

AMENITY ACCESS POLICY WORKSHOP

APRIL 12, 2023



AGENDA + PROCESS

1. Staff presentation
 - a. Guiding principles
 - b. Concepts actualizing principles
2. Board questions
3. Member comments
4. Staff response
5. Board discussion
6. Board direction
7. Non-agenda member comments



STAFF PRESENTATION FLOW

- Review discussions to date
- Confirm policy outcome goals
 - Summarize an understanding of policy outcomes
- Data + feedback review
- Initial decision points
- Next steps

BOARD OF DIRECTORS AUTHORITY

GOVERNING DOCUMENTS + AMENITY ACCESS

Tahoe Donner C&Rs



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graph TD; A[Tahoe Donner C&Rs] --> B[Tahoe Donner Bylaws]; B --> C[Association Rules]; C --> D[Amenity Access Policy]
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Tahoe Donner Bylaws

Association Rules

Amenity Access Policy

Updating the Amenity Access Policy will require a 45-day notice comment period and all the associated member noticing, prior to a new policy being adopted, because the policy is a rule



KEY TAKEAWAYS FROM C&Rs, BYLAWS AND CIVIL CODE DISCUSSION

***C&Rs – Article II, Section 1 (a)**

***BYLAWS – Article VI, Section 1**

***CIVIL CODE 4350**

The Board has broad authority to make a wide range of changes to the policy

*Cited articles and sections are available in the appendix

MEMBER OUTREACH TO DATE

Member Surveys

- 2022 Amenity Access Survey – 2,028 responses
- 2021 Member Survey – 1,879 responses
- 2020 Strategic Plan – 2,502 responses

Member Feedback Form

Staff requested feedback through a variety of association communications with 65 responses; feedback from the form helped to guide future outreach questions

Member Focus Groups

Six focus groups were executed by staff in February and March 2022

Working Group

A member working group helped develop policy outcomes that were presented at the March 2022 board meeting



BENCHMARKING

- Staff researched several associations to understand their policies
- The vast majority do not allow guest access if not accompanied by an association member
- Close comparable communities are Sunriver (Oregon) and Incline Village General Improvement District (IVGID)
- Reviewing their policies reveals some relevant concepts that can be incorporated into the TD policy update
- Specifics to these two benchmarks are included in the appendix



CURRENT POLICY REMINDER

THE CURRENT POLICY

IDENTIFIED CLASSES AND SUBCLASSES

Currently, the C&Rs identify four user classes

- Members
- Guests
- Tenants
- Invitees

There are several subclasses

- Members
 - Rec Fee members
 - Non-Rec Fee members
- Guests
 - Accompanied guests
 - Unaccompanied guests
- Tenants
 - Single-family renters

WHO IS A MEMBER + WHAT DO THEY GET

Four member cards included in assessment; can purchase up to four additional cards for a fee for qualifying* members of your household

Member card = access to private amenities for a fee, and member rates within the association for private and public amenities

A child under 7 doesn't count as a member

*Qualifying = Immediate family, kids, grandparents, grandkids, cousins, aunts, exchange student

MEMBER ACCESS TO PRIVATE AMENITIES

Two subclasses of members: Rec Fee member and non-Rec Fee member

Optional Recreation Fee = waives Daily Access Fee for private amenities and Snowplay

If no Rec Fee is purchased, members can access private amenities for a Daily Access Fee, which grants access to all private amenities for that day.

THE CURRENT POLICY – CONTINUED

GUEST ACCESS TO PRIVATE AMENITIES

Two subclasses of guests – accompanied and unaccompanied guests

Members can bring in accompanied guests for a per-person Daily Access Fee, without limit

2 guest cards are provided for member unaccompanied guests to access for a fee (limit 4 per guest card)

TENANTS

One class of tenants – single-family renter

Members can relinquish their amenity access rights to single-family renters through the Member Services office.

A minimum of a 9-month lease is required, and all previous member ID cards must be returned to Member Services prior to the new ID cards being issued to the single-family renter.

POLICY OUTCOMES

AMENITY ACCESS POLICY UPDATE OUTCOMES

- Outcomes were developed in the winter of 2022 with the working group through reviews of the C&Rs, Bylaws, Covenants Rules and Resolutions
- Outcomes were presented to the Board on February 25, 2022, March 25, 2022 and November 18, 2022

- Promote a sense of community among members

- Protect the amenities, environment and membership

- Foster member enjoyment and use

- Simplify the policy for ease of understanding and administration

- Support a long-term sustainable and equitable pricing system

- Clarify user categories



AMENITY ACCESS POLICY UPDATE OUTCOMES

Promote a sense of community among members

A sense of community is a feeling of belonging, a feeling that members matter to one another and to the group, and a shared faith that members' needs will be met through their commitment to being together (American Psychological Association)

How to achieve this:

- Member-driven and member-focused policies and rules that are clearly defined.





AMENITY ACCESS POLICY UPDATE OUTCOMES

Protect the amenities, environment and membership

In this context, “environment” is considered through the lens of private amenities.

The outcome of the Amenity Access Policy update should:

- Protect the experience of members when they choose to use their facilities.
- Protect private amenities as it relates to the infrastructure



AMENITY ACCESS POLICY UPDATE OUTCOMES

Foster member enjoyment and use

Encourage use of all amenities by all members, focusing on the member experience

This will be accomplished by addressing the primary concerns and frustrations as expressed through the feedback mechanisms that have been implemented over the past few years:

- Overcrowding in general
- Disrespect of the amenities
- Member prioritization
- Non-member use of the facilities



AMENITY ACCESS POLICY UPDATE OUTCOMES

Simplify the policy for ease of understanding and administration

It is clear from the membership and staff that the current policy is confusing and cumbersome to implement.

A new policy should be:

- Simpler for members to understand
- Simpler for staff to administer



AMENITY ACCESS POLICY UPDATE OUTCOMES

Support a long-term sustainable and equitable pricing system

Rec Fee and Daily Access Fee revenue is an important component of the Annual Assessment

- **2022 Actual:** \$1.59 million in Rec Fee revenue and \$509,126 in member and guest daily access fees for a total of **\$323.75** in value per property
- **2023 Budget:** \$1.33 million in Rec Fee revenue and \$574,660 revenue in member and guest access fees for a total of **\$294.56** in value per property
- 2023 budgeted Rec Fee and Daily Access Fee revenues equal 7.7% of the Operating Fund revenue

A new policy should:

- Continue to support between 7.5-8% of the Operating Fund revenue budget



AMENITY ACCESS POLICY UPDATE OUTCOMES

Clarify user categories

The existing classes and subclasses allow the association to focus on member enjoyment by giving them priority registration, discounted fees, private programs, more. The current definitions of these classes and subclasses may not be sufficient to meet outcome goals.

A new policy should:

- Clearly define classes and subclasses
- Add additional subclasses to clarify user categories if necessary



DATA

DATA

- The majority of the data comes from member input via surveys and webforms
 - Amenity Access Policy Survey, summer 2022
 - Member Survey, fall 2021
 - Webform, available from Dec 2021 to present
- Other data includes requests by the Board
 - Per-property use versus revenue
 - Non-Recreation Fee use of member benefits/purchase habits/history



Member Surveys

RECENT SURVEY RESULTS

- [2022 Fall Festival Feedback Survey](#) | Open from October 11-17, 2022 | 113 responses
- [2022 Tahoe Donner Post-Election Survey](#) | Open July 7 – July 25, 2022 | 1,093 responses
- [2022 Amenity Access Policy Survey](#) | Open June 20-July 5, 2022 | 2,028 responses
- [2022 Trails Master Plan Survey](#) | Open April 25–May 2, 2022 | 3,102 responses
- [2022 Downhill Ski Lodge Replacement Questionnaire](#) | Open January 9-February 10, 2022 | 3,053 responses
- [2021 Member Survey \(report updated 4/14/22\)](#) | Open November 18-December 15, 2021 | 1,879 responses
- [2021 Communication Preferences Survey](#) | Open August 16-24, 2021 | 1,979 responses
- [2021 E-Bikes on Tahoe Donner Trails Survey](#) | Open January 26-February 2, 2021 | 3,564 responses
- [2021 Ski Lodge Replacement Project Survey](#) | Open December 29, 2020-January 7, 2021 | 2,643 responses
- [2020 Five-Year Strategic Plan Member Survey](#) | Open September 21-27, 2020 | 2,502 responses
- [2020 COVID-19 Home Use + Amenities Survey](#) | Open July 29 – August 8, 2020 | 3,177 responses
- [2020 Post-Board Election Survey](#) | Open July 8-16, 2020 | 1,629 responses
- [2020 Temporary COVID-19 Amenity Access Survey](#) | Open May 20-June 3, 2020 | 1,710 responses
- [2019 Communications Preferences Survey](#) | Open from October 20-27, 2019 | 1,920 responses
- [2019 Fall Festival Feedback Survey](#) | Open from October 16-21, 2019 | 78 responses
- [2019 Wild West Fest Feedback Survey](#) | Open from September 4-12, 2019 | 64 responses
- [2019 Trails Survey](#) | Open from August 7-13, 2019 | 2,620 responses
- [2019 Pizza on the Hill Survey](#) | Open from August 15-22, 2019 | 2,576 responses
- [2019 Member Survey](#) | Open May 1-30, 2019 | 1,590 responses
- [2019 Elections Benchmark Survey](#) | Open from April 11-20, 2019 | 1,344 responses



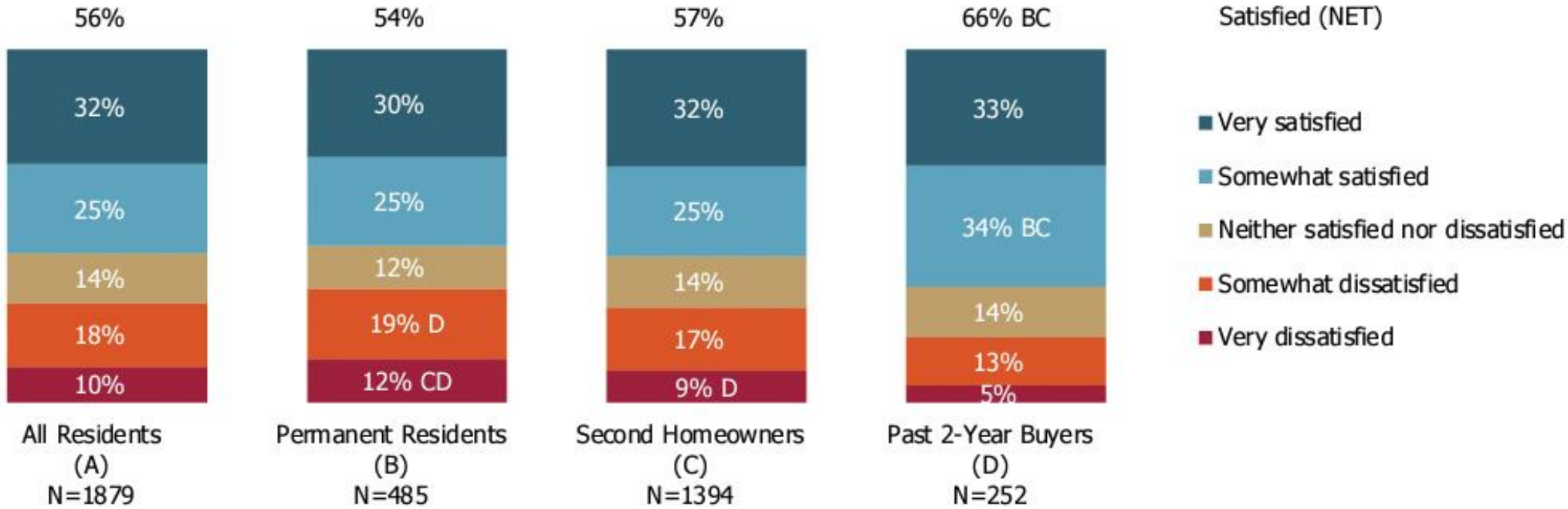
SUMMARY SURVEY KEY FINDINGS

- Owners want to feel prioritized in the community
- Stronger pricing controls and restrictions on non-members are wanted to further reduce overcrowding
- Per-person Recreation Fee option is expected to increase interest
- Increase pricing for members will not be received well, and declining perception of member value
- 56% of the membership is either very satisfied or somewhat satisfied with the current Amenity Access Policy (2021 Member Survey)

HOW SATISFIED ARE YOU WITH THE CURRENT AMENITY ACCESS POLICY?

2021 Member Survey

Key Findings: High rate of satisfaction with the current policy with slightly higher satisfaction of second homeowners than full-time residents



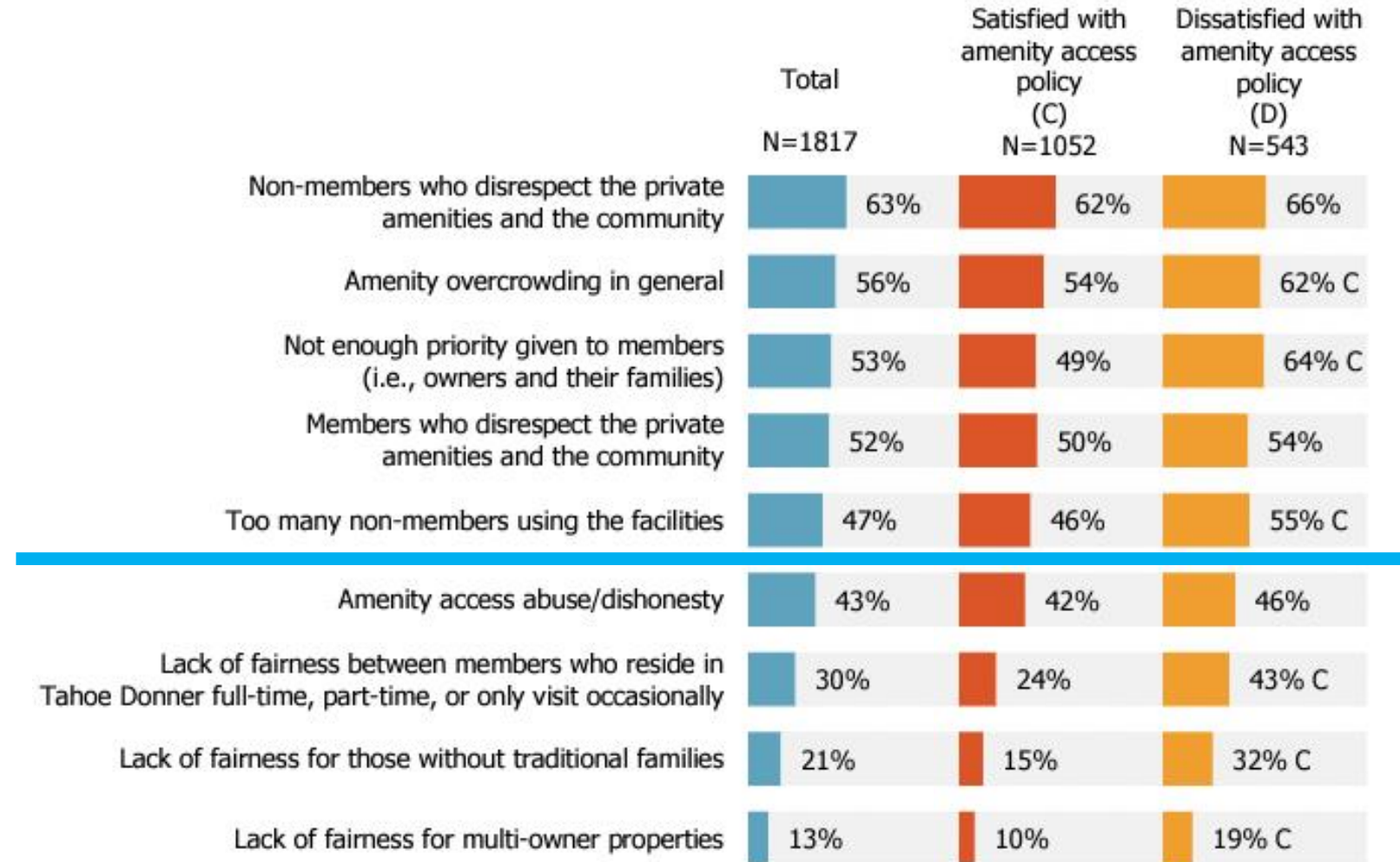
TOP CONCERNS

Exact question: Thinking about the private amenities (Trout Creek Recreation Center Fitness and Pools, Northwoods Clubhouse Pool, Beach Club Marina, and Tennis Center), how concerned are you about the following? Chose all that apply. (Showing top 2 summary: Extremely/moderately concerned)

2022 Amenity Access Survey

Key Findings:

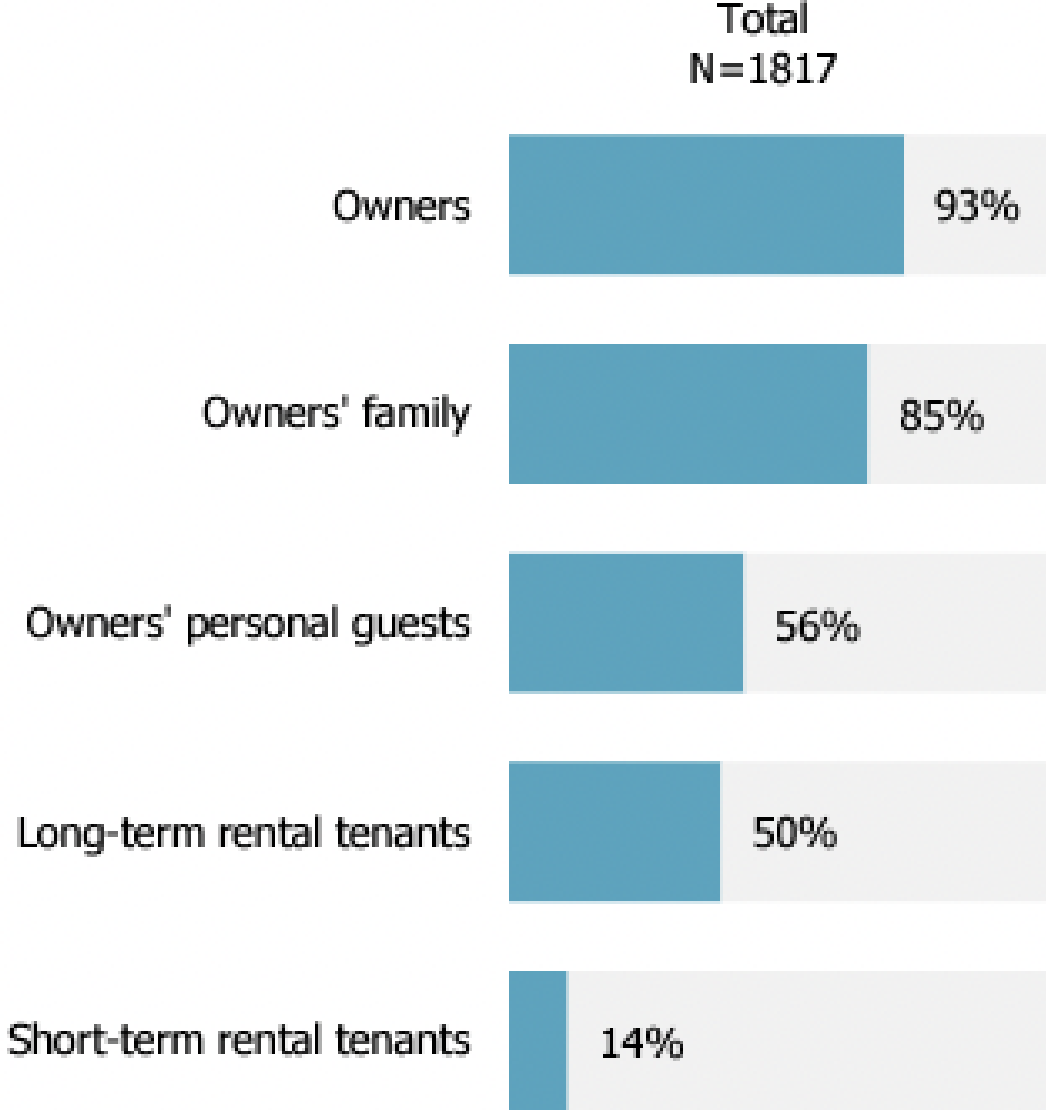
Top concerns center over crowding and disrespect of the amenities



GROUPS CONSIDERED INCLUDED IN THE TD COMMUNITY

Exact question: Thinking about YOUR view of the Tahoe Donner community, which of the following groups do YOU consider to be part of the Tahoe Donner community?

2022 Amenity Access Survey



AMENITY USAGE + OVERCROWDING

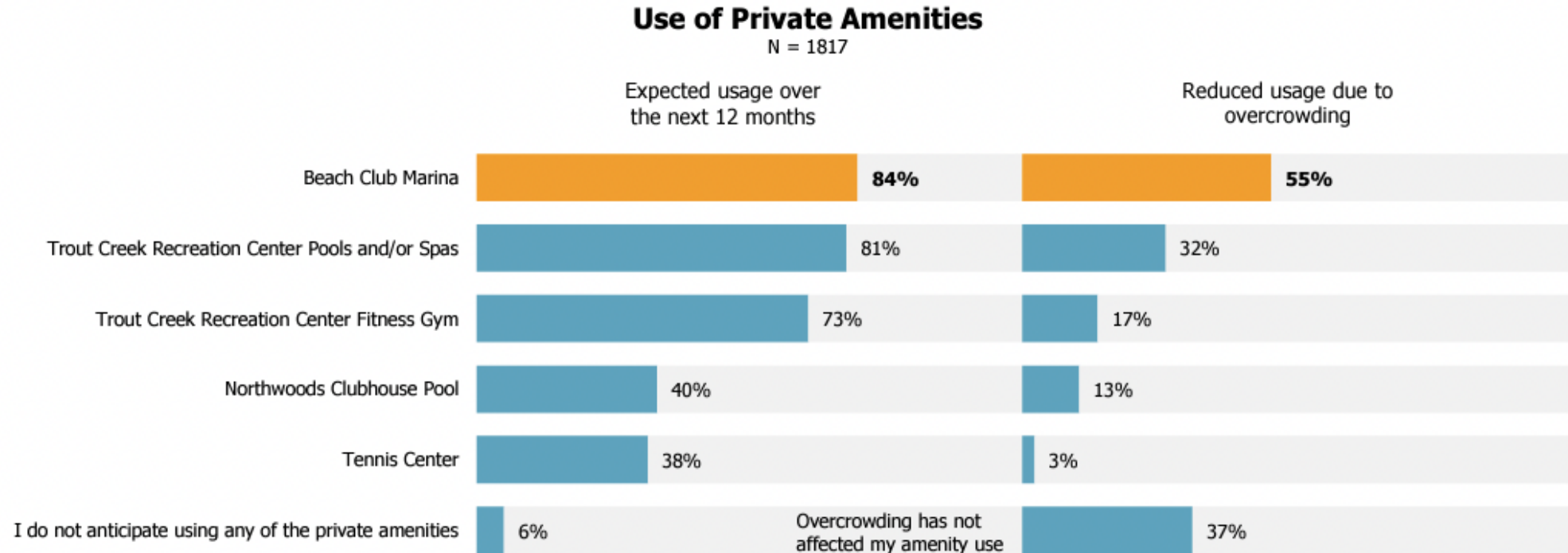
Exact questions:

In the next 12 months, which of the following Tahoe Donner private amenities do you and/or your family expect to use?
Which, if any, of the following private amenities have you reduced your usage or stopped using due to overcrowding?

2022 Amenity Access Survey

Key Findings:

The Beach Club Marina is the amenity with the highest expected usage, but also experiences the most reduced usage from overcrowding

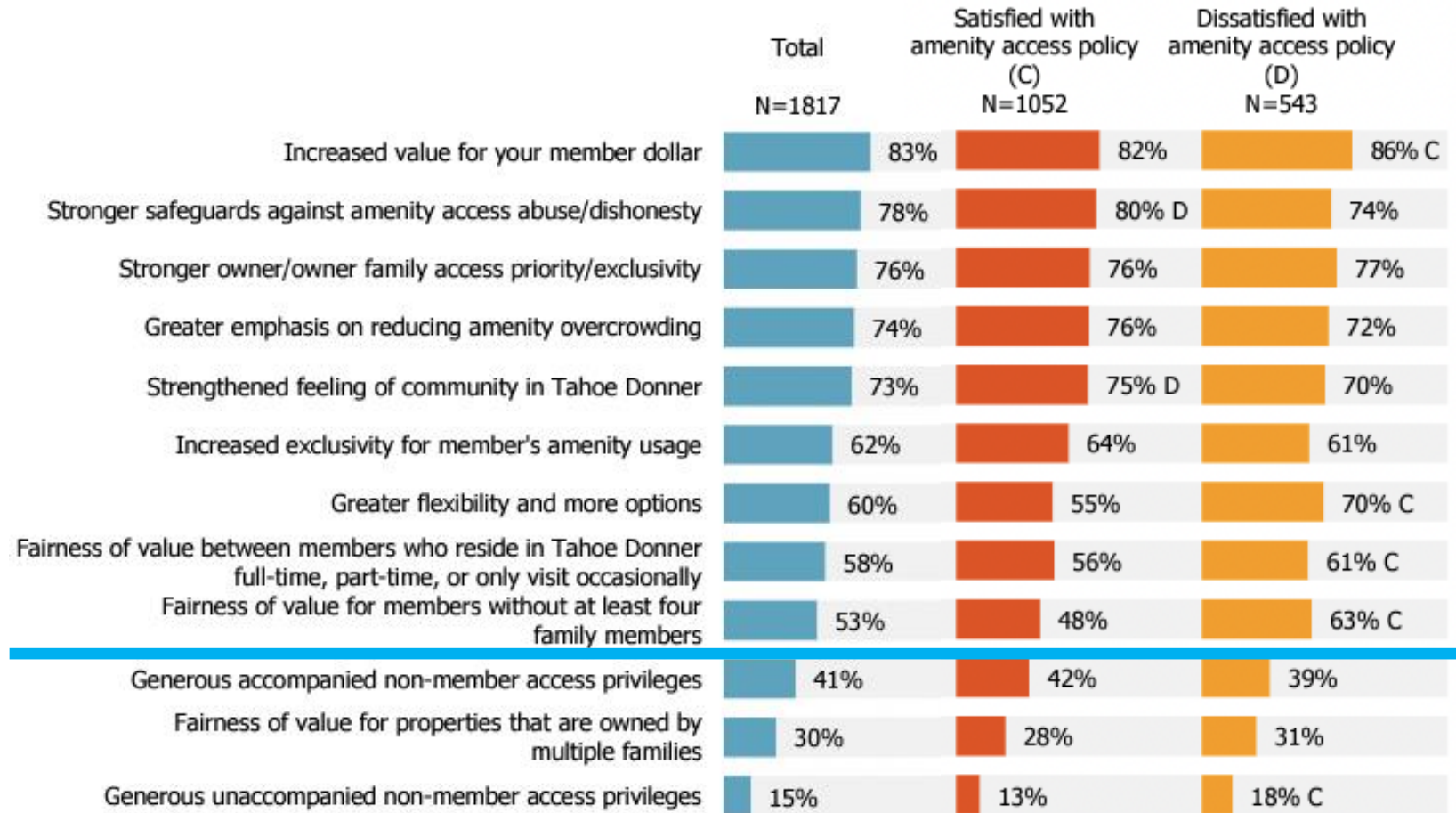


IMPORTANT VALUES TO REFLECT IN THE POLICY

Exact question: Of the values listed below, please indicate which are important and which are not important to see reflected in Tahoe Donner’s Amenity Access Policy. (Showing those selected as ‘Important’)

2022 Amenity Access Survey

Key Findings: members want the policy to increase the value of the member dollar, have stronger priority for the member and address overcrowding



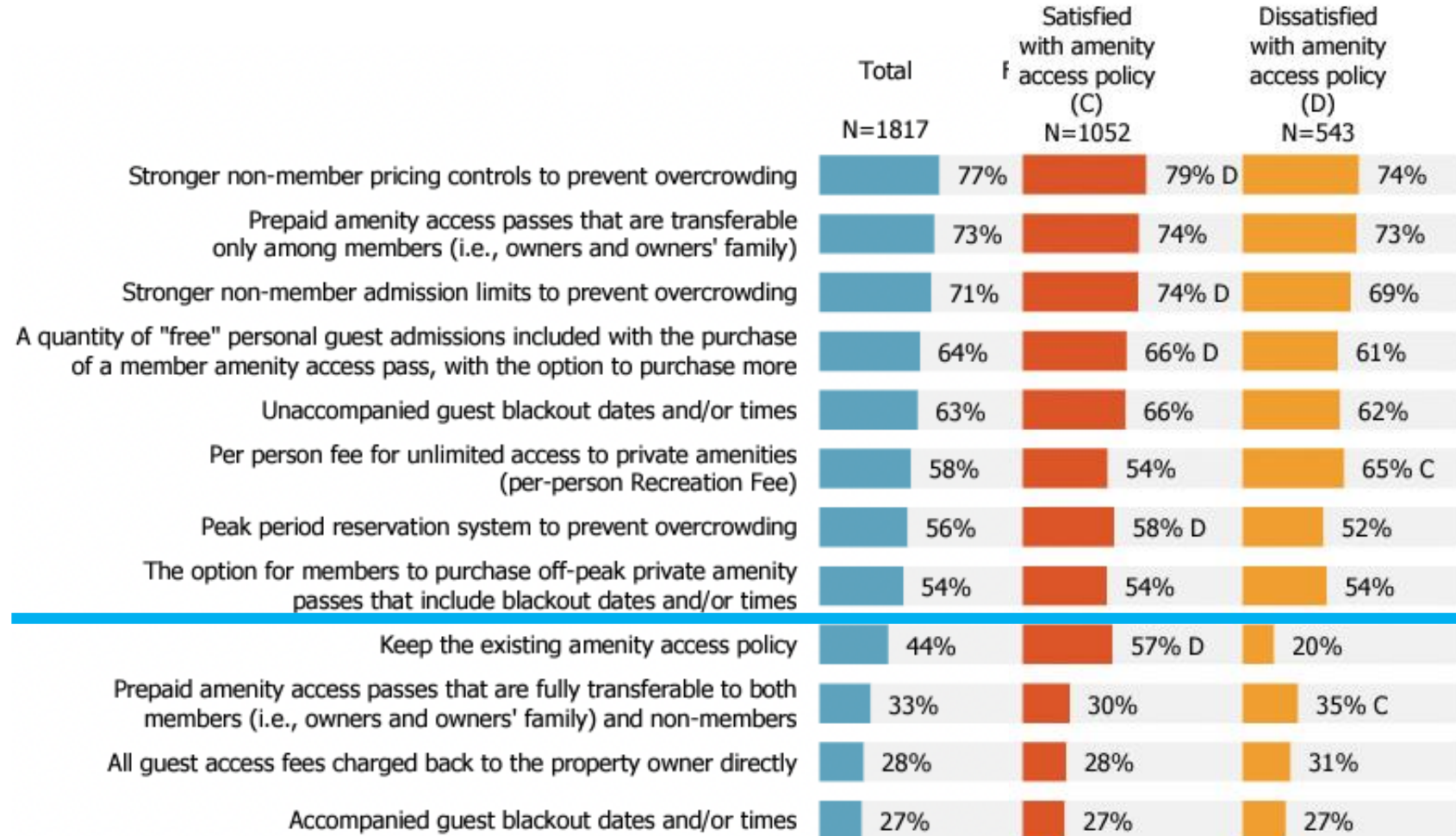
ACCEPTABLE POLICY IDEAS

Exact question: Please read each of the following Amenity Access Policy ideas and indicate which you would consider acceptable, unacceptable, or are unsure about. (Showing those selected as 'Acceptable')

2022 Amenity Access Survey

Key Findings:

Ideas that surveyed highest are using controls to manage overcrowding and priority/flexible access for owners and their family



STRATEGIC PLAN SURVEY

September 2020
2,502 responses

Key Findings:
Overcrowding at amenities was responded to as the highest concern among members, including higher than fire risk

Q2 In your opinion, what are the prevailing challenges that should be addressed in Tahoe Donner? Check all that apply.

Answered: 2,384 Skipped: 118

ANSWER CHOICES	RESPONSES
Overcrowding at amenities	45.48% 1,087
Fire risk	43.89% 1,049
Increase in association fees/costs	40.42% 966
Aging Tahoe Donner buildings/facilities	25.19% 602
Not enough enforcement of rules	23.85% 570
Noise by my neighbors and their guests	23.85% 570
Steady influx of people in the community	21.92% 524
Other (please specify) Responses	15.61% 373
Architectural Standards rules are too strict	15.31% 366
Employee/affordable housing	14.52% 347
Open space land management	10.96% 262
Not enough amenities	7.03% 168
Lack of opportunity to get involved or provide feedback in Tahoe Donner governance	6.32% 151
Trespassing on my property	6.23% 149
Customer service provided by Tahoe Donner staff	4.39% 105
How COVID-19 has been handled	4.35% 104

MANAGING CROWDING DURING PEAK TIMES (GUESTS)

2022 Amenity Access Survey

Key Findings:

- Pricing controls surveyed high (77% acceptable)
- Unaccompanied guest blackout dates also surveyed high (71% acceptable)
- Accompanied guest blackout dates were very unfavorable (27% acceptable)
- 60% of members agree with the current policy that unaccompanied guests should be charged a higher Daily Access Fee than accompanied guests
- 43% of members would rather not limit guest access when met with the reality that it would require a price increase (in either the Daily Access Fee or Annual Assessment) to make up that revenue



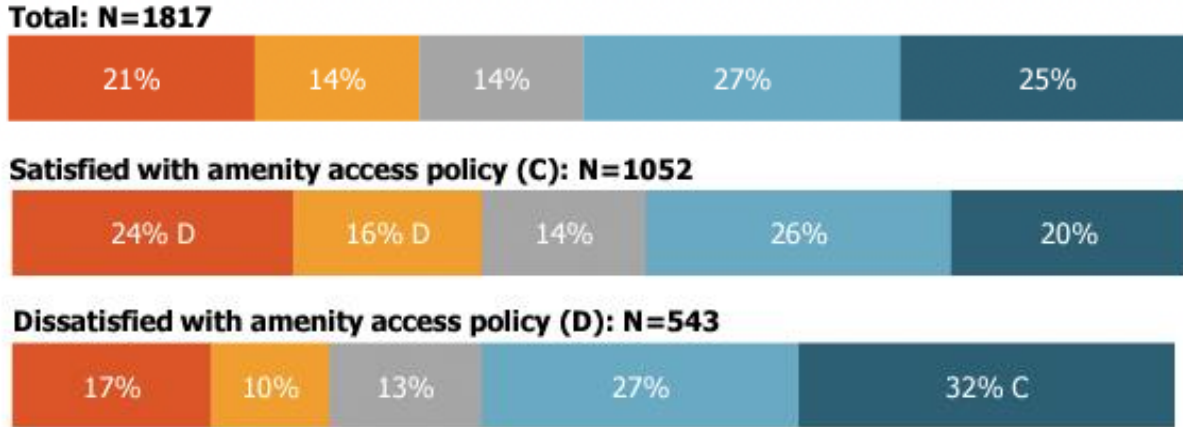
PAYING TO RUN THE AMENITIES

Across all members surveyed, there is a preference for amenity operating costs to be paid predominantly by the people who use them instead of being spread across all members through the Annual Assessment

2022 Amenity Access Survey

Statement A
 I would rather amenity operating costs be spread among all members through the Annual Assessment.

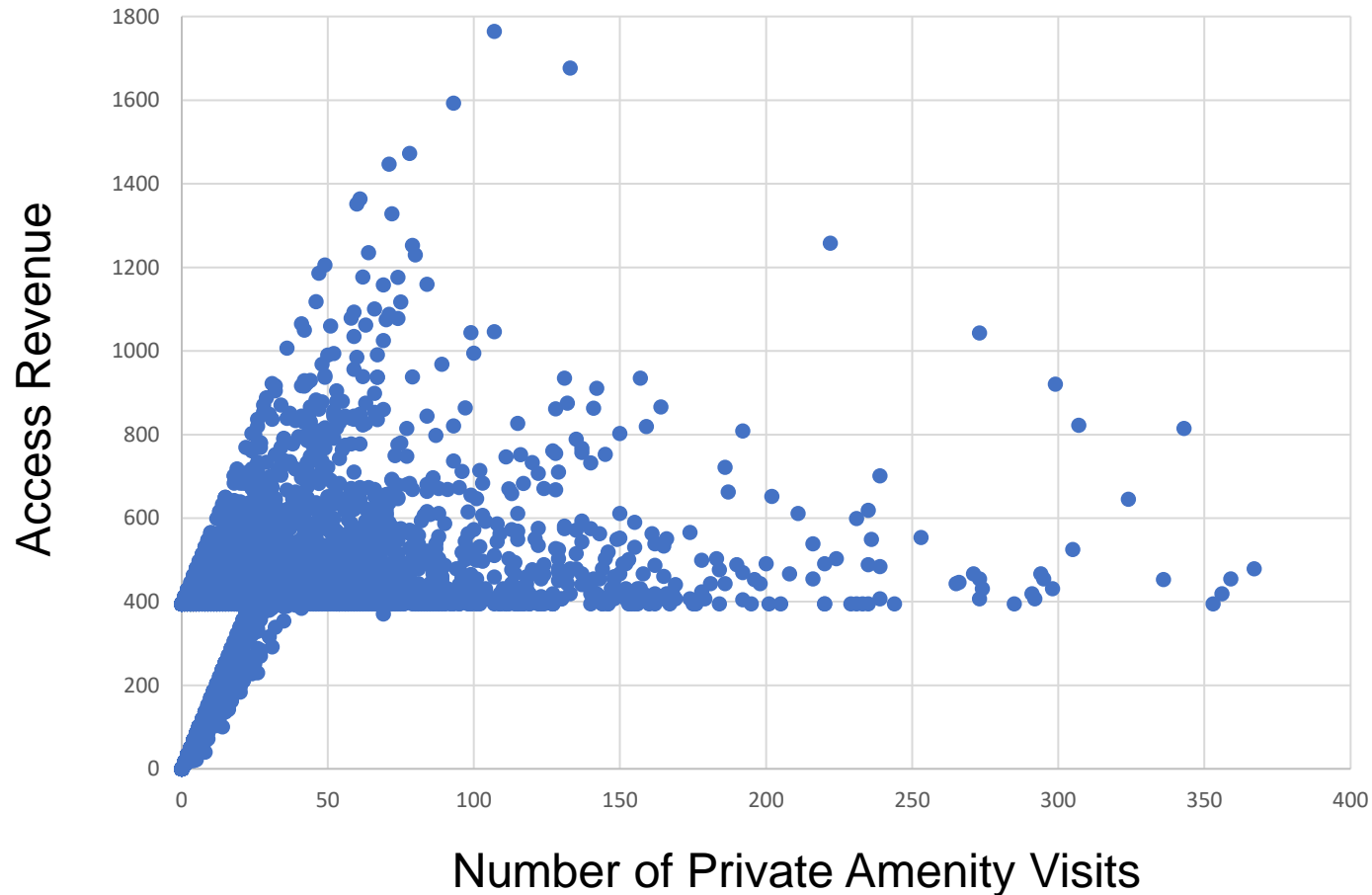
Statement B
 I would rather amenity operating costs be paid predominantly by the members that use them.



■ Strongly agree with A
 ■ Somewhat agree with A
 ■ Agree with both A and B about the same
 ■ Somewhat agree with B
 ■ Strongly agree with B

PER-PROPERTY PRIVATE AMENITY ACCESS TO REVENUE

INFORMATION REQUESTED BY THE BOARD IN NOVEMBER 2022



Data from May 1, 2022 through January 5, 2023

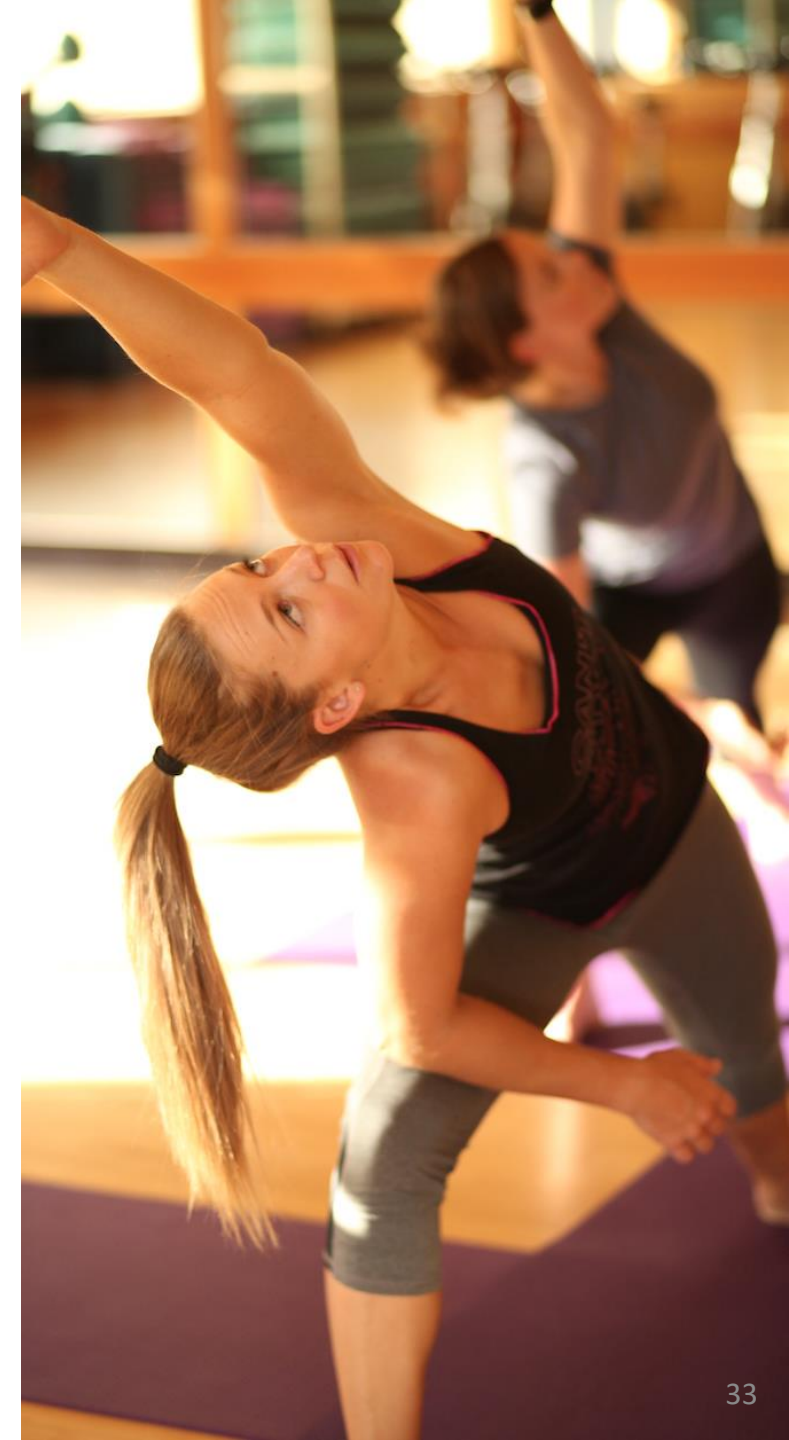
- The per-property use pattern varies widely
- Over 300 properties that purchase the Rec Fee and never visit a private amenity
- Highest number of uses: 305 uses at \$525 in revenue
 - 294 Rec Fee visits and 11 guest visits
- Highest revenue: \$1,765 for 107 uses
 - 25 Rec Fee visits and 82 guest visits

NON-REC FEE PROPERTY, MEMBER CARD REQUIRED TRANSACTIONS

INFORMATION REQUESTED BY THE BOARD IN NOVEMBER 2022

Member card required transactions are transactions where the product purchased required a member to be attached to the transaction in order for that product to be purchased.

- The vast majority of member card-required transactions are done by members who have the Rec Fee paid – 84%, or nearly 84,000 transactions
 - This is despite only 51% of all properties having a Rec Fee
- About 16%, or 16,000, of member-required transactions were completed by non-Rec Fee members
 - Of these 16,000 transactions, only 5,000 were for non-private amenity access-related products – lift tickets, kayak rentals, tennis lessons, etc.
- 106 extra ID cards were issued to non-Rec Fee properties (cards 5-8)
 - It is likely these were purchased to take advantage of member benefits like discounts, reservation priorities, etc





SUMMARY OF DATA

- Overcrowding at amenities is by far the biggest concern among members
- Members want priority access to the amenities with stricter controls on guest access
- Members generally agree with the current guest subclasses
- There is a high percentage of acceptance to leaving the Amenity Access Policy as is (56%)
- Members who have purchased a Recreation Fee tend to be far more active in utilizing their member benefits to purchase products and services



INITIAL DECISION POINTS

MEMBERS, GUESTS, TENANTS AND INVITEES AT PRIVATE AMENITIES



Does the Board want staff to update the subclasses to reflect the data in the survey results?

As an example, currently, the C&Rs identify four user classes: members, guests, tenants and invitees. There are also several subclasses

- Members - Rec Fee members and non-Rec Fee members
- Guests - Accompanied guests and unaccompanied guests
- Tenants – single-family renters (min. 9-month lease required)

Once subclasses, or user categories, are updated and clarified, the Amenity Access Policy can use these subclasses to help achieve the other outcomes

POLICY OUTCOMES IMPACTED



OVERCROWDING



DECISION POINT:

Is the Board supportive of the staff using some or all of the strategies below to address overcrowding?

- **TIERED ACCESS PRICING** for particular class(es)/subclass(es)
 - Similar to the current price tiers where unaccompanied guests pay a higher Daily Access Fee than accompanied guests
- **PEAK PERIOD ACCESS PRICING** for a class(es) or subclass(es)
 - Higher rates for a specific class(es)/subclass(es) during a specific time frame, which is currently implemented at ski areas
- **PEAK PERIOD BLACKOUTS** for specific classes/subclasses
- **COMBINATION OF THE ABOVE**

POLICY OUTCOMES IMPACTED



promote a
**SENSE OF
COMMUNITY**
among members



PROTECT
the amenities,
environment
and membership



foster
**MEMBER
ENJOYMENT**
and use



SIMPLIFY
the policy



support a long-term
sustainable + equitable
PRICING SYSTEM



clarify
USER CATEGORIES

REVENUES




DECISION POINT:

Is the board supportive of continuing the current revenue structure, where approximately 7.5-8% in Operating Fund revenues are achieved through private amenity access fees (Rec Fee and Daily Access Fees)?

As a reminder, currently, 7.7% of the Operating Fund revenues are from the Rec Fee and Daily Access Fees from members and guests (~\$1.9M in the 2023 annual budget). This goes to the pay-to-play concept, meaning users of the private amenities bear a larger portion of the operating cost through Daily Access Fees or the Rec Fee

POLICY OUTCOMES IMPACTED

 promote a **SENSE OF COMMUNITY** among members

 **PROTECT** the amenities, environment and membership

 foster **MEMBER ENJOYMENT** and use

 **SIMPLIFY** the policy

 support a long-term sustainable + equitable **PRICING SYSTEM**

 clarify **USER CATEGORIES**

NEXT STEPS



NEXT STEPS

Given clarification on these decision points, more specific policy concepts will be developed

- Staff anticipate multiple workshops to refine policy concepts with dates and times to be determined by the Board
- Staff's goal is to present at least three policy options for the Board to discuss
- Future member feedback opportunities could include focus groups, virtual town hall meetings with interactive polling, surveys, feedback form, etc

THANK YOU

APPENDIX

APPENDIX – C&Rs

DECLARATION OF COVENANTS AND RESTRICTIONS

Article II, Section 1 (a)

Regulation of Common Facilities. The Association shall have the right to regulate the use and enjoyment of its Common Facilities, including, without limitation, the right to: (i) charge reasonable admission and other fees as a condition to facilities access and usage; (ii) limit the number of Owners or guests who may use any recreational Common Facilities within the Properties; or **(iii) adopt and implement, as part of the Association Rules, a recreational facility pass system to regulate the number of individuals who have the right to use and enjoy such facilities by virtue of the ownership of a Separate Interest and the terms and conditions of such usage. If a system of user fees or amenity access passes is implemented, the system can make reasonable distinctions between the user privileges of Owners, tenants, guests and invitees, and subclasses of each, so long as all classes of users similarly situated are treated fairly and equally.** The Board shall also be authorized to permit members of the public to use recreational Common Facilities if the Board reasonably determines that such usage will make the facility more cost effective and can be accommodated without overburdening the facility.

APPENDIX - BYLAWS

RESTATED BYLAWS OF TAHOE DONNER ASSOCIATION

Article VI, Section 1

Use and Enjoyment of Common Areas by Member and Family. Each Member and the members of his or her Family shall be entitled to the use and enjoyment of all Common Areas and Common Facilities within the Properties; provided, however, that **the Board shall be entitled to impose reasonable rules and regulations** regarding use of Common Facilities to avoid an overburdening of such Facilities [citation omitted]. Without limiting the foregoing, it is expressly noted that the Declaration authorizes the Board to adopt a schedule of fees and/or an amenity access pass system to regulate the use of recreational Common Facilities.

Article VI, Section 4

Association Rules and Regulations. **The right of any person to use and enjoy the Common Areas and Common Facilities shall at all times be subject to the rules, limitations and restrictions set forth herein**, in the Declaration and in the Association's published rules and regulations as promulgated by the Board from time to time.

APPENDIX - CIVIL CODE 4350

DAVIS STIRLING ACT CIVIL CODE § 4350 - OPERATING RULE REQUIREMENTS FOR ENFORCEABILITY

An operating rule is valid and enforceable only if all of the following requirements are satisfied:

- (a) The rule is in writing.
- (b) The rule is within the authority of the board conferred by law or by the declaration, articles of incorporation or association, or bylaws of the association.
- (c) The rule is not in conflict with governing law and the declaration, articles of incorporation or association, or bylaws of the association.
- (d) The rule is adopted, amended, or repealed in good faith and in substantial compliance with the requirements of this article.
- (e) The rule is reasonable.

APPENDIX - BENCHMARKING SUNRIVER, OR

- There are benefits for being an “owner” in Sunriver that pertain to the **HOA**
 - Maintenance of roads, pathways, parks, etc
 - Administrative services
 - Architectural review and covenants
 - Forestry services
 - There are a few **recreation services** included in being an owner
 - Access to an “owner only” park
 - Discounted reservations for event spaces
 - Access to firewood generated from forestry practices
- Then there are additional recreational services available with a Sunriver Owner Association (SROA) Membership card
 - Annual fee (13 months) of \$75 per card for each individual on the deed
 - Extended Family/Household cards are available for a higher fee (\$160 per card) – 6 max
 - Must be living in the household or,
 - The adult child of the owner, or
 - Siblings, parents, grandchildren or in-laws of the owner(s) on record
 - Each property is provided a maximum of 20 guest passes per year, but guests must be accompanied by the owner for access to certain facilities
 - SROA has a specific program for STR owners called the Recreation Plus Program
 - This is a program which allows renters access to some facilities without the member present for an additional fee
 - Fee is based on the number of bedrooms in the home 1 bedroom \$1260 up to 8 bed rooms - \$5670
 - Number of cards is two per bedroom + 2, one bedroom = 4 cards, 8 bedroom = 18 cards
 - Recreation Plus cards are the only way a guest can have access without an owner being present

APPENDIX - BENCHMARKING INCLINE VILLAGE, NV (IVGID)

- Each parcel can receive up to 5 cards which can be any combination of Recreation Passes or Recreation Punch Cards with paid tax assessment
 - Recreation Passes are a non-transferrable photo ID card that grants the holder beach access and discounts for hourly, daily and seasonal products and services at district-owned facilities.
 - Recreation Pass holders must be in the “Family Tree – second degree of consanguinity or affinity” – defined as parents, children, grandparents, grandchildren, brothers and sisters, and their spouses or domestic partners
 - Recreation Punch Cards are transferable access cards with a preloaded value that can be used to pay all or some of the access fees at various district facilities. This card can be used for access by the owner or anyone else, even if they are not accompanied by the owner.
 - Up to five additional Recreation Passes or Recreation Punch Cards can be purchased for an additional fee
 - These “additional” passes have a myriad of restrictions such as:
 - Must be with the first degree of consanguinity or affinity (defined as parents, children and their spouses or domestic partners)
 - They are not allowed to bring guests into the beaches
 - There can only have a max of three of each specific type of pass
 - They cannot be used for discounts at the golf courses, etc.