussed in an Executive Session.

The Board adjourned to Executive Session at 2:28pm for discussion. The Board returned at 2:42pm and Dale Learish called the meeting back to order, stating that the Board had decided that a Resolution Committee should be formed. The Committee will consist of Mariel Davis, chair, Bruce Shores and Lori Edwards, if approved. A motion to accept these individuals as Resolution Committee members was made by Joe Rowe and seconded by Janette Winters. The motion carried.

The Road Committee report was given by Darell Fellers, noting that repairs continue on the backhoe hammer, F250 truck brakes and the rock crusher. The road crew installed culverts and pushed up the brush pile. A patch cover will be placed over the hole in the road on Tomahawk. An inquiry as to the possibility of using the rock hammer to crush the rock in the middle of the road on Skull Rock was discussed. Darrell Fellers stated that they had previously built material up around the rock, as crushing the rock with the rock hammer would not be possible. Dale Learish thanked Paul Connor for Road Equipment repairs noting that he saved the road crew a lot of time.

Dale Learish discussed the Air B and B in the DMR, noting that the listing is for camping and shows a photo containing a fire pit ring. This remains a concern due to the fire ban. Joe Rowe stated that he had searched for a previous letter used in a similar instance by the Board, but that he had been unable to locate it. He suggested that the Board draft a letter to the Property Owner of the Air B and B, explaining that they are in violation of the covenants, being placed on notice and invited to the next monthly meeting to discuss this situation. He suggested that the letter be sent by certified mail. The Property Owner was present at the meeting and stated that a letter would not be necessary. He explained that he did not wish to violate the covenants, be perceived as a bad neighbor or cause harm. Paul Connor stated that, in his opinion, the biggest concern was the possibility of a fire. Dale Learish agreed and noted his concern on the issue of liability. When asked, the property owner stated that they attempted to do background checks on their renters, to the best of their ability. Wretha Smith noted her concern that renters might cross onto private property and explained that a hiker had been seriously injured once before. Paul Connor stated that liability for injury to renters would be the responsibility of the property owner. Dale Learish responded that he was concerned that the DMPOA might be listed in a lawsuit as well, if injury to a renter were to occur. Chris Kirby suggested that attorney, Theresa, be consulted for advice as it would be free. Mariel Davis stated that she felt Air B and Bs should not be allowed as they cannot be properly regulated. Dale Learish requested that the property owner discontinue the use of his property as an Air B and B and the property owner agreed. Mariel Davis made the motion that the Board be officially opposed to Air B and Bs within the DMR, Joe Rowe seconded the motion. Chris Kirby and Tommy Jackson abstained. The motion carried.

The following Old Business was discussed:

The minutes for the Monthly Board Meeting on June 13, 2020 were tabled due to the absence of Tracii Logan. A motion to table approval of the minutes was made by Janette Winters and seconded by Tommy Jackson. The motion carried.

Dale Learish spoke on the credit card status, explaining that the credit card application was denied and that a new application would be submitted to Fort Davis State Bank. Joe Rowe stated that, in his opinion, a credit card was not necessary. Mariel Davis responded that a credit card could be used to purchase online, saving up to 30 percent as opposed to purchasing locally.

Dale Learish explained that Una Learish had submitted her letter of resignation, but that the Board had neglected to vote on its approval at the previous meeting. Jannette Winters made the motion to accept the letter of resignation, from Una Learish , and the motion was seconded by Tommy Jackson. Dale Learish abstained. The motion carried.

Mariel Davis spoke on the status of the Board Historian Project, explaining that the goal was to make an index of previous Board motions for use as a reference. Nancy Jackson volunteered to help with the project. Mariel stated that all online minutes had been completed to date and that paper copies remained to be reviewed. The project will continue until all minutes, that can be located, have been reviewed. Dale Learish explained the necessity of the Board Historian Project, explaining that several previous Board motions had been forgotten or not acted upon.

Darrel Fellers spoke on the status of the office window, explaining that he would purchase supplies on his next trip to Alpine and use his personal credit card for the purchases, not to exceed \$300. Chris Kirby stated that he has some windows that might fit and that he would donate them for free. Darrell will measure the windows to see if one will work.

Open Comments began with a discussion concerning which course of action could be taken by the Board if Air B and Bs continued in the DMR. Civil lawsuit was noted as the course of action to be taken. Paul Connor stated that he felt the Board would be “opening a can of worms” in pursuing that course of action, and stated that the property owner was within his rights to continue the Air B and B. Dale Learish stated that, fortunately, the property owner had agreed to cease the Air B and B on his property. Dale Learish explained that the Board can spend money and gather assessment fees, but has little recourse for many issues.

Janette Winters made the motion to adjourn the meeting and Tommy Jackson seconded the motion. The motion carried. The meeting adjourned at 3:39pm

Respectfully Submitted,

Wretha Smith, acting Secretary, and Lori Edwards, Secretary