

DAMMERON VALLEY LANDOWNERS ASSOCIATION, INC.

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Minutes of the DVLA Board Meeting

January 31, 2017

President, Brian Taylor called the meeting to order at 7:00 PM. Also in attendance were: Don Wallace, Joyce Gaufin, AB Johnson and Lou Echols, representing a quorum.

ACTION ITEMS

AB Johnson ***made a motion*** to approve the agenda for this meeting and the minutes from the November meeting. The motion was ***seconded*** by Lou Echols and unanimously ***passed***.

REPORTS

Financial Report – Joyce Gaufin, Treasurer

Joyce listed deposits totaling \$8,376.97 and expense checks of \$15,580.00. She noted that the bank error causing excess funds to be transferred to the SSD from the wrong account had been corrected. Joyce ***made a motion*** to approve the expenses as listed and the motion was ***seconded*** by AB Johnson and unanimously passed.

Architectural Report

AB Johnson reported on six new projects including three new homes, a barn, a new fireproof roof and an awning. He also noted that two projects were completed and refunded. There are currently 24 projects in various stages of completion. Things are again busy in the valley.

Social/Insurance and Public Properties Reports

Lou Echols stated there was nothing new to report.

PUBLIC COMMENTS ON NEW BUSINESS

Craig Meyocks took the floor to state he had a petition out for the required number of signatures to request the Board call a **Special Meeting** for the purpose of discussing and or voting that the DVLA transfer all excess funds over their operating budget and their required reserve fund be transferred to the SSD to help them fund their Reserve Fund. Brian Taylor asked if this topic could wait until the New Business had been reviewed.

NEW BUSINESS

a. Announce DVLA Facebook Page

Brian Taylor stated that the DVLA is in the process of setting up their own Facebook page in an effort to better communicate with residents in the valley. Hopefully it will be up and running by the next board meeting. He said that he had read quite a few of the posts on the other

Facebook pages that are being read by residents and that people are consistently getting the wrong information. The DVLA wants all of the landowners in the valley to have access to the truth with regard to the business being conducted on their behalf.

b. Update on the County Commission Hearing for Juniper Ridge

The current requirement for Juniper Ridge is for 50 foot roadways plus another 10 feet for utility access. The DVLA would like to see the County allow the same road width as the rest of the valley in order to maintain the rural feel of our community and to keep tree clearing to a minimum.

c. Update on the Lawsuit

The lawsuit was filed by Mr. Streeter against the DVLA and Dammeron Corporation because he feels he lost out on the money he would have made had he been allowed to build a home on a lot in Pinion Hills a few years back. It was actually Dammeron Corp who issued the stop order on the project. But since the DVLA and two board members were named in the suit the DVLA must respond. During this hearing, called a "12B" hearing, the Judge reviewed each cause of action for validity, and dismissed several of the thirteen causes and accepted the others with prejudice that evidence must support the remaining causes. It should be noted that Mr. Streeter's attorney withdrew from the suit and Mr. Streeter was there alone to represent himself, with legal counsel present to represent his business, Artisan Homes, in the case.

It should be noted that after the hearing, Brian Taylor, the DVLA representative; Brooks Pace, as the Dammeron Corp representative and our legal counsel met in a conference room and Mr. Streeter and a few former DVLA members and landowners from the valley met in another room. This seemed a bit odd and disturbing that these former DVLA members would be part of Streeter's entourage discussing the suit with Streeter and his legal counsel, since they have no standing in this suit.

The "chatter" on two of the valley's Facebook pages following that hearing was that the DVLA lost that hearing and that the DVLA will therefore rack up thousands of dollars in legal fees for which you the landowner will then be assessed to pay. The verdict has not been rendered by the judge and it hasn't even gone to trial and the resolution of the case, if not dismissed earlier, may take years to resolve.

These are the FACTS: The DVLA has a signed contract with Dammeron Corporation that indemnifies the DVLA and all member landowners from any legal expenses that exceed \$5000. The \$5000 was set aside in the contingency category of the DVLA budget, and has been PAID in full. The DVLA will not be responsible for the payment of any more legal fees with regard to this suit and may be eligible to recover those fees already paid if we prevail in the case and the judge awards attorney fees back to the DVLA. We will not be responsible to pay another penny on this lawsuit, no matter how it is resolved.

d. DVLA Directory

The DVLA will be sending out (possibly with the Annual Meeting mailing) a form for all member landowners to update their contact information and which will ask for your permission to publish, or not, your phone number and e-mail address.

OPEN DISCUSSION

Brian Taylor commented that Policies and Procedures for financials are being reviewed by the board and will be discussed at the next meeting.

Brian stated that a motion had been passed at an earlier meeting to move our monies from the Wells Fargo Bank to a credit union after we had determined the amount of any penalty for early withdrawal of funds. Brian reported that the penalty for withdrawal of our CD with Wells Fargo will be \$215. With the increased interest rate on the new CD's, we will more than recoup that penalty for early withdrawal. We can also restructure the maturity dates to allow us more flexibility to use the funds as needed. The funds in the CD at US Bank are due to mature in August of 2017 so we will leave them there until they expire. That amount is almost equal to the amount necessary to fully fund our reserve account for the DVLA owned assets. Joyce Gaufin **made a motion** to move all of the funds currently held at Wells Fargo Bank to America First Credit Union and that the funds in the CD be placed in CD's layered in 6 month intervals. AB Johnson **seconded** the motion and it was unanimously **passed**.

Craig Meyocks asked again why the DVLA needs to carry all of those excess funds. Brian stated that we do not need to carry anything beyond the amount required by the Reserve Study to be held in reserve and the amount in our operating budget. Craig said that is why he was getting the signatures together on his petition for a special meeting to discuss giving the excess funds to the SSD. There was then some discussion as to the need for the expense of a mass mailing for a special meeting before another mass mailing for the annual meeting. Joyce suggested that we announce discussion of this on the agenda for the next board meeting on February 28th and that we make sure it is well advertised by posting it on our new Facebook page and other venues so that everyone is aware and can plan to attend. Gary Jensen President of the SS commented that their budget begins in November and funds would not be need until then. It was determined that ultimate use of the excess funds be put to a vote of the DVLA membership as to their desired use and distribution of the funds. Because of the non-profit status of the DVLA, excess funds cannot be refunded to members, but has to be used for either DVLA purposes or donated to another non-profit corporation. It has been suggested in earlier meetings that some of the funds be used for improvements such as the installation of a pickle ball court, or additional improvements to the park, which is an asset of the SSD but available to all residents in Dammeron Valley. The ultimate use of the funds will be a ballot item at the next DVLA annual meeting and will be left to the members to decide how the funds should be used.

Gary Jensen asked if the DVLA Facebook page would replace the DVLA website, dammeronvalley.org. He was assured that it would not and that even comments from the Facebook page could be printed and made available at each board meeting for those who do not have access to either Facebook or the DVLA website. The Facebook page would only be another way to communicate with residents, as they are already reading and posting regularly that way. Brian again expressed his concern about gossip and false statements that are being made on Facebook and regarded as fact by some who read it. He reminded those present that they can access the facts on the DVLA webpage.

Bob Allan suggested looking into a solar application as backup power to run water pumps in the event of a power outage. It was decided that subject should be a part of the Water Department responsibility, and the suggestion would be passed along to the Dammeron Water Works.

AB Johnson **made a motion** to adjourn the meeting which was **seconded** by Don Wallace and unanimously **passed**.

Recorded By:
Lynda Charlton
DVLA Administrative Assistant