

AMENITY ACCESS POLICY WORKSHOP - PHASE 1

JUNE 20, 2023



AGENDA + PROCESS

1. Review guidance to date
2. Today's focus
3. Defining Owner
4. Defining Owner's Family
5. Defining Tenant and Tenant subclasses
6. Defining Guest and Guest subclasses
7. Defining Invitee
8. Member comments
9. Staff response
10. Board direction



REVIEW - GUIDANCE TO DATE

1. Determined the Board has a broad authority to develop a new amenity access policy – February 2023
2. Guidance points agreed upon at the April 2023 Workshop
 - a. Defined the desired outcomes of the policy update- April 2023
 - b. Reviewed data requests from the board and surveys including the 2022 Amenity Access Survey – no additional data requested at this time
 - c. Agreed that user classes and subclasses need to be created and or defined – ***THE GOAL OF THIS WORKSHOP***
 - d. Agreed to use tiered access pricing, other peak period limitations and any other tool that makes sense to address member concerns
 - e. Agreed that private amenity access revenue should target around 7.5%-8% of operating revenues (consider cost recovery in the future)

REVIEW - 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
- Outcomes were defined and approved by consensus during the April Amenity Access workshop session.

- 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

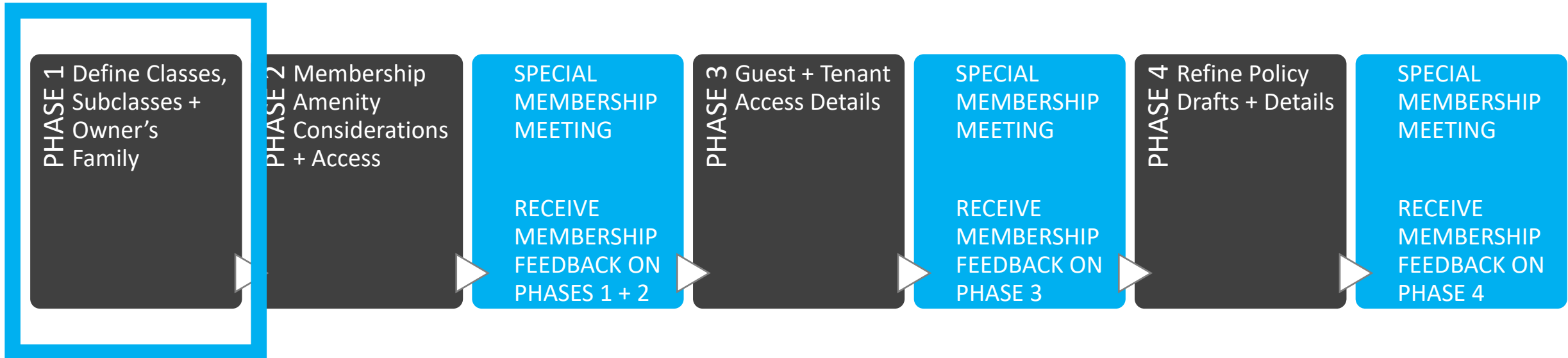
- Clarify user categories



TODAY'S FOCUS

MULTI-PHASE APPROACH

Today's discussion will focus on phase 1 of our process. Issues from other phases will be put into a parking lot until the appropriate phase



DEFINITIONS

GOVERNING DOCUMENTS + AMENITY ACCESS

Tahoe Donner C&Rs

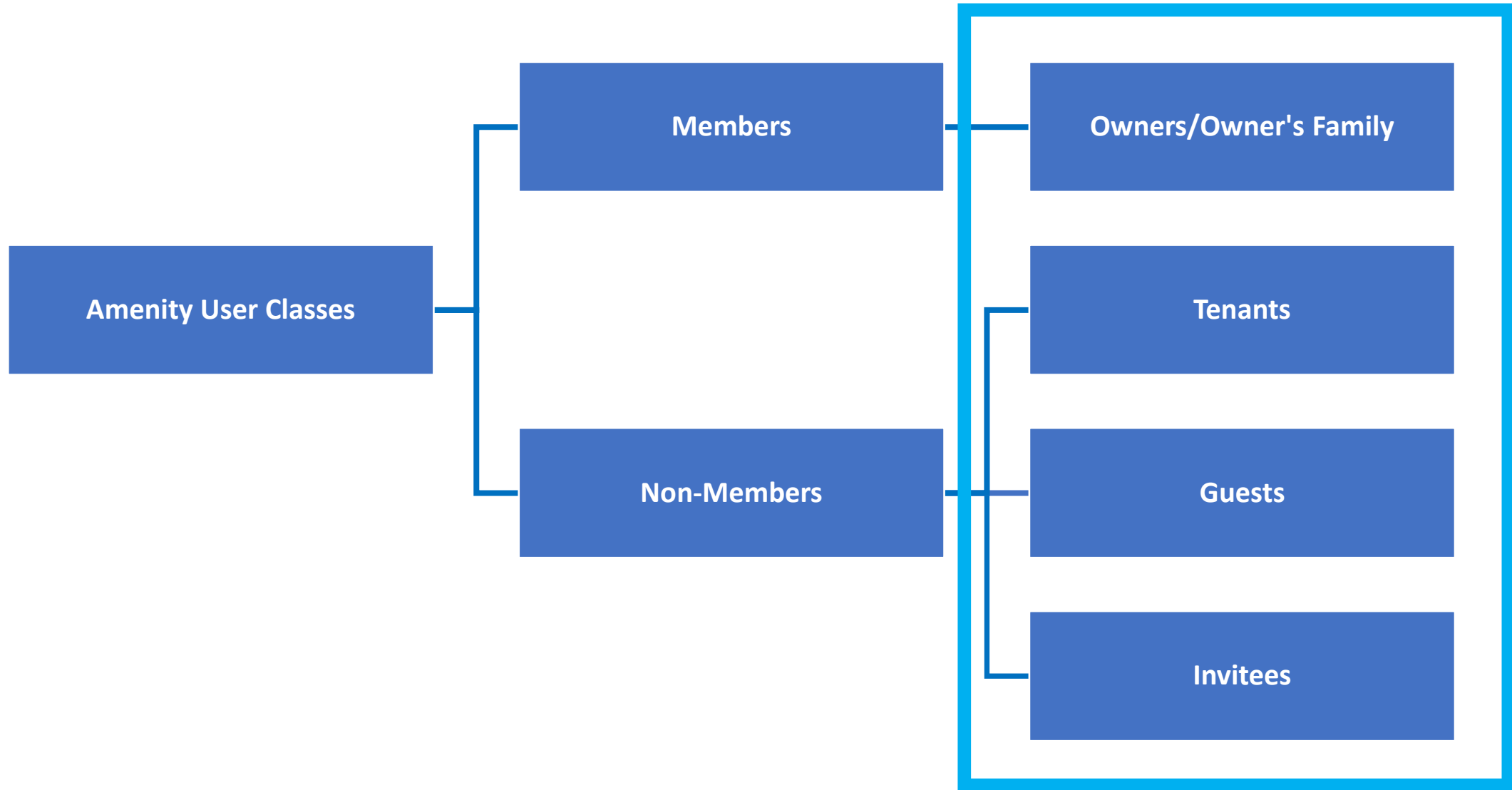
Tahoe Donner Bylaws

Association Rules > Amenity Access Policy

Definitions in the C+Rs and Bylaws require an entirely different level of commitment to change. Definitions in the Amenity Access Policy can be changed through this process with a 45-day notification period to the membership

VISUAL REPRESENTATION OF CLASSES

AS IDENTIFIED/DEFINED IN THE GOVERNING DOCUMENTS CURRENTLY



CLASSES IDENTIFIED IN THE GOVERNING DOCUMENTS

Four classes are identified in the governing documents

Owner:

- Defined in the C+Rs and Bylaws

Tenant:

- Identified as a user class in C+Rs
- Not defined in the C+Rs or Bylaws

Guest:

- Identified as a user class in C+Rs
- Not defined in the C+Rs or Bylaws

Invitee:

- Identified as a user class in C+Rs
- Not defined in the C+Rs or Bylaws

GOAL:

Define classes and subclasses through the lense of accessing amenities



DEFINING CLASSES AND SUBCLASSES

1. OWNER
 - a. Owner's Family
2. TENANT
 - a. Tenant subclasses
3. GUEST
 - a. Guest subclasses
4. INVITEES
 - a. Invitee subclasses

ADDITIONAL SUBCLASSES MAY BE NEEDED AS THE DETAILS OF THE NEW POLICY ARE DEVELOPED

GOAL:
Define classes and subclasses through the lense of accessing amenities

OWNER/MEMBER

KEY

Defined in C&Rs

Defined in TD bylaws

Defined in A. Access Policy

Recommended Definition

DEFINITION OF OWNER/MEMBER SUMMARY

- The terms **OWNER** and **MEMBER** are defined in our governing documents in a detailed manner
- These definitions are important for governance of the association, but relative to amenity access, a general understanding of the terms is more relevant
- ***For the Amenity Access Policy update, we need to develop a definition that is functional relative to access privileges and complies with the governing document definitions***

SUMMARY OF CURRENT DEFINITION OF OWNER

- Owner means any person who owns a simple fee interest in any TD property
- Owners and Members are synonymous
- Owner's family are also considered owners
 - **“Owner's family” is NOT defined in the governing documents, and must be defined in the amenity access policy**

DEFINITION OF OWNER DISCUSSION

GOAL - define **OWNER** so that it is functional relative to access privileges and also complies with the C+Rs.

Recommended
Amenity
Access
Definition

OWNER: Any person in which title to a residential parcel within the subdivision is vested at 15% or greater as shown by a recorded grant deed on file with the Office of the Nevada County Recorder, and the owner's family, making them eligible to obtain a member photo ID card.

KEY CHANGES

- Added, "and the owner's family" to better align with the definition in the C+Rs
- Added, "making them eligible to obtain a member photo ID card" to provide clarity around the definition relative to the policy in which it will be defined

DISCUSSION POINT

15% is the percentage that is identified in our current Amenity Access Policy. At 15%, this could give member photo ID card eligibility up to 6 different owners (and their families) on one property. An increase in this percentage would reduce that number, and a decrease could increase that number.

GOVERNING DOCUMENTS DEFINITIONS OF OWNER/MEMBER

OWNER

“Owner” means any person who owns a simple fee interest in any Lot. The term “owner” shall include, except where context otherwise requires, the members of an Owner’s family. – **C+Rs Article 1, section 26**

The term “Owner” means any person, firm, corporation or other entity which owns a fee simple interest in any Separate Interest within the properties. The term Owner shall include, except where the context otherwise requires, the members of an Owner’s family. The Association Rules may further define those persons comprising the family members of Owners and the minimum ownership percentage which must be held by an Owner in order to exercise the voting and membership. - **Bylaws – Article 1, section 4, (e)**

Owner: based on current board policy, any owner of record who owns at least 15% of a residential parcel within the subdivision as described on a recorded grant deed. – **Amenity Access Policy**

MEMBER: “Member” means any Person who is defined as a Member of the Association in Article 3, section 1 and whose rights as a Member are not suspended pursuant to Article 8, section 6 hereof. – **C+Rs – Article 1, section 22**

ASSOCIATION MEMBERSHIP: As more particularly defined in Article 3 of the Bylaws, every Owner of a Separate Interest, other than a Commercial Lot Owner, shall be a member of Tahoe Donner Association. Each Owner shall hold one membership in the Association for each Lot and/or Condominium owned and the membership shall be appurtenant to such Separate Interest. - **C & R - Article 3, section 1**

MEMBERS OF THE ASSOCIATION

The following persons shall be Members of the Association:

- (a) Each Owner of a Single Family Residential Lot within the Properties;
 - (b) Each Owner of a Multiple Family Residential Lot within the Properties; and
 - (c) Each Owner of a condominium, including the Owner of units within the Ski Lodge
- **Bylaws – Article 3, section 1**

| KEY |
|-----------------------------|
| Defined in C&Rs |
| Defined in TD bylaws |
| Defined in A. Access Policy |
| Recommended Definition |

OWNER'S FAMILY

KEY

Defined in C&Rs

Defined in TD bylaws

Defined in A. Access Policy

Recommended Definition



DEFINITION OF OWNER'S FAMILY SUMMARY

OWNER'S FAMILY is not defined in the **C+Rs** or **Bylaws**

- In the **Amenity Access Policy**, the term **OWNER'S FAMILY** is not specifically defined
 - However, there are related definitions of: “Immediate Family”, “Extended Family”, “Children and Grandchildren of an Owner” and “Dependent Children of an Owner”
- Throughout the current policy, these two subclasses of owner's family are referenced together with no distinction between the two
- As a result, staff has considered this opportunity to narrow the definition of **OWNER'S FAMILY**



DEFINITION OF OWNER'S FAMILY DISCUSSION

GOAL - define **OWNER'S FAMILY** so that it covers an acceptable range of relationships and assists in addressing the membership's desires

For the purpose of the Amenity Access Policy update, staff has recommended the following definition for OWNER'S FAMILY for discussion:

Recommended
Amenity
Access
Definition

OWNER'S FAMILY: Any individual who has a relationship to an owner that is one of the following: spouse/domestic partner, mother, father, mother's spouse/domestic partner, father's spouse/domestic partner, children, child's spouse/domestic partner, domestic partner's child, grandchildren, grandchild's spouse/domestic partner, sister, brother, sister's spouse/domestic partner, brother's spouse/domestic partner

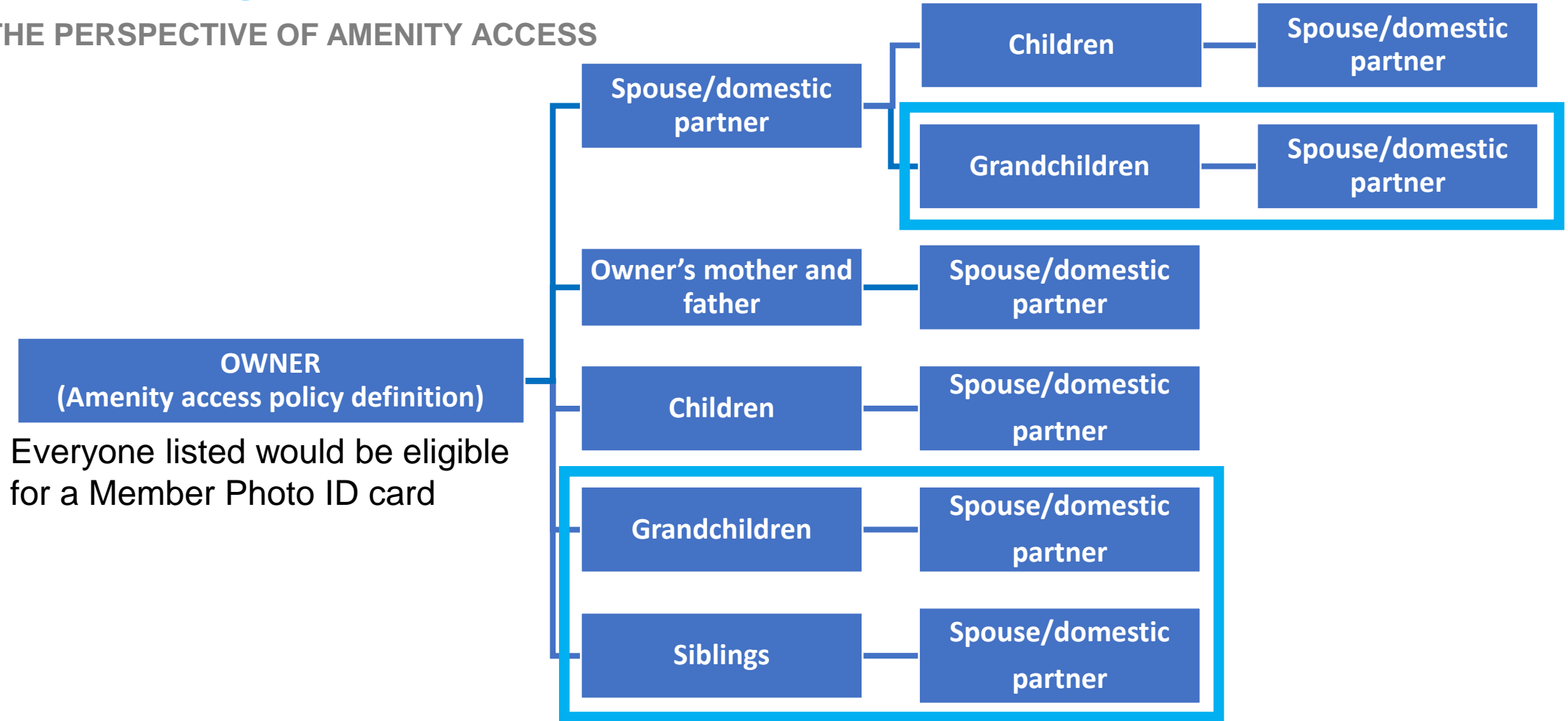
KEY CHANGE

Narrowed to exclude grandparents, cousins, aunts, uncles, nieces and nephews of an owner (currently included in the Amenity Access Policy)

- There is no way to validate these relationships
- Addresses the membership's desire to have stronger safeguards against amenity access abuse/dishonesty (Amenity Access Survey)

VISUAL REPRESENTATION OF RECOMMENDED “OWNER’S FAMILY”

FROM THE PERSPECTIVE OF AMENITY ACCESS



Current policy allows cousins, aunts and uncles, which can not be validated.

Blue box indicates relationships that are commonly not included at other HOAs

OWNER'S FAMILY CURRENT DEFINITIONS IN AMENITY ACCESS POLICY

In the **Amenity Access Policy**, the term **OWNER'S FAMILY** is not specifically defined, however, there are related definitions of: "Immediate Family", "Extended Family", "Children and Grandchildren of an owner" and "Dependent Children of an Owner"

IMMEDIATE FAMILY: The dependent children of an owner and one of the following: the owner's spouse, the owner's registered domestic partner, or one individual, unrelated to the owner by blood, marriage or legal adoption, who has maintained a common household with the owner for a period of at least six months. *A designation of such unrelated individual, when approved, may not be changed for the remaining fiscal year in which the designation occurs for pass privileges. Owner must present verification of such cohabitation, satisfactory to the association upon request to the Member Services Office, (e.g., driver's license, bank statement, tax form, insurance papers, utility bill, etc.). For spousal and registered domestic partner benefits, appropriate documentation establishing such status may be required of the owner (e.g., valid marriage license or certificate, Certificate of Registered Domestic Partnership issued by the Secretary of State).*

EXTENDED FAMILY: The grandparents, parents, children and grandchildren of any owner, as well as the current spouses of any children or grandchildren, also includes all related by blood or marriage (i.e. in-laws, brothers, sisters, cousins, aunts, uncles, etc.).

CHILDREN AND GRANDCHILDREN OF AN OWNER: A child or grandchild by blood, marriage or legal adoption

DEPENDENT CHILDREN OF AN OWNER: Owner's children who maintain a common household with the owner, or any child of an owner who is under 18

TENANT

KEY

Defined in C&Rs

Defined in TD bylaws

Defined in A. Access Policy

Recommended Definition





DEFINITION OF TENANT SUMMARY

- **TENANT** is not defined in the **C+Rs or Bylaws**, but it is identified as a user class of the amenities
- In the **Amenity Access Policy**, the term **TENANT** is also not defined, however, there is a related definition for Single Family Renter
- **CURRENT DEFINITION OF SINGLE FAMILY RENTER:**
The lessee, and his or her immediate family, under a valid lease (at least 9 months in duration) of an owner's improved residential parcel.
 - The current Amenity Access Policy then goes on to define how an owner can relinquish their rights to a Photo ID card to their Single Family Renter tenants.
- Cornell Law Dictionary – **TENANT**: a person or entity who temporarily occupies or possesses real estate that belongs to a landlord

DEFINITION OF TENANT DISCUSSION

GOAL - define the terms **TENANT**, **LONG-TERM TENANT**, **SHORT-TERM TENANT** and **SEASONAL TENANT** so that they clearly state the relationship intent and assist in addressing the membership's desires

For the Association's purpose, a slight modification to the Cornell law dictionary definition is recommended

Recommended
Amenity
Access
Definition

TENANT: Any individual who occupies an owner's property in exchange for payment of rent, monetary or not

SUBCLASSES
Recommended
Amenity
Access
Definitions

LONG-TERM TENANT: A subclass of the TENANT user category that includes any individual who occupies an owner's property in exchange for payment of rent, monetary or not, for a period of 9 months or longer

SHORT-TERM TENANT: A subclass of the TENANT user category that includes any individual who occupies an owner's property in exchange for payment of rent, monetary or not, for a period of 30 days or less *(30 days is also the Town of Truckee criteria)*

SEASONAL TENANT: A subclass of the TENANT user category that includes any individual who occupies an owner's property in exchange for payment of rent, monetary or not, for a period of 31 days to less than 9 months

GUEST

KEY

Defined in C&Rs

Defined in TD bylaws

Defined in A. Access Policy

Recommended Definition



DEFINITION OF GUEST SUMMARY

- **GUEST** is not defined in the **C+Rs** or **Bylaws**, but it is identified as a user class of the amenities
- In the **Amenity Access Policy**, the term **GUEST** is defined as: **Any individual seeking access to the amenities with the consent of an owner.**
- The terms **ACCOMPANIED GUEST** and **UNACCOMPANIED GUEST** are not defined in any document
- The current broad definition of a **GUEST** can include other user classes. This limits the ability to:
 - Understand who visiting the amenities
 - Create designations related to specific user categories
 - Create a sense of community around the private amenities
 - Protect the amenities
- The Amenity Access policy update needs to clearly define the terms **GUEST**, **ACCOMPANIED GUEST** and **UNACCOMPANIED GUEST**

DEFINITION OF GUEST AND SUBCLASSES DISCUSSION

GOAL - define the terms **GUEST**, **ACCOMPANIED GUEST** and **UNACCOMPANIED GUEST** so that they clearly state the relationship intent and assist in addressing the membership's desires.

Recommended
Amenity
Access
Definition

GUEST: Any individual who has a non-tenant relationship with an owner, seeking access to the amenities with an owner's permission

SUBCLASSES

Recommended
Amenity
Access
Definitions

ACCOMPANIED GUEST: A subclass of the GUEST user category that includes any individual who has a non-tenant relationship with an owner, seeking access to the amenities with the owner

UNACCOMPANIED GUEST: A subclass of the GUEST user category that includes any individual who has a non-tenant relationship with an owner, seeking access to the amenities without the owner

KEY CHANGE

Added, "who has a non-tenant relationship with an owner"

- Provides clarity between the difference between the Guest and Tenant classes

INVITEE

KEY

Defined in C&Rs

Defined in TD bylaws

Defined in A. Access Policy

Recommended Definition



DEFINITION OF INVITEE SUMMARY

INVITEE is not defined in the **C+Rs** or **Bylaws**, but it is identified as a user class of the amenities

Cornell Law Dictionary – **INVITEE**: a person who enters land with permission of the owner, and does so either to confer an economic benefit on the possessor, or is entering the premises that are open to the general public.

The Amenity Access policy update should clearly define the term **INVITEE** and distinguish, by definition, subclasses of the **INVITEE** user category if necessary

DEFINITION OF INVITEE DISCUSSION

GOAL - define the term **INVITEE** so that the definition is clear and may assist in addressing the membership's desires.

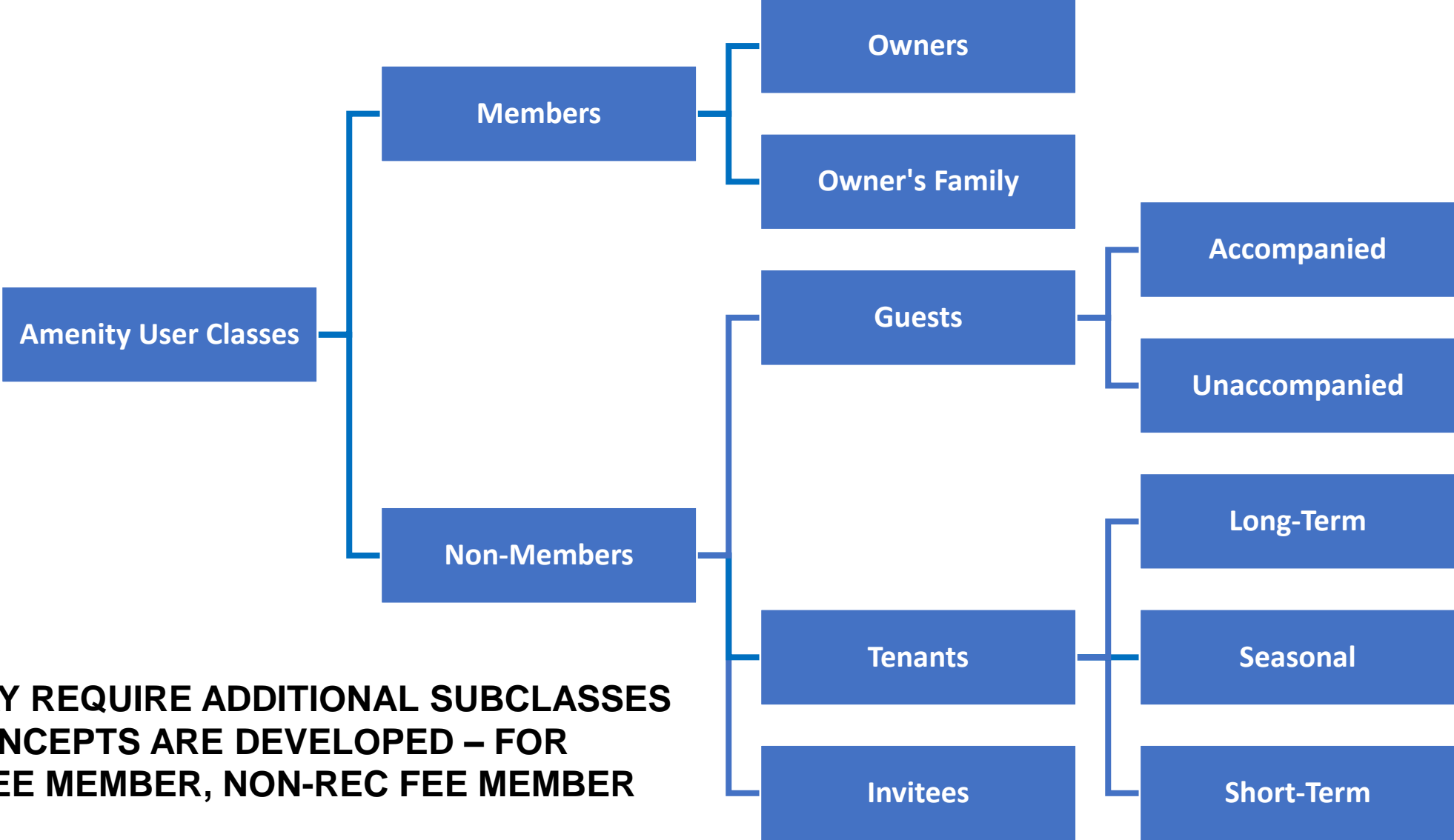
For the Association's purpose, a slight modification to the Cornell law dictionary definition is recommended

Recommended
Amenity
Access
Definition

INVITEE – Any individual who visits an Association amenity who does not qualify as either an owner, guest or tenant, and is a member of the general public

SUMMARY

VISUAL REPRESENTATION OF RECOMMENDED CLASSES AND SUBCLASSES



ALL CLASSES MAY REQUIRE ADDITIONAL SUBCLASSES ONCE POLICY CONCEPTS ARE DEVELOPED – FOR EXAMPLE, REC FEE MEMBER, NON-REC FEE MEMBER

SUMMARY OF RECOMMENDED DEFINITIONS

OWNER, OWNER'S FAMILY, TENANT

OWNER: Any person in which title to a residential parcel within the subdivision is vested at 15% or greater as shown by a recorded grant deed on file with the Office of the Nevada County Recorder, and the owner's family, making them eligible to obtain a member photo ID card.

OWNER'S FAMILY: Any individual who has a relationship to an owner that is one of the following: spouse/domestic partner, mother, father, mother's spouse/domestic partner, father's spouse/domestic partner, children, child's spouse/domestic partner, domestic partner's child, grandchildren, grandchild's spouse/domestic partner, sister, brother, sister's spouse/domestic partner, brother's spouse/domestic partner

TENANT: Any individual who occupies an owner's property in exchange for payment of rent, monetary or not

LONG-TERM TENANT: A subclass of the TENANT user category that includes any individual who occupies an owner's property in exchange for payment of rent, monetary or not, for a period of 9 months or longer

SHORT-TERM TENANT: A subclass of the TENANT user category that includes any individual who occupies an owner's property in exchange for payment of rent, monetary or not, for a period of 30 days or less
(30 days is also the Town of Truckee criteria)

SEASONAL TENANT: A subclass of the TENANT user category that includes any individual who occupies an owner's property in exchange for payment of rent, monetary or not, for a period of 31 days to less than 9 months

SUMMARY OF RECOMMENDED DEFINITIONS

GUEST, INVITEE

GUEST: Any individual who has a non-tenant relationship with an owner, seeking access to the amenities with an owner's permission

ACCOMPANIED GUEST: A subclass of the GUEST user category that includes any individual who has a non-tenant relationship with an owner, seeking access to the amenities with the owner

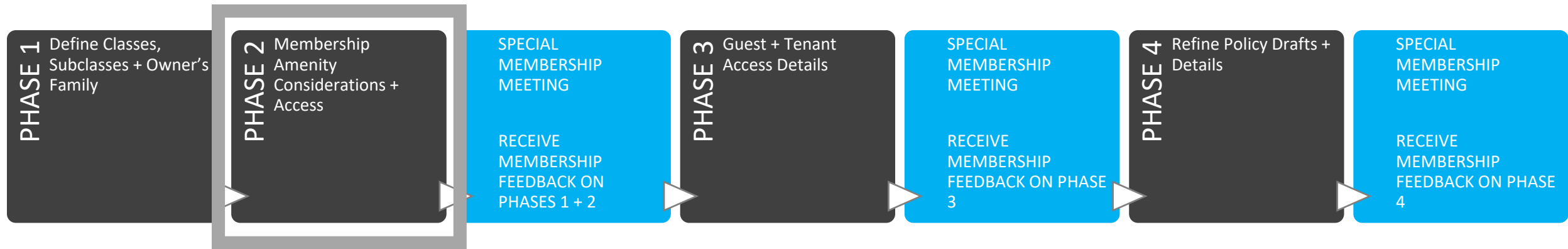
UNACCOMPANIED GUEST: A subclass of the GUEST user category that includes any individual who has a non-tenant relationship with an owner, seeking access to the amenities without the owner

INVITEE – Any individual who visits an Association amenity who does not qualify as either an owner, guest or tenant, and is a member of the general public

NEXT STEPS

NEXT STEPS

The next step will be to move onto phase 2 to discuss member considerations



THANK YOU