



DECISION PAPER

June 14, 2018

Issue:

There is an identified need to amend and create new Covenants Private Property rules.

45-day member notification of the Board of Directors' consideration for action on rules is required under C&R Article III, Section 7.

Background:

Tahoe Donner homeowners value the peace, quiet, outdoor lifestyle and amenities that Tahoe Donner offers. Enjoying all these benefits with family and friends, and engaging in healthy activities are primary reasons that many purchase their homes, whether as a primary residence or a second home get-away and retreat.

In recent years, many members have expressed a growing sense that their Tahoe Donner quality of life is becoming affected by increasing "nuisance" activities. They report these activities and behaviors interfere with the quiet and peaceful enjoyment of their homes.

Many members approached the Board of Directors and staff over the last year expressing their concerns, and complaints to staff regarding nuisance activities increased significantly. Additionally, staff report an increase in nuisance related complaints from the membership.

Staff, the Covenants Committee and the Short-Term Task Force have all reviewed and discussed the nature of the complaints as applicable to existing Tahoe Donner rules and have zeroed in on behavioral nuisance problems as the root of general member feeling of reduced neighborhood enjoyment. The sub-categories within nuisance or noxious identified were items like are excess noise and light pollution, particularly after 10:00 pm, parking, trash left out or placed in neighbors' containers, camping on residential lots, speeding and amenity over-crowding.

Some of this type of behavior comes from lack of education for the owner and family, guest, and renter. Management has increased education outreach along with increased enforcement staffing to include 7-days a week and after-hours shifts on Friday through Sundays and holidays.

There is the fact that many of the identified nuisance related complaints were not supported by regulations was confusing to members and hindrance for enforcement when complained





upon. Many people assumed “courtesy” recommendations like light pollution and quiet hours were rules, when in fact they are unenforceable good neighbor suggestions.

The Task Force and staff determined that clearer “noxious activity” rules, particularly regarding noise, lights and commercial activity, are needed to ensure that everyone is aware of the specific prohibited activity, and to make enforcement easier for that reason.

The Task Force provided their work to date on their charges to the Board of Directors at the April 24, 2018 board meeting which included making recommendations to adopt more specific and definite rules regarding nuisance activity, particularly noise, lights and commercial activity, which would apply to all residents, homeowners and renters alike.

The Board of Directors was generally supportive of the direction being recommended and as such tasked staff to work with the Task Force leader, Covenants Committee chairman and legal counsel to come back to the board at the May 26, 2018 Board of Directors meeting, with a more formalized draft of recommended rules for the Board to consider going out for 45-day member notification. This in accordance with TDA Covenants and Restrictions Article III, Section 7,

- (a) The Board may, from time to time and subject to the provisions of this Declaration, propose, enact and amend rules and regulations of general application to the Owners of Separate Interests within the Properties (“Association Rules”)...
- (b) “Association Rules may be adopted or amended from time to time by the Board...no Association Rule shall be adopted until the proposed rule or amendment thereof has been published to the Members at least 45 days prior to the date when the Board is scheduled to act of the proposal. “

A draft was brought before the Board of Directors at the May 26, 2018. Additional edits to the draft were identified at the time of the meeting, which the Board directed staff to lead further incorporation of the Covenants Committee’s recommendations and additional refinement.

Attached for review and discussion please find Draft 45 Day Member Notifications for Covenants New and Amended Private Property Rules.

The proposed rules will go out to the 45-day member notification in the July Tahoe Donner News followed with the Board of Directors consideration and action at the August Board of Directors meeting.





Options:

Option 1: Take no action;

Option 2: Take board guidance on current draft rules and bring back to the board for 45-day member notification at the July 2018 board meeting;

Option 3: Consider approving for 45-day member notification as presented;

Option 4: Consider approving for 45-day member notification with modifications

Recommendations:

The Short-term Task Force, the Covenants Committee and management are requesting the Board of Directors consider Option 3: Consider approving for 45-day member notification as presented

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General Manager Approval to put on Agenda: _____ Date: _____

