

DECISION PAPER



June 17, 2016

Issue:

Delegation of authority for Architectural Standards Improvements to General Manager for Minor Projects without neighbor notification.

Background:

Tahoe Donner Association Board of Directors has the authority to delegate authority per Bylaws Article VII, Section 1, and Article IX, Section 1 (j). The Architectural Standards Committee, Management and the Board recognizes through the day today management operating needs of the corporation, that further delegation of authority down to specific staff would improve efficiencies and effectiveness of the organization.

Recommended is the delegation of authority to approve Architectural Standards Improvements Minor Projects without neighbor notification.

Attachment A: Recommended Resolution wording; and

Attachment B: Excerpt from Bylaws relating to Board authorization to delegate duties.

Attachment C: Decision Paper indicating further delegation of duties as deemed appropriate by General Manager

Options:

1. Resolve as presented in Attachment A, delegating authority for Architectural Standards Improvements to General Manager for Minor Projects without neighbor notification;
2. Consider approving something other as directed by the Board;

Recommendations:

The Architectural Standards Committee and management requests the Board of Directors consider approving Option 1: delegate authority for Architectural Standards Improvements to General Manager for Minor Projects without neighbor notification.

Prepared By: Annie Rosenfeld and Architectural Standards Committee

General Manager Approval:

Date:

6/17/2016

ATTACHMENT C

**TAHOE DONNER ASSOCIATION
GENERAL MANAGER AUTHORIZATION**

DELEGATION OF AUTHORITY FOR ARCHITECTURAL STANDARDS IMPROVEMENTS

RESOLUTION 2016-XX

WHEREAS, Robb Etnyre has been employed as General Manager for Tahoe Donner Association since June 2009; and

WHEREAS, the Board has found that the Association's best interest are served through the delegation of authority to approve Architectural Standards Improvement projects defined herein; and,

WHEREAS, the Bylaws of the Association empower the Board to make such delegation of authority to staff, all for the benefit of the Association;

WHEREAS, the Architectural Standards Committee is supportive of delegation of authority as defined herein, all for the benefit of the Association;

WHEREAS, the delegation of authority for Architectural Standards Improvements approval is limited to all Minor Projects without neighbor notification requirements;

WHEREAS, Robb Etnyre has the authority to delegate duties to staff as deemed appropriate; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Tahoe Donner Association does hereby delegate authority to Robb Etnyre, to act on behalf of the Association, for Architectural Standards Improvement approvals and that he may delegate duties to staff as deemed appropriate, subject to the authority and direction of the Board, effective immediately.

BE IT FURTHER RESOLVED, that this Delegation of Authority for Architectural Standards Improvements Resolution shall remain in full force and effect until such time as a General Manager is hired and/or it is superseded by a subsequent resolution of the Board of Directors.

ACCEPTED AND DATED: June 24, 2016

STEVE MILLER, President

JIM STANG, Vice President

JEFF BONZON, Treasurer

COURTNEY MURRELL, Secretary

RONALD E. WULFF, Director

ATTACHMENT C

Minor Projects without Neighbor Notification Definition:

Changes to existing exteriors including: ARCGE, paint, roof, exterior light changes, new siding, window and door changes, deck railings.

Changes to existing exteriors including some land use so long as no improvement is proposed to go into setbacks: driveway parking pads, small deck extensions, hot tubs, patio pavers, landscaping and paved walkways, stairs, solar panels, et al or other further improvements that the Committee identifies as Minor Project without Neighbor Notification.

Revisions for Minor Projects without Neighbor Notification are included in delegated authority of Architectural Standards Improvement.

Management reserves the right to push improvement project to Committee review and approval based on situation and/or other elements in improvement submittal.

ATTACHMENT B:

Section 2. Assignment of Rights to Tenants and Lessees. Each Member shall have the right to assign his or her rights as a Member (other than voting rights) to a tenant residing within the Member's Residence. Such assignment shall only be effective so long as said tenant is residing in said Residence and is in compliance with the Declaration and the Association Rules as the same may exist from time to time. At all times the Owner shall remain responsible for compliance by the Owner's lessee or tenant with the provisions of the Governing Documents. Without limiting the foregoing, reference is specifically made to Article II, section 3 of the Declaration for additional tenant and lease restrictions.

Section 3. Invitees and Guests. The invitees and guests of a Member shall have the right to use and enjoy the Common Areas and Common Facilities within the Properties subject to section 4, below. Any such guest or invitee shall be subject to the same obligations imposed on the Owner to observe the rules, restrictions and regulations of the Association as set forth in the Governing Documents, including rules regarding use of the Common Facilities.

Section 4. Association Rules and Regulations. The right of any person to use and enjoy the Common Areas and Common Facilities shall at all times be subject to the rules, limitations and restrictions set forth herein, in the Declaration and in the Association's published rules and regulations as promulgated by the Board from time to time. With the exception of the right of use of any roads, the Board or its duly authorized committee shall have the right to impose monetary penalties or to temporarily suspend the use and enjoyment of any Common Area and Common Facilities for the failure of a Member to pay any Assessments when due under the Declaration, or to comply with any other rule or regulation imposed upon such Member, his or her tenants or guests pursuant to the Governing Documents; provided, however, that any such suspension shall only be imposed after such person has been afforded the due process rights more particularly described in Article XIII of the Declaration.

ARTICLE VII Board of Directors

Section 1. General Association Powers. Subject to the provisions of the California Nonprofit Mutual Benefit Corporation Law and any limitations in the Articles and these Bylaws relating to action required to be approved by the Members, the business and affairs of the Association shall be vested in, and exercised by, the Association's Board of Directors. Subject to the limitations expressed in Article X, section 1, the Board may delegate the management of the activities of the Association to any person or persons, general manager or committee. However any such delegation notwithstanding, the activities and affairs of the Association shall continue to be managed and all Association powers shall continue to be exercised under the ultimate direction of the Board of Directors.

Section 2. Number and qualification of Directors. The Board of Directors shall consist of five (5) persons. The following qualifications must be satisfied in order to be eligible to run as a candidate for election to the Board:

(i) A candidate must be the Owner of a Separate Interest within the Properties. For purposes of this qualification requirement, a person must be the

adjourned for more than 24 hours, notice of adjournment shall be given to all directors who were not present when the meeting was adjourned. The notice shall be given prior to the time established for reconvening the meeting and shall state the date, time and location thereof. Except as hereinabove provided, notice of adjournment need not be given.

Section 9. Emergency Action Without a Meeting. Any action required or permitted to be taken by the Board of Directors may be taken without a meeting if all members of the Board, individually or collectively, consent in writing to that action. It is the policy of this Association that the authority conferred hereunder to take action by written consent shall only be utilized when the Board determines that it is impractical or impossible to convene a formal meeting in time to take necessary action. Such action by written consent shall have the same force and effect as a unanimous vote of the Board of Directors. Such written consent or consents shall be filed with the minutes of the proceedings of the Board and shall have the same force and effect as a unanimous vote of the Board.

Section 10. Compensation. Directors, officers and members of committees shall not be entitled to monetary compensation for their services as such. However, this limitation on compensation shall not preclude a director, officer, or committee member from being reimbursed for such actual expenses incurred by the director in the performance of his or her duties as may be determined by resolution of the Board of Directors to be just and reasonable. Expenses for which reimbursement is sought shall be supported by a proper receipt or invoice. Directors shall also be entitled to reasonable Common Facility user privileges without the usual fees or charges in order to promote the circulation and visibility of directors within the community and to encourage their awareness of the condition of Association properties and the concerns of Member users.

ARTICLE IX Duties and Powers of the Board

Section 1. Specific Powers. Without prejudice to the general powers of the Board of Directors set forth in Article VII, section 1, the directors shall have the power to:

(a) Exercise all powers vested in the Board under the Governing Documents and under the laws of the State of California.

(b) Appoint and remove all officers of the Association, the General Manager of the Association, if any, and other Association employees; prescribe any powers and duties for such persons that are consistent with law, the Articles of Incorporation and these Bylaws; and fix their compensation.

(c) Appoint such agents and employ such other employees including attorneys and accountants, as it sees fit to assist in the operation of the Association, and to fix their duties and to establish their compensation.

(d) Adopt and establish rules and regulations subject to the provisions of the Declaration and these Bylaws governing the use of the Common Areas, the Common Facilities, private roads and parking areas within the Properties which are under the jurisdiction of the Association, and the personal conduct of the

Members and their guests thereon, and take such steps as it deems necessary for the enforcement of such rules and regulations including the imposition of monetary penalties and/or the suspension of voting rights and the right to use any Common Areas or Common Facilities; provided notice and a hearing are provided as more particularly set forth in Article XIII, section 6 of the Declaration. Rules and regulations adopted by the Board may contain reasonable variations and distinctions as between Owners and tenants.

(e) Enforce all applicable provisions of the Governing Documents relating to the control, management and use of the Lots within the Properties and the Common Areas and Common Facilities within the Properties.

(f) Contract for and pay premiums for fire, casualty, liability and other insurance and bonds (including indemnity bonds) which may be required from time to time by the Association.

(g) Contract for and pay for maintenance, landscaping, utilities, materials, supplies, labor and services that may be required from time to time in relation to the Properties.

(h) Pay all taxes, Special Assessments and other Assessments and charges which are or would become a lien on any portion of the Properties.

(i) Contract for and pay for construction or reconstruction of any portion or portions of the Properties which the Association is obligated to maintain which have been damaged or destroyed and which are to be rebuilt.

(j) Delegate its duties and powers hereunder to the officers of the Association or to committees established by the Board, subject to the limitations expressed in section 1 of Article X hereof.

(k) Levy and collect Assessments from the Members of the Association in accordance with the Declaration, and establish and collect reasonable use charges for any or all of the Common Facilities as the Board may deem necessary or desirable from time to time for the purpose of equitably allocating among the users the cost of maintenance and operation thereof.

(l) Perform all acts required of the Board under the Declaration.

(m) Prepare budgets (or a summary thereof) and maintain a full set of books and records showing the financial condition of the affairs of the Association in a manner consistent with generally accepted accounting principles and at no greater than annual intervals prepare an annual financial report, a copy of which shall be delivered to each Member in accordance with Article XII, section 5 hereof.

(n) Appoint the Environmental Control Committee, the Elections Committee and such other committees as it deems necessary from time to time in connection with the affairs of the Association in accordance with Article X hereof.

(o) Fill vacancies on the Board of Directors or in any committee, except for a vacancy created by the removal of a Board member.

(p) Open bank accounts and borrow money on behalf of the Association and

