

December 6, 2017

## New Year's Eve Fireworks Show at the Downhill Ski Area

### Issue:

Management is seeking a variance from the Covenants Rules: Fireworks and approval for the New Year's Eve fireworks show at the Downhill Ski Area.

### Background:

Last season, the Association hosted a fireworks show at the Downhill Ski Area on Dec. 31. The event was attended by over a thousand members and guests at the ski area venue, with hundreds more enjoying the show from the Adventure Center and their homes that were in the vicinity of the show. Feedback from the membership was overwhelmingly positive. Staff would like to provide the same experience this New Year's Eve.

The Association's Covenants Rules state:

#### ***Section 2. General Common Area Property and Amenity Rules***

***Fireworks, Firearms, Archery.*** Use, including the bearing of, firearms, air guns, archery equipment or fireworks of any kind is prohibited on any Common Area or other Association-owned property, with the exception that archery equipment may be used at the TDA Archery Range.

Under this rule, the fireworks show would be a prohibited activity on Association property. However, under the Association's bylaws, the Board can effectively override these rules, as stated in Article 13, section 6, Rights and Remedies of the Association:

*The decision of whether it is appropriate or necessary for the Association to initiate enforcement or disciplinary action (for a rules violation) in any particular instance, and the nature and extent of the action taken, shall be matters which are within the sole discretion of the board...*

Management is asking the board for a variance to the Association rule prohibiting fireworks on Association property for the New Year's Eve event.



# DECISION PAPER



## Options:

There are two options which are possible for this decision:

Option 1: Do not approve a variance to allow a fireworks show on NYE.

Option 2: Approve a variance from the association rules to allow a fireworks show on Dec. 31, 2017

## Recommendation:

Management recommends the Board of Directors consider approval of Option 2: approval of a variance from the Association rules to allow a fireworks show on Dec. 31, 2017 at the Downhill Ski Area.

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**Reviewed By:** Robb Etnyre, General Manager

**Board Meeting Date:** December 16, 2017

