

WORKING DRAFT AMENITY ACCESS RULE

WORKING DRAFT

NOT APPROVED BY BOARD OF DIRECTORS

A. DEFINITIONS

1. **AMENITIES:** When used without private or public modifiers, Amenities shall include both the public and private recreational Amenities maintained and operated by the Association.
 - a. **PRIVATE AMENITIES:** Recreational Amenities that do not permit public access and are therefore reserved for the exclusive use of Members, their Personal Guests, and their Tenants. The Private Amenities include the Beach Club Marina, Trout Creek Recreation Center, the Tennis Center, and Northwoods Pool.
 - b. **PUBLIC AMENITIES:** Recreational Amenities that permit public access. The Public Amenities include without limitation the Downhill Ski Resort, the Cross Country Ski Area, the Snowplay facility, the Equestrian Center, Bikeworks, the Golf Course and Driving Range, the Tahoe Donner Campground, the Recreation Hut, and the summer trail system.
2. **ASSOCIATION:** Association refers to Tahoe Donner Association, a California nonprofit mutual benefit corporation.
3. **BOARD:** The Association's Board of Directors.
4. **GOOD STANDING:** An Owner shall be considered to be in Good Standing if the Owner:
 - a. Is current in the payment of all assessments, both regular and special,
 - b. Does not have any outstanding fees or fines, and
 - c. Is in compliance with the Association Governing Documents, including but not limited to the Association rules and regulations.
5. **GOVERNING DOCUMENTS:** A collective term referring to the Association's Articles of Incorporation, Bylaws, the Declaration of Covenants and Restrictions (C&Rs), Association Rules and any other rules or regulations adopted by the Association.
6. **MEMBER:** Any Owner or Owner's Family member as defined in this rule who has been issued a valid Member Photo ID Card in their name.
7. **MEMBER PHOTO ID CARD EXCEPTION PROCESS:** See Section C(3) below.
 - a. **EXCEPTION REVIEW PANEL:** The Exception Review Panel shall include the General Manager and at least two (2) direct reports to the General Manager, at least one (1) of whom must oversee operations or Member Services.
8. **OFFICIAL DOCUMENTATION:** See Section H below.
9. **OPERATING PLAN:** An Amenity Access and Member Benefits Operating Plan detailing the fees, conditions, and restrictions applicable to implementing, administering, and managing this rule generally; to the Member Photo ID Exception Process, the Personal Guest Registration Process, and the Owner Relinquishment Process; and to the various categories and subcategories of Private Amenity users defined in this rule.
 - a. The Operating Plan shall:
 - i. Be designed to avoid overburdening the Private Amenities while prioritizing, promoting, and protecting Member use and enjoyment.

- ii. Be published on the Association’s website.
 - iii. Represent the current state of the Phased Implementation Plan.
 - b. The Board shall be notified of any changes to the Operating Plan.
- 10. **OWNER:** Any person in which title to a Residential Parcel within the Tahoe Donner subdivision is vested at 15% or greater as shown by a current recorded deed on file with the Office of the Nevada County Recorder.
- 11. **OWNER’S FAMILY:** Any individual who has a relationship to an Owner that is one of the following: spouse/domestic partner, parent, parent’s spouse/domestic partner, child, child’s spouse/domestic partner, domestic partner’s child, grandchild, grandchild’s spouse/domestic partner, sibling, sibling’s spouse/domestic partner. Owner’s Family relationships must be validated with Official Documentation.
- 12. **OWNER RELINQUISHMENT PROCESS:** A process administered by the Association through which Owners may delegate their member rights, privileges, and benefits to Resident Tenants, consistent with Article II, Section 3 of the First Restated Declaration of Covenants and Restrictions of Tahoe Donner, and Article VI, Section 2 of the Restated Bylaws of Tahoe Donner Association.
- 13. **PERSONAL GUEST:** Any individual who has a non-tenant relationship with an Owner, and who is visiting or using an Owner’s Residential Parcel with permission from the Owner, and who is seeking access to the Amenities with an Owner’s permission.
 - a. **ACCOMPANIED PERSONAL GUEST:** A subcategory of the Personal Guest user category that includes any Personal Guest seeking access to the Amenities while accompanied by a Member.
 - b. **UNACCOMPANIED PERSONAL GUEST:** A subcategory of the Personal Guest user category that includes any Personal Guest seeking access to the Amenities while unaccompanied by a Member.
- 14. **PERSONAL GUEST REGISTRATION PROCESS:** A process administered by the Association through which Members may register their Personal Guests with the Association.
- 15. **PHASED IMPLEMENTATION PLAN:** See Section J below.
- 16. **TAHOE DONNER CARD:** The phrase Tahoe Donner Card shall include Member Photo ID Cards, Resident Tenant Photo ID Cards, and Short-Term Tenant Cards. All Tahoe Donner Cards remain the property of the Association.
 - a. **PHOTO ID CARD:** When used without Member or Resident Tenant modifiers, the phrase Photo ID Card shall include both Member Photo ID Cards and Resident Tenant Photo ID Cards.
 - i. **MEMBER PHOTO ID CARD:** Individualized Photo ID Cards issued by the Association exclusively to an Owner and an Owner’s Family as defined by this rule. Member Photo ID Cards grant holders access to Private Amenities and other Member benefits, discounts, and privileges. Members issued a

physical Member Photo ID Card will also qualify for a digital Member Photo ID Card.

ii. **RESIDENT TENANT PHOTO ID CARD:** Individualized Photo ID Cards issued by the Association through the Owner Relinquishment Process, and available to Resident Tenants through the Owner Relinquishment Process. Resident Tenant Photo ID Cards permit holders access to Private Amenities and other benefits, discounts, and privileges, subject to Operating Plan Resident Tenant fees, conditions, and restrictions. Resident Tenants issued a physical Resident Tenant Photo ID Card will also qualify for a digital Resident Tenant Photo ID Card.

b. **SHORT-TERM TENANT CARD:** Transferable cards issued by the Association to Owners of Residential Parcels registered with the Town of Truckee and the Association as short-term rentals. Short-Term Tenant Cards permit Private Amenity access to Short-Term Tenants for an access fee, subject to Operating Plan Short-Term Tenant conditions and restrictions.

17. **TENANT:** Any individual who occupies an Owner's Residential Parcel in exchange for payment of consideration, monetary or not.

a. **RESIDENT TENANT:** A subcategory of Tenant that includes both Seasonal Tenants and Long-Term Tenants. Tenants shall be considered to be residing at the Owner's improved Residential Parcel, and therefore Resident Tenants, if their tenancy of the Owner's Residential Parcel is equal to or in excess of 31 consecutive days.

i. **LONG-TERM TENANT:** A subcategory of Resident Tenant that includes any individual who leases an Owner's Residential Parcel in exchange for payment of consideration, monetary or not, for a period of longer than 9 consecutive months. Long-Term Tenant relationships must be validated with Official Documentation.

ii. **SEASONAL TENANT:** A subcategory of Resident Tenant that includes anyone who leases an Owner's Residential Parcel in exchange for payment of consideration, monetary or not, for 31 consecutive days to nine consecutive (9) months. Seasonal Tenant relationships must be validated with Official Documentation.

b. **SHORT-TERM TENANT:** A subcategory of Tenant that includes anyone who occupies an Owner's Residential Parcel in exchange for payment of consideration, monetary or not, for 30 days or less, and whose tenancy is therefore subject to applicable transient occupancy taxes.

18. **RESIDENTIAL PARCEL:** A lot, residence, or condominium/apartment unit within the Tahoe Donner Subdivision designated for residential purposes.

B. GENERAL POLICY REGARDING AMENITY ACCESS

1. It shall be the general policy of the Association to operate, manage, and regulate access to the Amenities in a manner designed to prioritize, promote, and protect personal use and enjoyment by the Owners and Owners' Families.
2. Amenity access by Personal Guests will be allowed subject to appropriate limitations designed to avoid overburdening the Amenities; ensure that such use does not detrimentally affect the use and enjoyment of Owners and Owner's Families; and promote the Association's single-family residential character.
3. Amenity access by Short-Term, Seasonal, and Long-Term Tenants will be allowed subject to appropriate limitations designed to avoid overburdening the Amenities; ensure that such use does not detrimentally affect the use and enjoyment of Owners, Owner's Families, and Personal Guests; and promote the Association's single-family residential character.
4. Amenity access by members of the general public shall not ordinarily be permitted at the Private Amenities.
 - a. Exceptions to this prohibition may be permitted by management, provided these exceptions support the Association's tax-exempt status, and will not detrimentally affect the use and enjoyment of Owners and Owner's Families.
5. Amenity access by members of the general public may be permitted at the Public Amenities only where the Association determines that such access will likely make the Amenity more cost-effective, while neither overburdening the Amenity nor detrimentally affecting the use and enjoyment of Owners, Owners' Families, Personal Guests, and Tenants.

C. MEMBER PHOTO ID CARDS

1. GENERAL

- a. Member Photo ID Cards are available for Owner and Owner's Family members with appropriate Official Documentation to validate familial status based on the definition of Owner's Family in Section A.
- b. Member Photo ID Card Holder benefits include:
 - i. Access to the Private Amenities for Members.
 - ii. Member discounts on products and services.
 - iii. Priority reservation windows for high demand products and services.
- c. Access to the Private Amenities for Members shall be provided consistent with the following schedule:
 - i. From January 1, 2025 through December 31, 2025, Private Amenity access for Members shall be provided according to the provisions of the Phased Implementation Plan.
 - ii. Starting on January 1, 2026, Member Photo ID Card holders shall be entitled to Private Amenity access without the requirement of a daily access fee or an additional annual access pass.
- d. Each Residential Parcel shall be allotted Member Photo ID Cards consistent with the following schedule:
 - i. From January 1, 2025 through December 31, 2025, Member Photo ID Cards shall be allotted and purchased according to the Phased Implementation Plan.
 - ii. Starting on January 1, 2026, and as determined by the Board through the annual budget process, a minimum of two (2) and a maximum of four (4) Member Photo ID Cards shall be allotted per Residential Parcel and included in the annual assessment. No later than January 1, 2027, four (4) Member Photo ID Cards shall be allotted per Residential Parcel and included in the annual assessment.
 1. If an Owner's Family members number less than the number of Member Photo ID Cards allotted per Residential Parcel, no additional Member Photo ID Cards shall be granted for relationships not ordinarily qualified under this rule, except as provided for by the Member Photo ID Card Exception Process.
 2. If an Owner's Family members number more than the number of Member Photo ID Cards allotted per Residential Parcel, the Owner shall be entitled to purchase up to six (6) additional Member Photo ID Cards annually.

2. MEMBER PHOTO ID CARD ASSIGNMENTS

- a. The Owner shall be the only Member associated with a Residential Parcel that has authority to assign Member Photo ID Cards to Owner Family members, or to make changes to those assignments.
- b. Owners may assign, reassign, or cancel Member Photo ID Cards with the presentation of appropriate Official Documentation to the Association.
 - i. From January 1 to January 31, Member Photo ID Card assignments and reassignments will be made by the Association without an administrative fee.
 - ii. From February 1 to December 31, Member Photo ID Card assignments and reassignments will be made by the Association with an administrative fee.
 - iii. Member Photo ID Cards may be reassigned no more than once every twelve (12) months.
- c. Once assigned to an individual associated with a Residential Parcel, that Member Photo ID Card assignment is valid until such time as the Owner:
 - i. Sells the Residential Parcel, or
 - ii. Delegates his or her Member rights, privileges, and benefits through the Owner Relinquishment Process, or
 - iii. Cancels or reassigns the Member Photo ID Card.
- d. Any canceled or reassigned Member Photo ID Card must be returned to the Member Services office.
 - i. Any purchased Member Photo ID Card that is canceled or reassigned is NOT transferable or refundable.
 - ii. Any Amenity entry pass product attached to a canceled or reassigned Member Photo ID Card is NOT refundable or transferable.
- e. Any children of Members over the age of three (3) must have a valid Member Photo ID Card to receive Member rights, privileges, and benefits.

3. MEMBER PHOTO ID CARD EXCEPTION PROCESS

- a. Owners, as defined in Section A of this rule, may petition the Association to request Member Photo ID Cards exceptions for family relationships that either cannot be validated via the requirements of this rule, or that would not ordinarily qualify under this rule.
- b. To initiate a Member Photo ID Card Exception Process, Owners must submit their request in writing to the Member Services Office.
 - i. The Member Photo ID Card Exception Process is subject to Operating Plan fees, conditions, and restrictions.
 - ii. Each individual for whom an exception is sought shall require a separate exception petition and exception process.

- iii. To be considered for an exception, an Owner must furnish satisfactory evidence that *the Owner* has a long-term relationship with the individual for whom the exception is sought that is tantamount to the family relationships defined in Section A of this rule. The Association in its sole discretion shall determine the satisfactoriness of the evidence.
- iv. No more than two (2) exceptions may be granted per Residential Parcel without Board approval.
- v. All exceptions granted are subject to all other provisions in this rule.
- vi. Beginning January 1, 2026, petitions to initiate a Member Photo ID Card Exceptions Process shall be limited to no more than one (1) petition per Residential Parcel every two (2) years without Board approval.
- c. Provided satisfactory documentation has been provided by the Owner, the following Member Photo ID Card exceptions may be granted by the Member Services Office, with all other exception requests requiring a decision by the Exception Review Panel.
 - i. Cohabitation Relationships
 - 1. An 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 (6) months, shall be considered a long-term relationship tantamount to the family relationships defined in Section A of this rule, and therefore eligible for consideration as an exception through the Member Photo ID Card Exception Process.
 - ii. Foreign Exchange Students
 - 1. A bona fide high school foreign exchange student, who is not contractually bound to provide any services to their host family, will be treated, for the purpose of obtaining a Member Photo ID Card, as a dependent child of the Owner's Family while residing with them under the exchange program.
 - iii. Au Pairs
 - 1. Bona fide, live-in au pairs shall be considered a long-term relationship tantamount to the family relationships defined in Section A of this rule, and therefore eligible for consideration as an exception through the Member Photo ID Card Exception Process.
- d. The Exception Review Panel shall be notified of all exception decisions made by the Member Services Office.
- e. Member Photo ID Card Exception Process petitions denied by the Member Services Offices may be petitioned to the Exception Review Panel.
- f. Member Photo ID Exception Review Panel Process:
 - i. Upon receipt of the written petition from the Member Services Office and within ten (10) business days of receipt of the petition, the Exception Review

Panel shall schedule a meeting with the Owner to consider whether to grant or deny the requested exception.

- ii. All Member Photo ID Card Exception decisions made by the Exception Review Panel are to be in writing and provided to the Owner within ten (10) business days.
 - iii. The Board of Directors shall be notified of all exception decisions made by the Exception Review Panel.
 - iv. Exception denials by the Exception Review Panel may be appealed to the Board of Directors.
- g. A record of all Member Photo ID Card Exception Process decisions shall be kept by Member Services.

D. ADDITIONAL OWNERSHIP PROVISIONS

1. MULTIPLE OWNERS OF A SINGLE RESIDENTIAL PARCEL

- a. When a Residential Parcel is owned by more than one person, the Owners of the Residential Parcel must designate which Owners in the ownership group and which Owners' Family members shall be assigned the Residential Parcel's allotted and purchased Member Photo ID Cards.
- b. Consistent with the schedule in Section C(1)(d), a maximum of four (4) allotted and six (6) purchased Member Photo ID Cards may be available to any single Residential Parcel owned by multiple owners.

2. PARTNERSHIPS AND CORPORATIONS

- a. When a partnership or corporation is the Owner of a Residential Parcel, the partnership or corporation will be treated as the Owner for the purposes of this rule.
 - i. Official Documentation shall be required to identify and verify the officers, directors, or partners.
- b. For partnerships, corporations, and other fictitious legal entities, Owner's Family relationships shall be defined and restricted in accordance with the definition of Owner's Family set forth in Section A above, substituting officer, director, or partner for Owner as appropriate.
- c. Consistent with the schedule in Section C(1)(d), a maximum of four (4) allotted and six (6) purchased Member Photo ID Cards may be available to any single Residential Parcel owned by a partnership or corporation.

3. TRUSTS

- a. When a Residential Parcel is held in trust, the trustee(s) of that trust is the Owner for the purposes of this rule.
 - i. Official Documentation shall be required to identify and verify the trustee(s).
- b. For trusts, Owner's Family relationships shall be defined and restricted in accordance with the definition of Owner's Family set forth in Section A above, substituting trustee(s) for Owner as appropriate.
- c. Consistent with the schedule in Section C(1)(d), a maximum of four (4) allotted and six (6) purchased Member Photo ID Cards may be available to any single Residential Parcel owned by a trust.

4. OWNERS OF MULTIPLE RESIDENTIAL PARCELS

- a. Consistent with the schedule in Section C(1)(d), a maximum of four (4) allotted and six (6) purchased Member Photo ID Cards may be available for each Residential Parcel owned by Owners of multiple Residential Parcels.

E. PERSONAL GUESTS

1. ACCESS

- a. Consistent with Section A(9), management may implement an Operating Plan that includes peak period pricing, access blackout dates, or another limitation mechanism for the Personal Guest category and/or any Personal Guest sub-category.
- b. For peak periods, the Operating Plan may limit the number of Accompanied and/or Unaccompanied Personal Guests permitted per Residential Parcel, per day, and/or limit the number of Personal Guests permitted per Member/per day.
- c. If a Member intends more than ten (10) Personal Guests to access on one day, that Member must present that request in writing to the Member Services Office at least seven (7) days in advance to obtain approval.
 - i. Subject to Operating Plan fees, conditions, and restrictions, as well as potential facility rental fees.

2. ACCOMPANIED PERSONAL GUESTS

- a. Accompanied Personal Guests may be granted access upon arrival at a Private Amenity with a Member who is a valid Member Photo ID Card holder.

3. UNACCOMPANIED PERSONAL GUESTS

- a. Unaccompanied Personal Guests may be granted access upon arrival at a Private Amenity provided the Unaccompanied Personal Guest has been registered by a Member through the Personal Guest Registration Process.
 - i. All Personal Guests ages three (3) and older must be registered through the Personal Guest Registration Process to access the Private Amenities unaccompanied by a Member.
 - ii. To register Personal Guests, Members will need to provide the names, ages, and any other information specified by the Operating Plan for each Personal Guest they wish to register.
 - iii. For verification purposes, Unaccompanied Personal Guests may be required to present a valid photo ID upon arrival at a Private Amenity.
- b. Unaccompanied Personal Guests who arrive at a Private Amenity that have not been registered through the Personal Guest Registration Process will not be granted access.

F. TENANTS

1. ACCESS

- a. Consistent with Section A(9), management may implement an Operating Plan that includes peak period pricing, access blackout dates, or another limitation mechanism for the Tenant category and/or any Tenant sub-category.

2. RESIDENT TENANTS

- a. Resident Tenants may access the Private Amenities by means of the Owner Relinquishment Process and Resident Tenant Photo ID Cards.
- b. The issuance of Resident Tenant Cards may be subject to Operating Plan fees, restrictions and conditions. A Resident Tenant administrative fee will apply.

3. SHORT-TERM TENANTS

- a. Short-Term Tenants may access the Private Amenities by means of a Short-Term Tenant Card. Each Short-Term Tenant Card will allow Private Amenity access to one (1) individual ages three (3) and older for an access fee and subject to Operating Plan Short-Term Tenant restrictions and conditions.
- b. For each Residential Parcel they own that is registered as a short-term rental with the Town of Truckee and the Association, Owners shall be entitled to up to six (6) Short-Term Tenant Card(s).
- c. The issuance of Short-Term Tenant Cards may be subject to Operating Plan restrictions and conditions.
- d. To qualify for Short-Term Tenant Cards, Owners must:
 - i. Furnish proof that their Residential Parcel is registered with the Town of Truckee and the Association as a short-term rental.
 - ii. Pay an annual per card administrative fee.
- e. Short-Term Tenant Cards remain valid only so long as:
 - i. The Residential Parcel remains registered with the Town of Truckee and the Association as a short-term rental.
 - ii. The annual per card administrative fee is paid.
- f. Short-Term Tenant Cards shall be associated with a specific Residential Parcel and are NOT transferable to another Residential Parcel or refundable.

G. RESIDENT TENANT PHOTO ID CARDS

1. GENERAL

- a. In accordance with the Governing Documents, and subject to Operating Plan Resident Tenant fees, conditions, and restrictions, Seasonal Tenants and *single-family* Long-Term Tenants (i.e. Resident Tenants) are eligible for Resident Tenant Photo ID Cards through the Owner Relinquishment Process.
 - i. For Long-Term Tenants, *single-family* relationships eligible for a Resident Tenant Photo ID Card shall be defined and restricted in accordance with the definition of Owner's Family set forth in Section A above, substituting lessee for Owner as appropriate.
 - ii. For Seasonal Tenants, family relationships eligible for a Resident Tenant Photo ID Card shall include any individual who has a relationship to a lessee that is one of the following: spouse/domestic partner, children, domestic partner's child.
- b. Resident Tenant Photo ID Card holders shall have analogous Private Amenity rights, privileges, and benefits as Member Photo ID Card holders (e.g. discounts and Personal Guest privileges), except that Resident Tenant Photo ID Card holders shall not be provided with an analogous Member Photo ID Card Exception Process.
- c. Individual Resident Tenants will be issued no more than one (1) Resident Tenant Photo ID card per person.
- d. Any children of Resident Tenants over the age of three (3) must have a valid Resident Tenant Photo ID Card to receive any privileges available to Resident Tenants.
- e. Through the Owner Relinquishment Process, the Owner may designate and authorize a primary Resident Tenant to assign Resident Tenant Photo ID Cards to eligible Resident Tenants or to make changes to those assignments.
- f. Once assigned to a Resident Tenant, that Resident Tenant Photo ID Card assignment is valid until such time as:
 - i. The Resident Tenant's lease expires, or
 - ii. The Resident Tenant Card is canceled or reassigned.
- g. Any canceled or reassigned Resident Tenant Photo ID Card must be returned to the Member Services office.
 - i. Any purchased Resident Tenant Photo ID Card that is canceled or reassigned is NOT refundable or transferable.
 - ii. Any Amenity entry pass product attached to a canceled or reassigned Resident Tenant ID Card is NOT refundable or transferable.

2. OWNER RELINQUISHMENT PROCESS

- a. The Member Photo ID Cards associated with a Residential Parcel pursuant to Section C may be relinquished by the Owner to a Resident Tenant upon written request of the Owner and the presentation to the Association of a valid Resident Tenant lease.
 - i. To initiate the Owner Relinquishment Process, Owners must submit their request in writing to the Member Services Office.
 - ii. Operating Plan fees, conditions, and restrictions may apply.
- b. The right to delegate and assign Resident Tenant Photo ID Card privileges to Resident Tenants through the Owner Relinquishment Process shall extend to all Owners, including partnerships, corporations, and trust owners.
- c. Owners may initiate the Owner Relinquishment Process no more frequently than once every 9 months.
- d. Upon utilizing the Owner Relinquishment Process, the Owner and Owner's Family will relinquish all Member rights, benefits, and privileges, except for those rights, benefits, and privileges that the Governing Documents and/or this rule specifically exempt from delegation.
- e. All outstanding Tahoe Donner Cards associated with the leased Residential Parcel must be returned to the Member Services Office before Resident Tenant Photo ID Cards may be issued for the parcel.
- f. Upon the end of a lease term, Resident Tenant Photo ID Cards must be returned to the Member Services Office.
- g. Upon the return of the Resident Tenant Photo ID Cards to the Member Services Office, all delegated rights, privileges, and benefits revert to the Owner.

H. OFFICIAL DOCUMENTATION

1. The Board shall review and, if appropriate, update the list of admissible Official Documentation at least every other year, with the complete and up-to-date list of accepted Official Documentation published in the Operating Plan.
2. The Association in its sole discretion shall determine the validity of all Official Documentation.
3. Owners are solely responsible for furnishing appropriate Official Documentation to the Association.
4. At a minimum, Official Documentation shall include one or more of the following:
 - a. To validate ownership, Official Documentation shall be a current recorded deed on file with the Office of the Nevada County Recorder.
 - b. To validate familial relationships, Official Documentation includes without limitation a birth certificate, marriage certificate, declaration of domestic partnership, and state issued adoption record.
 - c. To validate Long-Term or Seasonal Tenant relationships, Official Documentation includes without limitation a signed lease agreement and other documentation to show proof of Tenant residency at the leased Residential Parcel.
 - d. To validate trusts, Official Documentation includes without limitation a trust document naming the trustees.
 - e. To validate partnerships, corporations, and other fictitious legal entities, Official Documentation includes without limitation Articles of Incorporation, partnership agreement, and a letter from the partnership or corporation naming the officers, directors, and/or partners.

I. GENERAL USE REGULATIONS AND RESTRICTIONS

1. GOOD STANDING

- a. To qualify for any of the rights, privileges, and benefits referenced in this rule, Owners must be in Good Standing.

2. PRESENTATION OF TAHOE DONNER CARDS

- a. No access or discount shall be granted at any Amenity without presentation of a valid Tahoe Donner Card.

3. ONE PHOTO ID CARD PER PERSON

- a. No individual Owner, Member, or Tenant will be issued more than one (1) Photo ID Card, regardless of how many Residential Parcels that individual owns, leases, or is otherwise associated with.

4. PEAK USAGE PERIODS

- a. Photo ID Card holders may be required to make a reservation to access a Private Amenity during peak usage periods.

5. LOST OR STOLEN TAHOE DONNER CARDS

- a. Any lost or stolen Tahoe Donner Card shall be reported to the Association's Member Services Office immediately.
- b. The Association, at its sole discretion, shall be entitled to issue replacement Tahoe Donner Cards if the circumstances warrant such replacement, and to charge a replacement fee per Tahoe Donner Card.
- c. No temporary Tahoe Donner Cards will be issued.

6. SALE OF RESIDENTIAL PARCELS

- a. Upon the sale of a Residential Parcel, new Tahoe Donner Cards may be issued to the new Owners of the Residential Parcel and/or the Owner's Family, and all Tahoe Donner Cards associated with the parcel and issued to the seller and/or the seller's family are null and void.

7. ATTENDANTS OF DISABLED OWNERS

- a. Subject to all other provisions of this rule, where a disabled Owner's reasonable use of an Amenity is only possible with the assistance of an attendant, that attendant will be permitted access without charge for the purpose of providing such assistance.

8. USE OF AMENITIES BY MINOR CHILDREN

- a. Children under the age of three (3) shall have unrestricted right of entry to the Private Amenities without a Tahoe Donner Card, provided the child is accompanied by an adult parent or legal guardian who is validly in possession of a Tahoe Donner Card.
- b. Children under the age of ten (10) shall not be admitted to or allowed to use any Amenities without direct adult supervision. Some Amenities may have higher age requirements in their posted rules.
- c. Children under the age of 18 shall not be admitted to or allowed to use a Private Amenity unless the child under the age of 18 has a valid liability waiver on file with the Association signed by a parent or legal guardian.
- d. Accompanied Personal Guests under the age of 18 shall not be admitted to a Private Amenity unless accompanied by an adult, OR unless the Personal Guest under the age of 18 has a valid liability waiver on file with the Association signed by a parent or legal guardian.
- e. Unaccompanied Personal Guests under the age of 18 shall not be admitted to a Private Amenity unless the Personal Guest under the age of 18 has a valid liability waiver on file with the Association signed by a parent or legal guardian.
- f. Children of Short-Term Rental tenants under the age of 18 shall not be admitted to a Private Amenity unless accompanied by an adult.

9. ASSUMPTION OF RISK AND INDEMNITY

- a. In consideration of the use of and participation in the Tahoe Donner Amenities, facilities, and associated activities, and the ability to make assignments to Tenants, and to bring Personal Guests to Amenities, facilities, and activities, and in consideration of receipt of a Tahoe Donner Card (either-allotted or purchased), each Member, Personal Guest, and Tenant must enter into/sign an assumption of risk and indemnification agreement.

10. FRAUDULENT AND PROHIBITED ACTIONS CONCERNING TAHOE DONNER CARDS

- a. Presenting false or misleading information to obtain any Tahoe Donner Card is fraudulent action and will be grounds for disciplinary and legal action against the Owner and/or Tenant consistent with the Governing Documents and as allowed by law. Such fraudulent action may include but is not limited to:
 - i. Making a false representation of an Owner's Family, Personal Guest, or Tenants.
 - ii. Providing false information or documentation.
 - iii. Falsely attesting that a Tenant has a valid and enforceable lease when the Tenant does not.

- iv. Falsely attesting that a Tenant resides at a Residential Parcel when the Tenant does not.
 - v. Assigning a Tahoe Donner Card to, or obtaining a Tahoe Donner Card for a person who is not eligible under this rule.
- b. Selling or otherwise transferring Tahoe Donner Cards and/or private amenity privileges and member benefits is strictly prohibited.
- c. Photo ID Cards are specifically assigned to the person to whom the Photo ID Card is issued, subject to the provisions of this rule. Photo ID Cards may not be utilized by, or transferred to, any other person. Doing so will result in the confiscation of the Photo ID Card and disciplinary and legal action against the Owner and/or Tenant consistent with the Governing Documents and as allowed by law.
- d. Any use of a Tahoe Donner Card that violates any provision of this rule may result in the confiscation of the Tahoe Donner Card. The Association reserves the right to pursue any disciplinary and legal action against the Owner and/or Tenant consistent with the Governing Documents and as allowed by law.

11. FRAUDULENT USE OF THE PERSONAL GUEST REGISTRATION PROCESS

- a. Use of the Personal Guest Registration Process for purposes other than those purposes for which the process was created and intended, will be grounds for disciplinary action and legal action against the Owner and/or Tenant consistent with the Governing Documents and as allowed by law.

12. ASSOCIATION RULES VIOLATION

- a. Any other violation of this rule and/or of the posted rules at the Amenities, may be grounds for disciplinary and legal action against the Owner, Personal Guests, and/or Tenant consistent with the Governing Documents and as allowed by law.

J. PHASED IMPLEMENTATION PLAN

1. Through the annual budget process and other administrative means, staff shall develop and the Board shall adopt a phased implementation plan with the following objectives:
 - a. Develop and implement a financial transition plan to smooth budgetary and assessment changes associated with this rule.
 - b. Develop and implement management processes and practices to ensure that the Private Amenities do not become overburdened by this rule.
2. To evaluate progress and to provide direction, the Board shall review and, if appropriate, update the phased implementation plan at least semi-annually.
3. The Board shall adopt the initial phased implementation plan concurrent with the adoption of this rule.
4. The Operating Plan shall represent the current state of the Phased Implementation Plan.

DRAFT AMENITY ACCESS RULE PHASED IMPLEMENTATION PLAN:

2024 - Year 0

1. Photo ID Validation Plan:

- a. Beginning on the date of the rule's adoption, newly issued Photo ID Cards shall be subject to the Amenity Access Rule's requirements.
- b. Beginning on the date of the rule's adoption, if any changes are made to the Photo ID Card holders listed on a Residential Parcel's property profile, then all Photo ID Card holders listed on that property profile shall be subject to the Amenity Access Rule's requirements.
- c. Unless changes are made to the Photo ID Card holders listed on a Residential Parcel's profile, for Photo ID Cards issued prior to the rule's adoption, from the date of the rule's adoption through December 31, 2027, shall constitute a grace period for providing Official Documentation to the Association to validate family relationships to qualify for Photo ID Cards.

2025 - Year 1

1. **Member Amenity Access:** No changes to the Member Photo ID Card and Recreation Fee system from 2024, with appropriate adjustments to the two (2) and four (4)-Card Recreation Fees and the fees for Additional Member Photo ID Cards made through the 2025 budget process.
2. **Photo ID Validation:** Continue and refine the Photo ID Validation plan.
3. **Existing Transferable Guest Cards:** All existing transferable guest cards will be deactivated on January 1, 2025.
4. **Short-Term Tenants:** Develop and implement the Short-Term Tenant Card program.
 - a. Initial Operating Plan preliminary details:
 - i. Administrative fee for purchasing Short-Term Tenant Cards will be set through the budget process.
 - ii. Each Short-Term Tenant Card will allow Private Amenity access to one (1) individual ages three (3) and older for an access fee.
 - iii. Short-Term Tenant Cards valid from 1/1/2025 to 12/31/2025.
 - iv. Short-Term Tenant Cards can be purchased at any time during the year but expire on 12/31/2025.
5. **Resident Tenants:** Develop and implement the Resident Tenant Photo ID Card.
 - a. For 2025, the rights, privileges, and benefits delegated to Residential Tenants via the Owner Relinquishment Process shall be consistent with continuing the Member Photo ID Card and Recreational Fee status quo through 2025.

6. **Personal Guests:** Develop and implement the Personal Guest Registration Process
 - a. Determine if Aspenware will work or if we need a different personal guest registration system
 - i. Aspenware limits the total number of people on one profile - 19
 - b. Determine payment methodology. Options include:
 - i. Invoiced to the Owner at the end of the month via Aspenware folios.
 - ii. Personal guest pays at the time of entry (relationship validated through registration process only)
 - iii. Prepaid access “debit” card with stored value the owner gives to their personal guests
 - iv. A combination of options available for owners to select – pay at entry or prepaid stored value card
7. **Operating Plan:** Develop, publish, and implement the first Operating Plan to avoid overburdening the Private Amenities while prioritizing, promoting, and protecting Member use and enjoyment.

2026 - Year 2

1. **Member Amenity Access:** Beginning on January 1, 2026, Member daily access fees and the Recreation Fee program shall end. As determined through the budget process following financial analyses, a minimum of two (2) and a maximum of four (4) Member Photo ID Cards shall be allotted per Residential Parcel and included in the annual assessment. Valid Member Photo ID Card holders shall be entitled to Private Amenity access without the requirement of a daily access fee or an additional annual access pass.
 - a. If an Owner’s Family members number more than the number of Member Photo ID Cards allotted per Residential Parcel, the Owner shall be entitled to purchase up to six (6) additional Member Photo ID Cards.
2. **Photo ID Validation:** Continue and refine the Photo ID Validation plan.
3. **Short-Term Tenants:** Continue and refine the Short-Term Tenant Card program.
4. **Personal Guests:** Continue and refine the Personal Guest Registration Process.
5. **Resident Tenants:** The rights, privileges, and benefits delegated by Owners to Resident Tenants shall be analogous to the rights, privileges, and benefits available to Owners under the Amenity Access Rule, except for those rights, benefits, and privileges that the Governing Documents and/or the rule specifically exempt from delegation.
6. **Operating Plan:** Analyze access data from the first year (specifically the Beach Club and the Trout Creek Recreation Pool), and adjust the Operating Plan as warranted to avoid overburdening the Private Amenities while prioritizing, promoting, and protecting Member use and enjoyment.

2027 - Year 3

1. **Members:** Four (4) Member Photo ID Cards shall be allotted per Residential Parcel and included in the annual assessment. Valid Member Photo ID Card holders shall be entitled to Private Amenity access without the requirement of a daily access fee or an additional annual access pass.
 - a. If an Owner's Family members number more than the number of Member Photo ID Cards allotted per Residential Parcel, the Owner shall be entitled to purchase up to six (6) additional Member Photo ID Cards.
2. **Photo ID Validation:** Continue and refine the Photo ID Validation plan. Beginning on January 1, 2028, any Photo ID Cards assigned to individuals whose family relationship qualifications have not been validated with Official Documentation shall be deactivated unless and until the Association receives appropriate Official Documentation.
3. **Short-Term Tenants:** Continue and refine the Short-Term Tenant Card program.
4. **Personal Guests:** Continue and refine the Personal Guest Registration Process
5. **Resident Tenants:** The rights, privileges, and benefits delegated by Owners to Residential Tenants shall be analogous to the rights, privileges, and benefits available to Owners under the Amenity Access Rule, except for those rights, benefits, and privileges that the Governing Documents and/or this rule specifically exempt from delegation.
6. **Operating Plan:** Analyze access data from the second year (specifically the Beach Club and the Trout Creek Recreation Pool), and adjust the Operating Plan as warranted to avoid overburdening the Private Amenities while prioritizing, promoting, and protecting Member use and enjoyment.