



**Board of Directors' Zoom Meeting Minutes  
January 26, 2021  
1:00 PM**

**Board Member(s) Present:**

- Jan Van Willigen, President
- Gavin Schutz, Vice President
- Wayne LeBlang, Treasurer
- Paula Turner, Secretary
- Carol Nolte, Director
- Dean Rivale, Director
- Kenn Ulrich, Director

**Also Present:**

- Michael Walker, General Manager
- Kelly McGalliard, Operations Manager
- Sandra Gottlieb at 1:45 PM

**CALL TO ORDER**

The Board of Directors' Meeting was conducted via Zoom. The meeting was called to order by Jan Van Willigen at 1:00 PM.

**Approve & Waive Reading of Minutes of November 11, 2020** - Wayne Le Blang made a motion to approve the minutes of November 11, 2020, with two minor changes per Gavin Schutz. Seconded by Paula Turner; unanimously approved.

**Approve & Waive Reading of Executive Session Minutes of November 11, 2020, January 6, 2021 and January 12, 2021** - Wayne Le Blang made a motion to approve the executive session minutes of November 11, 2020, January 6, 2021 and January 12, 2021. Seconded by Paula Turner; unanimously approved.

**Financial Statements**

Jan Van Willigen made a motion to accept the Operating Fund Financial Statement as of November 30, 2020, the Accounts Receivable Summary as of January 15, 2021 the Financial Review Certifications of October and November 2020, the 4<sup>th</sup> quarter 2020 bank statements, and the Reconstruction Fund Financial Statement as of November 30, 2020, as presented. Seconded by Paula Turner; passed unanimously.

Gavin Schutz made a motion to authorize liens on parcels 775131059 and 775152037. Seconded by Wayne LeBlang; passed unanimously.

### **Old Business**

- **Website Renovation** – Kelly Trujillo, a professional web-site designer, and Res I homeowner, provided an overview and virtual tour of the Association’s website, which is being updated and renovated.
- **Traffic Study Implementation** - In 2019, a traffic study was conducted, and recommendations were made as a result of the study. Some of the recommendations were implemented in late 2019, while others were scheduled to be fulfilled in 2020. Due to COVID that did not happen. The company that provides the sign components has resumed taking orders. Gavin Schutz made a motion authorizing the purchase of signage to fulfill the following: Install 4 STOP signs making a 3 way STOP at Olympia Fields and Tanglewood and at Tanglewood and Riviera; Install SLOW signs, 2 on Shoal Creek and 4 on Oak Hill; Install Maintenance Crossing Signs at Southern Hills GC Maintenance Yard; Install 3 Radar Enforced Signs – 1 at the inbound boundary of Res I and Res II, 1 each at the north and west boundary of Res I and Res II on Winged foot, per Outdoor Design Studio’s quote in the amount of \$6,316.10. Seconded by Kenn Ulrich; passed unanimously.
- **Motus Earthquake Insurance** – The Board had discussion regarding the Association’s limited earthquake insurance coverage, at \$15M, with a 30% deductible. The Board concurs that it is in the best interest of the community for homeowners to carry supplemental earthquake insurance. In order to help facilitate owners becoming informed about earthquake insurance options, Jan Van Willigen made a motion to provide PGA WEST Residential Association homeowners with information regarding Motus Earthquake Insurance. Seconded by Kenn Ulrich; passed unanimously.
- **Landscape Committee Charter** - The Association’s original Landscape Committee Charter was over 30 years old; therefore, an updated Landscape Committee Charter was developed by the Committee and proposed for adoption by the Board. Paula Turner made a motion to adopt the Landscape Committee Charter as presented. Seconded by Jan Van Willigen; passed unanimously.
- **2021 Board of Directors’ Election Nominating Committee** was appointed by the Board. The 2021 Nominating Committee members include Jan Van Willigen, Paula Turner and Dean Rivale.
- **2021 Inspectors of Election** – Jan Van Willigen made a motion to appoint Kathryn Wanshura, Darrell Snyder and Jo Ann Yeoman to serve as Inspectors of Election for the 2021 Board of Directors’ Election on April 24, 2021. Seconded by Dean Rivale; passed unanimously.

- **The Election Timetable** was provided to the Board; it was noted that January 29, 2021 is the nomination deadline; the ballots will be mailed on or about March 20, 2021 and the Annual Members' Meeting and Board Election will be conducted on April 24, 2021 at 9:00 AM (most likely via ZOOM).
- **Discussion Regarding Amending the CC&Rs Regarding Rentals** - Sandra Gottlieb, Association Legal Counsel, provided a synopsis of Assembly Bill 3182 and its impact on Homeowners' Associations; she also discussed the Board's position that it has to consider 1422 Association owners and whether or not the majority of those owners favor retaining a residential atmosphere, or more of a commercial vacation destination environment. With the 'sister' communities PGA WEST II Residential and Fairways attempting to amend their CC&Rs to put limitations on Short Term Rentals, (STRs) PGA WEST Residential Association (Res I) may be put in a position of being the only PGA WEST Association that allows STRs; therefore, by default, the Association may experience a large influx of STRs. Consequently, the Board must decide if the Community should be provided the opportunity to decide if Res I will also attempt to place limitations on STRs.

**Open Forum** - Jan Van Willigen called upon owners who requested the opportunity to speak during the meeting. Ten homeowners addressed the Board, either orally or via written communication. Nine owners expressed that they are opposed to amending the CC&Rs to limit the number of days that owners may rent their units to greater than 30 days. One owner inquired about the possibility of PGA WEST being a COVID vaccination location.

- The Board discussed the topic of Short-Term Rentals within PGA WEST Residential Association. Mr. Van Willigen reiterated that the Board's objective is to ensure that PGA WEST Res I retain the residential nature of the community. Mr. Schutz expressed that due to the substantial impact that this issue has on the complexion of the community, owners should have the opportunity to vote and navigate the path forward for the Association. Mr. Rivale added that the Board, as a whole, is not opposed to short term rentals; however, it is the voice of the community that is important. Ms. Turner suggested that the Board send out a survey to poll the owners to determine whether more owners favor or oppose a CC&R amendment restricting short term rentals. Ms. Nolte stated that the Association has 75% of the owners who receive e-mail; therefore, a survey would have to be mailed to 25% of the owners. Mr. LeBlang asked Ms. Gottlieb, Esquire, what the Board should do in this case. Ms. Gottlieb responded that she advises the Board to put the issue to a vote of the membership. Mr. Rivale made a motion to propose a CC&R amendment, which will state that upon transfer of ownership of a property following the recordation of the CC&R amendment, the new owner may not rent their property for a duration less than 30 days. Further, that a rental density cap,

including short- and long-term rentals, shall be limited to 25% or less. The owners holding title to a PGA WEST Residential Association dwelling at the time the CC&R amendment is recorded are to be grandfathered in and exempt from the rental restrictions imposed by the amendment. Seconded by Wayne LeBlang; passed unanimously. Mr. Van Willigen requested that Ms. Gottlieb draft the proposed CC&R Amendment, which at some point is intended to be presented to the Res I homeowners.

## **New Business**

- **Muck Removal Proposals** - Lake SRS 1 (Cherry Hills Lake – Stadium) has a substantial buildup of decomposed weeds and mud that has accumulated over the years, which has the potential to cause problems with the intake on the lake pumps. Management recommends that we hire a contractor to eliminate the decomposed matter in a 15 to 20-foot radius around the intake. Management was directed to contact other Associations that have lakes to seek a qualified contractor to perform the work.
- **Brabo & Carlsen** – Kenn Ulrich made a motion to approve Brabo & Carlsen’s proposal in the amount of \$13,000, to perform the Association’s 2020 Year-End Audit. Seconded by Gavin Schutz; passed unanimously.
- **Lock Shop Bid** – There was a break-in in the Landscape Warehouse at the Association office site on December 26, 2020. The perpetrator was caught on the Association’s video security camera successfully ‘picking the lock’ and stealing two landscape blowers. Consequently, Management recommended installing dead bolts on the four doors of the warehouse. Wayne LeBlang made a motion to approve the bid from the Lock Shop in the amount of \$747.16 to install four deadbolts in the Association warehouse. Seconded by Carol Nolte; passed unanimously.
- **Additional Cameras** – In conjunction with the installation of dead bolts, Management was directed to obtain a quote to install additional cameras in the Southern Hills side of the office.
- **Committee Reports - Landscape/Pool, Paula Turner, Chair**, reported that Sunshine Landscape is implementing natural trimming within Res I. Queen Palms are also being trimmed, additionally there were many trees damaged and/or lost in the recent windstorm. Said trees are being replaced where appropriate; however, some species of trees are not being planted within the Association, for example, Orchid trees and Citrus trees have been problematic and are no longer being planted by the HOA. Finally, Ms. Turner advised that additional Pet Waste stations have been installed, bringing the total number of Pet Waste stations in the

Association to 25. **Architectural, Dean Rivale, Chair**, reported that the Architectural Committee is extremely active with Architectural improvement requests that include patio extensions, paver installations, swimming pools, awnings, and many window and door replacements. **Compliance, Carol Nolte, Res I Representative**, reported that in January 2021, there were 54 violations in Res I, which included speeding, parking and noise citations. **Gate and Patrol, Gavin Schutz, Chair**, reported that the Gate and Patrol Committee will meet on February 3, 2021. At that time they will discuss ways to optimize Dwelling Live's capabilities, more timely ways to notify owners who have received citations, modifying security patrol procedures to include follow up on reported violations such as a noise violation, wherein after patrol reports to the residence, and addresses the noise incident, a follow up visit to ensure compliance may be made by patrol. The Master Association has received authorization from the Club to access the golf course property for addressing CCR&R violations. Reciprocally, the Master Association has authorized the Club to issue violation citations for unauthorized encroachment onto golf course property. **Bighorn Sheep Barrier, Jan Van Willigen, BOD President**, reported that there have been several meetings with the Coachella Valley Conservation Commission (CVCC) regarding the placement of the proposed bighorn sheep barrier. Collectively, the Residential Associations and the Club have requested that the CVCC place the fence in accord with Alternate B of the Environmental Impact Report. CVCC replied that Alternate B would cost \$.5M more than the option CVCC prefers. We asked why the cost would be so much more. CVCC replied that Alternate B was longer and would cause the installation to be more difficult due to the terrain. However, that reasoning is being challenged. We will be meeting on January 29<sup>th</sup> with Katie Barrows of CVCC, the fence installation representatives and PGA WEST's Committee of eight, including Ben Dobbs, Club GM, Jeff Hildebrand who is on the Advisory Board and Tim McQuiggin from Fairways, Barbara Montavon, who serves on the Master and Res II Boards, Dave Eaves, Res I homeowner, Tom Headrick, former Res I Board member and current Res I homeowner, Jan Van Willigen, Res I Board President and Kelly McGalliard, Operations Manager, Res I. The purpose of the meeting will be to review the maps and diagrams to determine feasibility of routes and costs for same. **Communication, Carol Nolte, Chair**, reported that the Association Newsletter was sent via e-blast on January 9, 2021 and owner comments indicate that it was well received. Ms. Nolte is attempting to contact owners who do not yet receive the Association's correspondence via e-mail to determine if they would like to enroll to receive Association documents via e-mail. Presently there are 353 owners that do not receive e-mail from the HOA.

**Correspondence - None**

**General Manager's Report** – Michael Walker reviewed highlights of the General Manager's Report, including work order update, utility consumption by month and year to date and other items regarding day to day operation of the Association.

Carol Nolte made a motion to adjourn at 4:05 PM. Seconded by Wayne LeBlang; passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paula Turner".

Paula Turner, Secretary

Executive Session to discuss legal issues and member discipline was conducted immediately following the Board of Directors' Meeting.

The next Board of Directors' Meeting is scheduled for  
March 2, 2021 at 1:00 PM  
Via ZOOM.