



August 23, 2019
2:00 p.m.

MEMBER COMMENTS:
PROPOSED CHANGES TO COVENANTS FINE SCHEDULE
August 15 thru August 23, 2019

Below are comments sent in for the 45-day member notification and comment period for the proposed changes to the Covenants Fine Schedule. Comments were received August 15 thru 23, 2019. A total of 11 comments were received.

I am wholly opposed to increased fines. I understand increasing fines is an attempt to deter violations. It will not. If the violations are unintentional, increased fines are unavoidable. If they are careless, the violator will not be deterred.

It is my belief that these attempts are aimed at satisfying a handful (the 1% as the Chief of Police mentioned) of full time residents. However, as a part time resident I find the fine for garbage spill violation (for example) unreasonable. I have arrived at my home after several weeks of vacancy to find my cans full. There is nothing to stop a neighbor from using my bear box and not closing it properly.

It is high time the BOD operated on behalf of the 85% of us who own property in TD but do not have the ability to live there full time. Undue restrictions and fines are penalizing part-time residents to satisfy fulltimers.

I've had the chance to briefly review the proposed fine increases and while I admit to not fully digging more deeply into them, I find them excessive and unfair. Why are first time infractions so steep? Who can afford these? It seems a lot of these are designed to assume bad intent on the part of people breaking the rules when I would imagine in most cases, they are innocent mistakes.

For example, I know that some dog owners stack full dog poo bags very neatly on the ground right next to the bear box until they have a full bag of trash to place them in. This is because on previous occasions, trash collectors will leave the poo bags at the bottom of the can if they are not stored INSIDE a trash bag - we know, because this has happened to us before. Responsible pet owners still collect their dog's waste in bags and with good intent place them in the trash bag when it's full and ready for the bear box. But if someone reports them, they are now subject to a hefty fine with no opportunity to explain? That is crazy.





Some people forget to turn outside lights off after hours. So just tell them to turn them off or give them a warning. People are human. They forget. No need to saddle them with a huge fine as a punishment. If they keep doing it, okay, I understand that steps need to be taken.

Believe me, I dislike when people don't follow rules or act in inconsiderate ways without regard to their neighbors. But it once again feels like the HOA is overstepping their bounds and either wants to punish residents in some way, or simply make life hard for those who have short term renters who may not be able to keep track of every single, detailed rule in their heads. it's ridiculous. I really appreciate that you keep the community nice and pleasant, but these increases are unfair and overreaching. It feels like you are just trying to generate revenue. If you really need more revenue, perhaps time would be better spent with more ROI if you worked to improve amenity services (something is always broken, or missing, or out of stock, or closed, it seems) or improving Pizza on the Hill so more of us would actually want to eat there.

HOA can be wonderful tools to enhance a community. But it veers off purpose when it feels like the HOA just exists to place onerous rules and fines that seem to punish residents and guests.

I hope you will reconsider, and find better ways to raise revenue if the association needs it. This is not the way.

Thank you for considering my views.

If your proposals are intended to offend part time residents, you have greatly succeeded.

I think this proposed fine schedule is absolutely ridiculous. Who the heck raises anything at the rate of the proposed fine increase over previous rates. Why doesn't the board just propose a death penalty? Who's coming up with this stuff? I can't imagine an entire board going along with it, Many, if not most of us rent short term and this action does not take into consideration our absence from the property or being unaware of items like bear-spilled garbage. Ive always praised Tahoe Donner for it's reasonable fee pass on my sentiments to the boardI think this proposed fine schedule is absolutely ridiculous. Who the heck raises anything at the rate of the proposed fine increase over previous rates. Why doesn't the board just propose a death penalty? Who's coming up with this stuff? I can't imagine an entire board going along with it, Many, if not most of us rent short term and this action does not take into consideration our absence from the property or being unaware of items like bear-spilled garbage. Ive always praised Tahoe Donner for it's reasonable fee structure and friendly to all the home owners. The best development in Tahoe. THIS overly punitive to part-time residents is obnoxious and the board should be





embarrassed by it. we'll have to re-think our plan to remain an owner. I don't want to live in a community where the leaders don't want me, but that's probably your goal.

We own a vacation property in Tahoe Donner (mainly for our own vacations, we rent it out over Christmas and a few other holidays.) I oppose the fine increases because they are clearly exorbitant. A fine that is out of line with an offense is a problem on both the moral (a punishment should fit the crime) but even more important, it is a problem on a practical level. Think about parking tickets. If you get a parking ticket of say, \$50 bucks, you pay it because not paying it is a lot of trouble. But paying \$50 is just enough to make you think twice about illegal parking. But if the ticket was \$200, you'd appeal it to no end, and chances are a judge would look at that fine and try to find a way to help you out of it.

I find when fines are too high the people who have to enforce them never want to—that's why police officers often let speeders off with a warning. And then your aim for deterrence with a high fine backfires, because people don't take the punishment seriously.

Big picture, It's also not very clear what problem these fine increases are trying to solve. Are they punitive to discourage str's? Or are they actually targeting specific egregious and constant misbehavior? If it's the former, fines are a very lazy and cowardly way to do it. If it's the latter, maybe it would be better to start off with some community education on the issue.

Thank you for your many years of service at TD, and for taking comments on the proposed changes to the Covenants Fine Schedule.

I am a TD property owner. The proposal has brought the Rules and Schedule to my attention. I had not previously considered them closely. I have a number of concerns. Some of my questions and concerns relate not just to the proposed Schedule changes, but also to the existing Rules:

1. Many of the Covenants Rules are vague. E.g., "noise shall be minimized", "unreasonable annoyance or nuisance", "offensive activities ... which could become an unreasonable annoyance".
2. It is not clear how the stated enforcement procedure ("initial inspection within two working days", etc) relates to more brief offenses such as noise violations.
3. Some existing fines, and many of the new fines have extremely large ranges with no indication of the associated degree of infraction (e.g. \$200-5000).

The ambiguity of many of the rules makes them highly susceptible to uneven and capricious enforcement. Indeed, as written, the Rules themselves and their Enforcement are Noxious (i.e. "could become an unreasonable annoyance or nuisance"). The situation





could be improved by clarifying the infraction definitions and enforcement policies. The new higher fines with broader ranges (e.g. \$400-\$1,000 for “Noxious Activity”) make this situation worse rather than better.

Specifically with regard to the proposed Fee changes:

Do we know the historic patterns of the reported and actual violations?

1. Are there serial violators, which would suggest a need for steeper fines for repeat offenders?
2. Are most violations isolated (i.e. not repeat offenders) and due to ignorance of the rules, which would suggest the a need for better education, and also suggest that equal deterrence could be achieved with *lower* fines?
3. What portion of violations that trigger an enforcement process result in a fine?
4. Have there been cases where an infraction was committed and the penalty was observed to fall well short given the nature of the infraction (and therefor motivate increases the Fine Schedule)?
5. Are there serial false-accusers? (Does this qualify as Noxious?)

Lastly,

6. Will raising the fines to unreasonable levels result in some officials being reluctant to impose fines (exacerbating the potential for capricious judgements against violators, and causing resentment from victims)?

If we don't have the answers to these questions, changing the Fine Schedule is premature.

The proposed fines do not only *seem* to be excessive — without a question of a doubt they *are* excessive!

Is there any basis for such a fine schedule? Where are the *data* that call for such draconian measures? How many incidences of serious, unsightly, willful garbage spills have been registered in our 6000-member community since the already draconian fees were instituted last year? Where are the numbers that justify such ridiculous increases, such as a \$2000 fine for a fist-time offense of an accidental garbage spill?

Such fines generate only one thing: bad feelings — just the opposite of what our vacation- and awesome-environment community should stand for: peace and enjoyment. How did we ever get to this point of even *considering* such a fine package? This is absolutely incredulous to me.

Furthermore, the fact that owners who rent their homes are singled out to be confronted with these fines, while owners who reside in their homes full time get away with all these “terrible” transgressions without penalty is utterly unjust and discriminatory. Where are





the data that single out renters over owners or their families? Hearsay points in just the opposite direction, i.e., occasional noise pollution, parking on streets, garbage spills, or alike caused by locals vs. very infrequent such problems caused by renters. Get the data, quantify the problem, and then deliberate on how to prevent the problem, if there really is any!

If the Board decides to levy fines in excess of those which the Town of Truckee charges for such offenses, there should be no difference if the transgression is committed by an owner or a renter.

Rather than repeating what has already been stated in the TD document "MEMBER COMMENTS: PROPOSED CHANGES TO COVENANTS FINE SCHEDULE January 1 thru August 14, 2019," ***please record my complete agreement with all comments with the exception of the first paragraph of that document.***

Thank you for listening.

We are completely opposed to the proposed increases.

Where is the objective data to support this proposal?

The fines are out of proportion to the offenses. The only exception is fire safety violations. For example, How do we control those who dump trash in other people's bins, or fail to get the bin locked properly causing spills and bear access mess? The fines for this are totally unfair to owners and would be imposed without fair and proper validity as to who or what caused the problem. Guilty until proven innocent.

How do we defend against out of control fines and HOA?! Lawyers and legal fees. A local HOA in our home area recently incurred \$14,000 in legal fees for conduct toward a member who sued them and won. We don't want to see this happen in Tahoe Donner.

Please reconsider the rush to pass this proposal. Let's see detailed data and fine numbers. How many single violations and the number of repeat violations this year per type of violation. Let's not punish everyone for the problems mainly created by a few. It is beginning to appear that there is a hidden agenda here to deter rentals. Tahoe Donner started out as, and remains a VACATION community, with the majority being second home owners.

All members deserve to be heard and respected. What has been taking place with the new rules, etc over past year is detracting from this wonderful community.

It seems to me that each year a new and punitive proposal is set forth by the board. I find the proposed fine schedule to not more than a revenue generating action. As well as a "nod" to the "I have mine but you can not have yours". The NIMBY's that seem to run TD for their benefit and the "heck" with the rest of you. I see cars parked on the dirt between my





place and the street all the time. 99% of the time it is a quick in and out stop. What happens when my local "inforcer" comes after me for something I had no part of ..

It is just frustrating to no end to be continually fight off these kinds of proposals... Very frustrating....

My husband and I bought our home last year. We love all the amenities and location to so many wonderful hikes and activities. The community feel is wonderful. However, we do not feel the need for the increase in fines. It seems the direction of these actions along with raising the price to use the amenities are becoming harsh and exclusive not welcoming. I think the use of fines to discourage certain behavior has a point but definitely not to excess.

We enjoy the friendly atmosphere not to become a fight/ disagreement between neighbors.

Also. Keeping a transparent process is of utmost importance.

I'm reviewing the agenda and specifically the proposed increase in fines. While I'm sympathetic to the intent which is to encourage the proper behavior, I'm not sympathetic to the level and the perceived punitive nature of these fines. These fines appear to be far more than helping to manage TD. These again appear to be quite negative and another attempt to find ways to treat off hill owners in a negative way. What I have been seeing from the TD Board for a while now is an attempt to segregate our community and to bias heavily policies towards just permanent residence. I don't agree with these increases. Fines should remain where they are. If the true intent is to incent good behavior, the existing fines are reasonable. The proposed increases to the fines appear to have the intent to make TD unattractive to off hill residence and to make VRBO - type rentals a hostile environment.

I wanted to express my concerns with the proposed increase in fines - I believe this is item #7 and will be heard at the next Board Meeting.

The doubling of the fine schedule seems completely arbitrary and unfair. At some point, the Board will have to understand that this HOA was not intended to be all encompassing and to restrict and penalize those who are trying to utilize their homes for family fun. Many homeowners are new the TD - they pay an exorbitant price, which in the long run benefits all of us - and though we may not like the creep of the Bay Area or we don't always welcome more crowds for facilities that are stretched - and at times poorly managed - we have to understand what is bringing people to TD. Short term rentals should not be shunned. Yes, rules and regulations are required, but anyone has dealt with management at TD, - the forestry department, the architectural department - can appreciate how arbitrary those who run those departments can





be. Do we really need such an increase in fines? Is this neighborly way to deal with issues and concerns – even those that are truly legitimate?

I would oppose the current increase in the fine schedule.

