



**TAHOE DONNER ASSOCIATION  
BOARD OF DIRECTORS  
2025-#16 ADMINISTRATIVE RESOLUTION**

**EMERGENCY ADOPTION OF UPDATED FINES SCHEDULE**

**WHEREAS**, the Board of Directors (the “Board”) of Tahoe Donner Association (the “Association”) is empowered to govern the affairs of the Association, including the enforcement of the governing documents and the health, safety, and welfare of its members and residents<sup>1</sup>;

**WHEREAS**, the Board is empowered to adopt Association Rules concerning, but not limited to: the Common Area, Common Facilities, Other Association Real Property, enforcement of the governing documents, member discipline, monetary penalties, and any other subject or matter within the jurisdiction of the governing documents<sup>2</sup>;

**WHEREAS**, pursuant to Civil Code §4360(d), the Board is empowered to adopt rules on an emergency basis (i.e., foregoing standard adoption timeline and process otherwise required by Civil Code §4360(a)), “if the board determines that an immediate rule change is necessary to address an imminent threat to public health or safety or imminent risk of substantial economic loss to the association<sup>3</sup>;

**WHEREAS**, an emergency situation exists due to the enactment of Assembly Bill 130 (“AB 130”) amending sections of the Civil Code<sup>4</sup>, which such changes became effective on July 1, 2025 immediately following its adoption. Without prompt Board action, as herein contemplated, the statutory changes imposed by AB 130 will significantly impair the Association’s ability to enforce the governing documents specifically concerning matters involving adverse health or safety impacts to the Association’s Common Areas or another member’s separate interest;

**WHEREAS**, these emergency circumstances could not have been reasonably foreseen, and require immediate attention and action by the Board, making it impracticable to provide the notice that is otherwise required for fine schedule changes;

**WHEREAS**, the Board determines that an immediate fine schedule change is required, both to ensure the health, safety, and welfare of the Association and its members, and to comply with those sections of Civil Code amended by AB 130;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of Tahoe Donner Association does hereby find that the following types of conduct involving violations of the Association’s governing documents adversely affect the health, safety, and welfare of the Association’s Common Areas and/or a member’s separate interest:

- Due to the Association’s presence in a designated extreme fire zone, and in line with the Truckee Fire Department’s Ordinance 04-2019, violations involving increased fire risk, including but not limited to fireworks, smoking on Association owned property, seasonal

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<sup>1</sup> Restated Bylaws of Tahoe Donner Association, Article IX.

<sup>2</sup> First Restated Declaration of Covenants and Restrictions of Tahoe Donner Association, Article III, Section 7.

<sup>3</sup> Davis-Stirling Common Interest Development Act, Chapter 3, Article 5, Sections 4360.

<sup>4</sup> California Civil Code §§5580 and 5588.

fire ban violations, and other fire safety violations, are deemed by the Board to involve adverse impacts to the Association's Common Area and/or a member's separate interest.

- Violations involving increased risk for harm to persons, property, and the environment, including but not limited to hunting and trapping, camping, firearm use, animal control, off-road vehicle use, equestrian use, unauthorized grading and construction, and garbage spills are deemed by the Board to involve adverse impacts to the Association's Common Area and/or a member's separate interest.
- Noxious activities and conduct violations that unreasonably impair and/or pose an immediate, direct, and substantial threat to a person, are deemed by the Board to involve adverse impacts to the Association's Common Area, a member's separate interest, and also the health, safety, and welfare of the Association and its members.

**BE IT FURTHER RESOLVED**, that the Board of Directors of Tahoe Donner Association does hereby adopt the updated fines schedule as identified in Attachment A.

**BE IT FURTHER RESOLVED**, that this emergency fine schedule shall take effect immediately upon notice to the membership, and shall remain in effect for a period not exceeding 120 days;

**BE IT FURTHER RESOLVED**, the Board will provide general notice of the fine schedule changes as provided for by the Association Governing Documents and state regulations.

**BE IT FURTHER RESOLVED**, the Board retains the authority to modify or end this emergency fines schedule based on circumstances and governing documents.

**BE IT FURTHER RESOLVED**, that the Board of Directors of the Tahoe Donner Association holds that certain violations of the governing documents are inherently incurable after the conduct has occurred. This may be due to their nature as non-continuous actions or because they involve conditions that cannot be remedied through affirmative action. For these types of violations, simply ensuring that a one-time violation does not happen again will not be considered an adequate remedy given the grave consequences and the seriousness of the conduct occurring at all.

**BE IT FURTHER RESOLVED**, that the Board of Directors of the Tahoe Donner Association defines a new violation to include the continued presence of conduct alleged to violate the Association's governing documents that has not been cured by the start of each new day or week or month, as selected by the Board and specified in the Association's hearing notice to the Owner.

**ADOPTED AND DATED: JULY 25, 2025, by the Board of Directors of Tahoe Donner Association**

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Benjamin Levine, President

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Don Koenes, Treasurer

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Denise Gauny, Vice President

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Jay Wertheim, Director

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Courtney Murrell, Secretary



### **CERTIFICATE OF SECRETARY**

I certify that I am the duly qualified and acting secretary of the Tahoe Donner Association, a California Nonprofit Mutual Benefit corporation. The foregoing is a true and correct copy of the Resolution duly adopted by the Board of Directors at a duly noticed Board meeting held on July 25, 2025, and entered in the minutes of such meeting. The Resolution as of this date has not been modified or appealed and is, as of now, in full force and effect.

DATED: \_\_\_\_\_

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Courtney Murrell, Secretary