

## Decision Paper

### Requiring Board Review and Approval of Contracts Permitting Commercial Use of Tahoe Donner Land or Amenities

Before the Board is a proposed resolution that provides that Board review and approval is required prior to the General Manager entering into any contract that authorizes the commercial use of Tahoe Donner land or amenities by a third party. Short-term use of three or fewer days in a calendar year would be exempt from this requirement under the proposed resolution.

The General Manager recently signed a contract permitting the commercial use of Tahoe Donner land and amenities without the knowledge of or review by the Board. The proposed resolution would require Board review and approval of such contracts. The experience with the recent contract shows that Board review can be valuable to the Association. In that instance, staff asserted that the commercial offering was limited to Tahoe Donner members, yet Directors pointed out that the contract did not contain such a limitation. An additional benefit is that, when the Board is considering a contract, Directors and members will have the opportunity to voice their concerns about or support of the commercial activity.

## Proposed Resolution

Whereas, notwithstanding any delegation to the general manager or committee, the activities and affairs of the Tahoe Donner Association are to be managed and all Association powers are to be exercised under the ultimate direction of the Tahoe Donner Board of Directors (Tahoe Donner Bylaws Article VII, Section 1);

Whereas, commercial use of Tahoe Donner land or amenities may affect the use and enjoyment of said land or amenities by Tahoe Donner members and other persons or entities authorized to use such land or amenities;

Whereas, the Board of Directors desires that all proposals to permit commercial use of Tahoe Donner land or amenities be reviewed by the Board, with the exception of short-term use of three days or fewer in a calendar year;

Whereas, the Board of Directors reserves the authority to review and approve or reject such proposed contracts;

Now, therefore be it resolved,

The Tahoe Donner General Manager shall not enter into any contracts that authorize the commercial use of Tahoe Donner land or amenities without the prior review and approval of the Tahoe Donner Board, if the use under the contract will exceed three days in a calendar year.