



STAFF REPORT

DATE June 14, 2022

TITLE:

Suspension of Membership Rights and Authorization to Record Liens on Delinquent Properties

RECOMMENDATION:

By Motion:

The Board of Directors authorizes the suspension of membership rights and the recording of liens against properties of members for which delinquent assessments, fines and fees are owed.

Property Account Numbers are included herein as Exhibit A.

BACKGROUND

Those Property Account Numbers listed herein as Exhibit A have outstanding delinquent assessment accounts including the 2022 Assessment. Pursuant to the procedures set forth in the Tahoe Donner Association Policies and Procedures Regarding Assessment Collection, Delinquency and Foreclosure Actions for properties with delinquent accounts, this staff report is requesting action by the board of directors to suspend the membership rights and authorize recordation of liens on those properties with delinquent assessment accounts

Under the current Civil Code 5673, the Board is required to specifically authorize the recording of assessment liens against members' properties; this responsibility cannot be delegated.

ANALYSIS:

Tahoe Donner Association's Delinquent Account Policy prescribes board action to suspend membership rights on those properties which have failed to bring their assessment accounts. The authority to take action under an adopted collections policy is established in the Tahoe Donner First Restated Covenants and Restrictions Article IV Section 10. All property account numbers listed herein Exhibit A have outstanding delinquent assessments which may include the 2022 Annual Assessment.

Members who still owed the regular assessment and other special assessments(fines) as of May 1, 2022, were noticed and advised, by first class and certified mail of pending action to suspend their membership rights. They were also given notice of their right to address the Board regarding this contemplated action, and that their opportunity to do so would be at the June 24, 2022, Regular Board meeting. Suspensions imposed at the June 24, 2022, Regular Board meeting, after considering any presentations offered by members, will take effect on June 27, 2022. Authorized lien recording will occur on or after June 27, 2022.

OUTREACH:

Properties with delinquent assessment accounts were notified by first class and certified mail of delinquent assessment(s) and pre-lien notice. Additionally, properties with delinquent assessments are sent a monthly invoice with balance due with the Association's Delinquent Account Policy.





FISCAL IMPACT

Lien fees are applied to the property and are recovered at the time of collection.

ALTERNATIVE:

The board may choose to direct staff to modify collections processing.

ATTACHMENTS:

EXHIBIT A List of Delinquent Account Numbers

EXHIBIT B Resolution - Authorization to Proceed with Recording of Lien for Account Numbers (EXHIBIT A List of Delinquent Account Numbers)

Prepared By: Todd Martyn-Jones, Director of Finance, Accounting and Business Services

Board Meeting Date: June 24, 2022

General Manager Approval to Place on the Agenda: _____

