

DECISION PAPER



10-27-2018

Issue:

Staff is seeking the approval of a New Year's Eve fireworks show at the Downhill Ski Area.

Background:

For the past two seasons, the Association hosted a fireworks show at the Downhill Ski Area on Dec. 31. The event has been attended by thousands of members and guests annually 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 has been overwhelmingly positive. Staff would like to provide the same experience NYE, 2018.

The association's Covenants Rules document, it states:

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, in 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...

Attached is a contract between Tahoe Donner and Pyrospectaculars that outlines the agreements and costs of a fireworks show on NYE. Staff is asking the board for a variance to the Association rule prohibiting fireworks on association property for the NYE event.

Options:

There are 2 options that are possible for this decision:

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

Option 2: Approve a variance to the association rules to allow a fireworks show on Dec. 31, 2018.

Recommendation:

Staff recommends approval of option 2 above, the approval of a variance to the association rules to allow a fireworks show on Dec. 31, 2018 at the Downhill Ski Area.

Prepared By: Robert McClendon

Reviewed By: Miguel Sloane

Board Meeting Date: October 27, 2018

General Manager approval to place on the Agenda: _____ **Date:** _____