



P.O.A.T.R.I.  
QUARTERLY MEETING MINUTES  
SATURDAY, OCTOBER 29, 2016

The October 29, 2016 Quarterly Meeting was called to order on Saturday, October 29, 2016 at 10:02am by Kathy Pothier, Secretary

**Roll Call and Certification of Board Members** by the Secretary    P = present; A = absent

  P   M. Anthenat              P   Y. Diaz              P   C. King              P   L. Leaming  
  P   F. Oxsheer              P   K. Pothier              P   L. Shank

Invitation for Public Service Announcements – Dave Howe, past board member and board president passed away a few weeks ago.

One person submitted an application for director – Marilyn Anthenat.

**Board of Directors Election Announcement** – The election for Board of Directors will be Saturday, January 28, 2017. Voters' list and ballots will be created on November 29, 2016 and ballots mailed no later than December 14, 2016. Ballots must be received before 5:00 pm on January 27, 2017. Candidates are reminded they must be in compliance with the By-laws Article 4.04 and be a member in good standing as defined by Article 3.03. To ensure you can vote: Is your correct address on file at the POATRI office? If you are a new property owner, have you completed the process necessary to be included as an owner in the POATRI database? Are you current on all fees and assessments?

**Acceptance of Minutes as Presented** - Kathy Pothier, Secretary – the minutes from the July 30, 2016 quarterly meeting were emailed to board members for approval and posted on POATRI.org. Kathy Pothier moved the board accept these minutes as presented. Larry Leaming seconded the motion. The minutes were accepted unanimously.

**On September 16, 2016**, an executive session conference call was held. All board members were present on the call. The purpose of the call was to discuss POATRI's attorney's advice relating to the marketability of property in Terlingua Ranch through title transfers or refinancing of existing mortgages. The resolution is posted on poatri.org and is attached at the end of these minutes.

**On October 28, 2016**, there was an executive session meeting. All board members were present. The purpose of the meeting was to discuss legal issues. No resolutions were passed as a result of this meeting.

**President's Report** – is attached at the end of these minutes.

**Treasurer's Report** – is attached at the end of these minutes.

**Manager's Report** – is attached at the end of these minutes. There was an audience question regarding the POATRI auction of properties. The cost per acre can be computed by going to the auction results on POATRI.org

## **Committee/Task Force Reports**

**Budget and Finance Committee report** – Linda Shank reported that the BFC consists of Bill Vogl, Nick Elmore, Anita, Marilyn and Linda. This last quarter the BFC looked at 4 different areas – the 2017 assessment fee calculation, new capitalization policy, the contingency and reserve funds and worked with Anita to develop the budget for 2017. These four projects resulted in four resolutions which are attached at the end of these minutes.

**Audit Committee** had no projects this past quarter.

**Communications Committee** – Anita will be taking over the newsletter. Anita will be doing an email drive to help reduce the cost of sending out paper copies of the newsletter. The newsletter will still be posted on [www.poatri.org](http://www.poatri.org) Paper copies will still be sent out to those who don't use email.

**Legal Coordinators** – nothing to add to what was reported in the president's report.

**Airport Committee** – Frank reported that the airport is in good shape. The windsock is working right, the airport is working right, the runway is in good condition. A question from the audience regarding checking the radio system. Anita reported that the radio system is working fine.

**Hunt Committee Task Force** – Larry Leaming brought four Game Wardens to attend the Friday workshop. It was very informative. A full definition of "criminal trespass" is attached at the end of these minutes. Hunt season is coming up.

## **OLD BUSINESS:**

**Property Owner Participation** – Each Speaker Limited to 3 Minutes, Sign up in Advance on Speaker List

There was general discussion regarding the interim resolution. The question was raised if any of this has taken place other than the resolution itself? The response was that step one has been done, step two, three and four are in progress. Documents have been filed in step one to ultimately clarify rights of ingress and egress in order for properties on Terlingua Ranch to be marketable. It's a small step but we are making progress.

**Contingency and Capital Reserve Accounts Funding** – the resolution is attached at the end of these minutes. There will be a new line item in the budget for this funding effective 1/1/2017.

**Capitalization Policy** – the resolution is attached at the end of these minutes.

## **NEW BUSINESS:**

**Ballot Position Drawing** - one person is running for the board, Marilyn Anthenat. There are three positions available. Marilyn Anthenat will be the first position on the ballot. In order to be seated as a director, candidates for the board must receive a simple majority of the votes cast. A simple majority is 50% plus one.

**Property Owner Participation** – There was general discussion regarding the lack of interest in running for the board and/or attending board meetings. How do we get people involved? There was only one person running for the board. Something could be added to the newsletter to get folks more involved. If folks complain about the way the organization is being run, hand them a ballot to run for the board and make changes. Do we need to go to 7 directors instead of 9? We may have 9 positions available and we can continue doing business with 7. The board can appoint if the number of directors falls below 6. There is a preference to stay with a 9-member board. We have a vehicle with the newsletters. It was suggested to add a human element by having a section about the happenings in the different areas around the ranch – Big Bend Valley, Agua Fria, North Corazones, etc.

Maybe the reason folks aren't present is because we are doing something right. Most times folks are present at meetings to complain.

Anita is testing WEBEX to allow property owners to attend via the internet. The meeting is live via WEBEX and is also being recorded. Maybe we can broadcast via Facebook Live. It's a lot less cumbersome than WEBEX. There's no audience participation via Facebook Live. Anita is researching several platforms for live streaming. The communications committee could work with Anita to look at the options for getting more folks involved.

**Company Vehicle Use Policy** – the resolution is attached at the end of these minutes.

**2016 Consumer Price Index and Recommendation for 2017 Assessment** – the resolution is attached at the end of these minutes.

Other New Business – What do we need to do to get the last 3 miles paved? What is the distance from where the asphalt stops and where POATRI property starts? It's three miles. Would love to see the legal task force take on this project for 2017. Find out what easements were granted. There were only 3 owners who refused easements along the last three miles. Are the easements still valid? Can we get the other folks interested in agreeing to easements now? It would be in our best interest to get the County to pave the last three miles. When the county was approached several years ago, the County said we don't have the money and we will not/can't complete this project. There may be a change of heart with the County and we could approach them again. There's also a new agribond/aggregate coating on the market. The technology is new. Research needs to be done to find out more about this product. It would be an alternative to paving. There's a new rubberized product that would help keep the dirt road from wash boarding. The concern would be how much traffic it could take.

## **ADJOURNMENT**

Larry moved and Marilyn seconded the meeting be adjourned. All were in favor. The meeting adjourned at 11:21am.

Respectfully submitted,

*Kathy Pothier*, Secretary

## BOARD OF DIRECTORS' MEETING – PRESIDENT'S REPORT

OCTOBER 28/29, 2016

Recent heavy rains throughout the Ranch caused problems with roads. Many thanks and appreciation to Dennis, Isaiah and Mike for keeping the roads passable and for assisting property owners who were stranded. Thanks also to Maria and Rocky who worked double shifts to keep the café open.

Anita, Linda, and I attended the August water board meeting in Alpine where their board discussed registering water wells.

Owners in Terlingua Ranch have faced issues with the sale and/or re-financing of their property. Given that title companies are no longer covering ingress/egress rights in title policies, mortgage companies are not loaning money for land purchases and are not approving re-financing of existing loans. This affects the marketability and consequently the land value of property in Terlingua Ranch. Title companies are asking selling/refinancing owners to obtain ingress/egress easements from every single owner of property between Terlingua Ranch Road and the selling/refinancing owner's property. In many cases, this is several different owners and it has proven difficult if not impossible to obtain 100% grant of easements from every single owner of property between Terlingua Ranch Road and the selling/refinancing owner's property.

Without 100% grant of easements, title companies will not insure ingress/egress rights, and therefore banks will not loan money or approve refinancing of existing loans. The lack of cooperation from neighbors in granting easements has left many properties in our community unmarketable. Property that cannot be sold as a result of the lack of title insurance and/or failure to obtain funding loses value in most markets. Terlingua Ranch is not immune to the possibility that the public perception that all the property is unmarketable and has a reduced or no value. The risk is imminent that all the land in Terlingua Ranch will lose value.

Our Legal Task Force has worked closely with legal counsel for POATRI to come up with a strategy to make property marketable again in Terlingua Ranch. We are working with counsel on a series of documents that should clarify the current status of ingress/egress rights of owners in Terlingua Ranch. The goal is to hopefully alleviate the title and lending issues and alleviate the need to obtain 100% grant of easements from every single owner of property between Terlingua Ranch Road and the selling/refinancing owner's property.

The Board met in September via telephone in executive session and with the advice of our legal counsel passed a resolution relating to increasing the marketability of property in Terlingua Ranch. The goal is to make property in Terlingua Ranch marketable again and preserve property values. We hope to unite the community on the common platform of preservation of property values. Lower property values are not good for any owner in Terlingua Ranch. Being unable to sell property or refinance existing loans can negatively impact our community as well.

Gini Viles has resigned from the Legal Task Force to focus on her family. Gini has been a valuable and dedicated member who has contributed numerous hours researching documents assisting our attorney. Her knowledge and experience will be missed.

Reminder: The election for Board of Directors will be Saturday, January 28, 2017. Applications for Board of Director candidates will be accepted beginning September 1, 2016; applications are available on the POATRI.org website or at the Ranch office. Applications must be received by 5:00 pm on October 28, 2016. Ballot positions will be determined by a drawing at the October 29, 2016 board meeting. Voters' list and ballots will be created on November 29, 2016 and ballots mailed no later than December 14, 2016. Ballots must be received before 5:00 pm on January 27, 2017. Candidates are reminded they must be in compliance with the By-laws Article 4.04 and a member in good standing as defined by Article 3.03. To ensure you can vote: Is your correct address on file at the POATRI office? If you are a new property owner, have you completed the process necessary to be included as an owner in the POATRI database? Are you current on all fees and assessments?

Respectfully submitted

*Marilynn Anthenat*, President

**POATRI**  
**Treasurer's Report**  
**For the Nine Months Ended September 30, 2016**

Unaudited, preliminary financial statements for the nine-month period ending 9-30-16 are available and include a Balance Sheet, a P&L Budget Performance Report, a Comparative P&L to the same nine-months in 2015, and a P&L by Class (Cost Center). The Class P&L report has a section at the bottom of the report reflecting capital expenditures for each cost center.

At the end of Sept 2016, POATRI had cash on hand in various banks totaling approximately \$638,000, including approximately \$350,700 in bank accounts reserved for contingency situations and for capital reserve funds.

For the nine months of 2016, POATRI received gross income (before expenses) as follows;

Assessment Revenue	\$ 486,147
Auction Proceeds	\$ 1,484
Supplemental Revenue	\$ 329,687
Miscellaneous Income	<u>\$ 751</u>
Total Income	<u>\$ 818,069</u>

The Budget Performance P&L reports that POATRI had net income before depreciation for the nine-month period of approximately \$163,718 versus the budget projection of \$140,080.

The P&L by Class reports on where the income was generated and where expenses were applied. There is also a section at the bottom of this report reporting capitalized expenditures for each class.

It is worth keeping in mind that the financial success of the lodge area is affected by the synergy between the individual cost areas. As an example, the occupancy of the Cabins is influenced by having an accessible Bad Rabbit Restaurant; likewise, the revenue of the restaurant is greatly influenced by cabin, RV, and camping occupancy.

For the recent nine-month period, the Supplemental Class (Lodge operations) had a net operating loss of (\$21,721). There was (\$19,548) spent for Capital Expenditures related to lodge activities resulting in a net cash outflow of (\$41,269).

The Comparative P&L reflects that net income is higher than at the same time last year. Total assessment revenue for the nine-month period was \$486,147 in 2016 versus \$468,663 in 2015. However, current year assessments (for 2016) were \$366,414 compared to \$392,527 (for 2015) at Sept 30, 2015, a decrease of \$ approximately \$26,000.

Other statistics:

There are 190,316 acres of land within Terlingua Ranch, divided into 9,494 individual tracts of land, owned by 5,045 member accounts.

Within the 5,045 member accounts, there are currently 641 accounts that own only Exempt tracts, resulting in 4,404 accounts that are currently responsible for the annual maintenance fee.

Since the flat fee was adopted in 2005, there has been a concern that Assessment Revenue could significantly decline if TR tracts were consolidated and owned by fewer & fewer separate accounts. However, that trend does not seem to have been an issue yet. In 2011 there were 4,343 accounts billed for assessments. The number of accounts billed for 2016 Assessments was 4,402, an increase of 59 accounts. We will be able to report on the current status after the 2017 billing statements are issued by TRIPOD in early December.

Submitted October 29, 2016

*Linda Shank*, Treasurer



## POATRI MANAGERS REPORT Q3, OCT. 28<sup>th</sup>, 2016

From the Desk of Anita Goss,

We have been extremely busy the third quarter of 2016, handling repairs to infrastructure, getting ready for the busy season, training new staff, and entertaining groups in house. We recently hosted Uvalde Classical Academy who brought down 50 students and staff from 5<sup>th</sup> grade to 10<sup>th</sup> grade. We had a great time serving them and we made some return business, as they are already scheduling next years' outing. Each child on the trip took the time to write us Thank you notes, which we will try to publish in the coming newsletters. What a great group to have! The Bad Rabbit also hosted a wedding for Christy Deering and Anton Starkovich. A reception for the couple was held on the patio on a Saturday night in October under a Harvest Moon. The Food was great, thanks Rocky and Maria, and staff! The Bride and Groom were a lot of fun, and we look forward to having them back. Thanks to the Lodge staff for helping make this a memorable occasion for all involved.

Bear Sightings... This last week I spoke with TX Park and Wildlife department, who are investigating a possibly aggressive bear in the area. Reported East of Christmas Mountains. I have some info on Bears on the table when you walk in from TX Parks and Wildlife. Also, if you need to report a bear incident please call TX PARKS & Wildlife at 837-2051

On to business, the Shower house is almost up and running. We currently have one side open and hope to have the women's side open by Nov 3<sup>rd</sup>, 2016. Thanks to Wes and Staff, we saved considerable dollars and did a lot of the work and renovation in house. We did contract Vic's plumbing out of Alpine to do the hard labor and dirty work of jack hammering out the floors and removing old pipes, etc. We have opened up a line on the P&L (1608) to track capital projects like the shower house, that can be moved into another account and depreciated at the end of the year. We have also completed and opened rooms 37 and 38, completing one quad this year. We plan to finish all cabin renovations by the end of 2017. This date was pushed forward due to emergency project on the shower house.

In Sept of this year, we had our 1<sup>st</sup> POATRI auction of the year, we gained three new members, and collected over 13,000.00 In property dollars and sold nine tracts total. We look forward to scheduling the next POATRI auction in FEB of 2017, we tentatively have ten more tracts to put up on the auction block.

After about three months of working out the bugs, we have Tripod updated, the website updated, and the new demand letters ready to go out for Members Not in Good Standing. This took some behind the scenes calculations to update the new letter. We also spent some time with Maryanne Moore of Majec systems, the makers of Tripod, and came up with a better way of reporting paying members in good standing. As of now we have 5045 Members total. We have 2809 Members in Good Standing, 641 of those are exempt members. Right now we have 2236 members not in good standing. As of Oct 25<sup>th</sup>, 2016 we have 2168 Paying Members. The property services office is working daily to help people get back into good standing with

POATRI. We hope good service and availability will help bring more members into good standing as we head into 2017.

The last few weeks, I and Wes Abbott our Maintenance Supervisor have been working on the budget for 2017. There are several areas that we want to address going into next year. I have also had meetings with Dennis Nance, our Road Crew Supervisor. I have submitted an aggressive budget, and a decent amount of capital expenditures for 2017. As the Board and I work thru finalizing the budget we will be nailing down crucial areas of concern, and future projects that extend beyond 2017. I am excited to have this discussion started now that we have time to tweak the budget where needed and we can roll right into 2017 seamlessly.

Last Spring break the smith well had some issues keeping up with demand during 2 weeks of March. Arrowhead drilling came out, and suggested that we lower the pump at the smith well before busy season again. In Sept of this year, we had this done. The Pump was lowered 252 ft. We are now at 430Ft. When this was done, we had to go ahead and upgrade the size of the motor to 2hp. This should move us forward into the future without any more foreseeable problems. Also as of now the non-potable well seems to be doing good. We have had no other issues with slow recharging. I want to thank everyone for being patient with the water sales, and the delicate balance of providing water to ranch owners. As we look into 2017, if rain persists we will lift the 500. Gallon per visit rule. Right now, we are looking at a dry mild winter, and are considering keeping the restriction in place until Spring 2017. We will be working on water usage charts to present in the future, so we may track water usage.

I would like to start an email drive for this year and into 2017. Every Quarter we produce a newsletter that gets mailed out to our members in good standing who don't have an email account. Every quarter we spend 1500 to 2000 dollars in printing and bulk mailing. Also, this year the newsletter has been hard to get out, and we have been behind the curve as we have so many new board members and staff members. It is my proposal, if it is ok with the board, that I take over the newsletter. In the newsletter, I have added a perforated clip out where members can send in their email addresses to be updated on their account, and we draw a name from all the emails collected, and they can win a Cabin Stay for 2 nights, for 2 people and Breakfast or Dinner for two at the Bad Rabbit. My goal is to decrease the number of Physical mail-outs, as it costs the association so much money.

**UPDATE YOUR MEMBERSHIP INFO**

**ENTER OUR 2016-2017 EMAIL RAFFLE**

Submit your email for your next newsletter and we will enter you in our email raffle, where you have a chance to win a cabin for 2 nights free at the Terlingua Ranch Lodge, and Breakfast or Dinner for 2 at the Bad Rabbit Café. Drawing to be held 1<sup>st</sup> Quarter Board Meeting April 28<sup>th</sup>, 2017

Name

Tract#

Account#

Email:

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(Gift Certificate good for one year. No cash value. Only new emails eligible to win)

The holidays are upon us, and we are gearing up for Thanksgiving! The Lodge is fully booked, and we are preparing our menu at the Bad Rabbit Café. Hours for Thanksgiving will be 7am - 10am Breakfast Only... Closing at 10am to 12pm to get ready for Thanksgiving Dinner. We will be serving Plated Dinners for Thanksgiving from 12pm to 6pm on Thanksgiving Day. Come join us as we celebrate Thanksgiving.

Finally, as I mentioned in the first paragraph of this report, were training some new staff. We want to welcome Steve Elliot at the Front Desk, Tanner Adamson Poehls, new cook for the Bad Rabbit Café, Brittany Starbuck to Housekeeping, and Michael Willson to the Road Crew. If you haven't met them, please introduce yourself sometime!

*Anita Goss*  
Ranch Manager

**RESOLUTION BY THE BOARD OF DIRECTORS**

**Discussion: WHEREAS,**

To address title and/or mortgage companies perceived ingress/egress concerns by clarifying developer rights to increase marketability of property located on Terlingua Ranch.

**Therefore;**

**BE IT HEREBY RESOLVED:**

To (1) follow the advice of legal counsel as it relates to increasing the marketability of property in Terlingua Ranch through title transfers or refinancing of existing mortgages; (2) amend the 2006 Agreement entered into between POATRI and TLS to facilitate marketability of property; (3) obtain TLS assignment of rights to POATRI to facilitate marketability of property; and (4) seek to assign these same rights to property owners to facilitate marketability of property.

This resolution  amends  replaces  revokes  adds

Article \_\_\_\_\_  Section \_\_\_\_\_ of the

By-laws  Policy and Procedures Manual  \_\_\_\_\_

Article \_\_\_\_\_  Section \_\_\_\_\_

Effective Date: September 16, 2016

Motion By: Frank Oxsheer Second: Larry Leaming

Ayes: 7 Nays: 0 Abstain: 0 Absent: 0

Record of Voting:

A M. Anthenat A Y. Diaz A C. King A L. Leaming A F. Oxsheer

A K. Pothier A L. Shank

**RESOLUTION BY THE BOARD OF DIRECTORS**

**WHEREAS**, POATRI maintains a Contingency Fund and a Capital Reserve Fund to provide financial resources outside of normal operating capital needs for replacing, repairing or improving capital assets, or for situations caused by external events, emergencies, etc, and

**WHEREAS**, There is concern by the Board that the funds be kept adequate to reflect cost of living increases and buying power especially in periods of inflation or inadequate earnings on the accounts,

**THEREFORE**, the Board resolves to Amend the Policy & Procedures Manual Item 3 to add the following:

**H. Board approved withdrawals from either fund may be done only after the Board has approved a plan for repayment within the earliest possible timeframe, and**

**I. In preparing each year's annual budget, the Manager and the Board shall determine a minimum % amount that will be added to each fund during the course of the year based on the year-end balance in each fund, including any unpaid withdrawals.**

**BE IT HEREBY RESOLVED,**

This resolution  amends  replaces  revokes  adds

Article \_\_\_\_\_  Section \_H\_\_\_\_\_ to the

By-laws  Article\_\_\_\_\_  Section\_\_\_\_\_  **Policy and Procedures**

**Item 3, H. and I. per the above wording.**

Effective Date: January 1, 2017

Motion By: Yvonne Diaz

Second: Marilynn Anthenat

Ayes: 7 Nays: 0 Abstain:0 Absent:0

Record of Voting:

Y M. Anthenat Y Y. Diaz Y C. King Y L. Leaming

Y F. Oxsheer Y K. Pothier Y L. Shank

**RESOLUTION BY THE BOARD OF DIRECTORS**

**BACKGROUND:** A Capitalization Policy is used by a company to set a threshold, above which qualifying expenditures are recorded as fixed assets, and below which they are charged to expense as incurred.

**WHEREAS:** The Current Wording in POATRI’s Audited Financial Statements, Notes to Audited Financial Statements, Item G states:

“The Association capitalizes property and equipment over \$1,000 and all expenditures for repairs, maintenance, renovations, and betterments that materially prolong the lives of assets are capitalized.” And

**WHEREAS:** There is no other reference to the Association’s capitalization policy in the governing documents, such as the Policies and Procedures Manual, and

**WHEREAS:** POATRI Issues Annual Audited Financial Statements which qualify POATRI under the IRS Guidelines to set a minimum capitalization threshold amount of \$5,000, and

**WHEREAS:** A capitalization threshold of \$5,000 rather than \$1,000 is an appropriate amount for POATRI’s level of spending and type of capital assets (such as buildings and heavy equipment), and has been recommended by the outside auditor to streamline record keeping and depreciation calculations,

**THEREFORE:** The Board Resolves that a Capitalization Policy be added to the Policies and Procedures Manual Section II General Association Policies as Item 8, to be effective January 1, 2017, reading as follows:

“Purpose: This accounting policy establishes a threshold of \$5,000 for capitalization and depreciation of fixed assets.

Fixed Asset definition: A fixed asset is defined as a unit of property that “(1) has an economic useful life that extends beyond 12 months, and (2) was acquired or produced for a cost greater than \$5,000. Fixed assets are capitalized and depreciated for book and tax purposes.

A fixed asset costing less than the threshold state above or having an economic useful life less than 12 months shall be recorded as an expense for financial statement and tax purposes.

Effective Date: January 1, 2017

Motion By: Yvonne Diaz

Second: Frank Oxsheer

Ayes: 7 Nays: 0 Abstain:0 Absent:0

Record of Voting:

Y M. Anthenat      Y Y. Diaz      Y C. King      Y L. Leaming  
Y F. Oxsheer      Y K. Pothier      Y L. Shank

## RESOLUTION BY THE BOARD OF DIRECTORS

### **Discussion: WHEREAS,**

The existing company vehicle use policy language in the Employee Handbook does not address compliance with IRS regulations.

### **Therefore;**

This resolution removes bullet points 8, 9, and 10 under “Employee Responsibilities” in the Employee Handbook and creates a new policy section titled “Company Vehicle Use Policy” in the Employee Handbook as follows:

### **COMPANY VEHICLE USE POLICY**

- A. Employees who drive a Ranch-owned vehicle are required to maintain a current Texas Driver’s License. A copy of the driver’s license must be provided to the Manager for the employee’s personnel file. Employees shall immediately notify the Manager if the status of their driver’s license changes.
- B. Each Employee who drives a Ranch-owned vehicle shall annually execute a release for POATRI to obtain his/her driving record from the appropriate state agency.
- C. Ranch-owned vehicles are to be used only for Ranch business, with the exception of the Manager’s truck, which is provided for his/her 24-hour use within the borders of Brewster County. Any use of the Manager’s truck outside Brewster County must be confined to Ranch business unless approved by a majority of the Board of Directors.
- D. POATRI will conform to IRS regulations relating to taxability of fringe benefits.
  - a. The Ranch-owned vehicle utilized by the Road Crew qualifies as a non-personal use vehicle since it has been specifically modified in conformance with IRS rules and is not likely to be used for more than de minimis personal use.
  - b. The Ranch-owned vehicle used by the Manager is subject to IRS regulations relating to the taxable value of personal use and/or commuting. In December of each year, the Manager shall elect in writing whether the vehicle will be (1) used for Ranch business and commuting to/from work and any other personal use will be de minimis as determined by the IRS and thus eligible for the IRS approved fixed rate commuting value, or (2) used for both personal and Ranch business and thus subject to taxable fringe benefit value based on either the Cents-per-Mile rule or the Lease Value rule as determined by the IRS.
- E. The Manager may authorize the use of private vehicles for Ranch business at a paid mileage rate. Private vehicles used for Ranch business must be fully insured in accordance with the laws of the State of Texas. A current copy of proof of insurance must be placed on file with the Manager. Any change in the status of an employee’s insurance shall be reported immediately to the Manager.
- F. Only the Manager is authorized to allow non-employee passengers in any Ranch vehicle, except when emergency situations may threaten lives.

**BE IT HEREBY RESOLVED:**

This resolution  amends  replaces  revokes  adds

Article \_\_\_\_\_  Section \_\_\_\_\_ of the

By-laws  Policy and Procedures Manual  Employee Handbook Bullets 8, 9, and 10 under Employee Responsibilities.

Article \_\_\_\_\_  Section \_\_\_\_\_

Effective Date: Retroactive to 01-01-2016

Motion By: Linda Shank

Second: Chris King

Ayes: 7 Nays: 0 Abstain: 0 Absent: 0

Record of Voting:

Y M. Anthenat Y Y. Diaz Y C. King Y L. Leaming

Y F. Oxsheer Y K. Pothier Y L. Shank



**RESOLUTION BY THE BOARD OF DIRECTORS**

**WHEREAS:** As required by the POATRI By-laws, Article 4.01.f, the CPI has been researched for the previous twelve-month period ending September 30, 2016.

**THEREFORE BE IT HEREBY RESOLVED:** to approve and adopt the average CPI increase of 1.367% which equates to an increase of \$2.31 for a new assessment of \$171.12 for calendar year 2017.

Effective Date: \_\_\_\_\_

Motion By: Marilynn Anthenat

Second: Frank Oxsheer

Ayes: 7      Nays: 0      Abstain:0      Absent:0

Record of Voting:

Y M. Anthenat      Y Y. Diaz      Y C. King      Y L. Leaming

Y F. Oxsheer      Y K. Pothier      Y L. Shank

Subject: Criminal Trespass

Sec. 30.05. CRIMINAL TRESPASS. (a) A person commits an offense if the person enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, or an aircraft or other vehicle, without effective consent and the person:

- (1) had notice that the entry was forbidden; or
- (2) received notice to depart but failed to do so.

(b) For purposes of this section:

(1) "Entry" means the intrusion of the entire body.

(2) "Notice" means:

(A) oral or written communication by the owner or someone with apparent authority to act for the owner;

(B) fencing or other enclosure obviously designed to exclude intruders to contain livestock;

(C) a sign or signs posted on the property at the entrance to the building, reasonably likely to come to the attention of intruders that entry is forbidden

(D) the placement of identifying purple paint marks on trees or posts on the property, provided that the marks are:

- (i) vertical lines of not less than eight inches in length and not less than one inch in width;
- (ii) placed so that the bottom of the mark is not less than three feet from the ground or more than five feet from the ground; and
- (iii) placed at locations that are readily visible to any person approaching the property and no more than:

(a) 100 feet apart on forest land; or

(b) 1\*000 feet apart on land other than forest land or

(E) the visible presence on the property of a crop grown for human consumption that is under cultivation, in the process of being harvested, or marketable if harvested at the time of entry.