

Emergency Meeting of the Board of Directors of the  
Rocky Ridge Properties Owners' Association  
Meeting Date: April 22, 2022  
Meeting Location: The Meeting was conducted through the  
ZOOM internet meeting platform

Meeting Minutes

**Notice of Meeting:** Bill (Yates) Bauder provided notice to the homeowners of the Board meeting in accordance with the requirements of the Association's Bylaws (e.g., by the means permitted by the Bylaws and with sufficient advance notice to comply with the Bylaws). The means of notice included email on 4-18-22 to members who have consented to delivery of notices through emails, US mail on 4-18-22 to other members, posting on 4-18-22 of the notice and agenda for the meeting at the bulletin board at the entry gate, and posting on the RRPOA website on 4-18-22 of the notice and agenda for the meeting.

**Attendance and Quorum:** Yates patched into the meeting from a cell phone, and Buster Fenley patched into the meeting from the office at the base of the Rocky Ridge hill. Board members Steve Dohrmann, Laura Bertone, Bob Schuchardt, Nick Farwell, Frank Pagliaro, Curt Sproul and Bruce Shepherd joined the meeting from other remote internet connections. With 7 members in attendance, a quorum was present. Non-directors Yates, Buster and Leah (from the O'Neal Brokerage office), and non-director owners Matt Howarth, Ron Janes, Stacy Connor, Jim Rehkopf, Alanna Dittoe, Heather Karp, Gina Symczak and Milton Long, also attended the meeting.

President Stephen Dohrmann called the meeting to order at 9:07 pm.

**1. Action to Address Bear Break-ins:** Steve and Yates began the meeting by describing the recent dramatic increase in bear break-ins into Rocky Ridge residences. The winter season began with several break-ins in early December (about 6), but the break-ins ceased when the heavy snows came in late December. Unfortunately, the break-ins resumed in mid-February as unusually warm temperatures persisted and the snow melted. There have been over 20 break-ins since that time. The break-ins usually occur after dusk and prior to 4:00 in the morning. While vacant units appear to be more attractive, some of the break-ins have occurred in units that were occupied (including with dogs) at the time of the break-in. Yates believes that the bears learn their respective break-in methodology from their mothers, thus resulting in the same break-in method repeating over and over again. At Rocky Ridge, the break-ins occur almost exclusively through the front doors, and they occur regardless of whether the kitchen is on the ground floor or a higher floor and even in units with little or no food storage.

Yates has tried various strategies to discourage the break-ins, including (i) the nailing of heavy plywood barriers to cover the front doors and (ii) the installation of faux electrical wiring to discourage the bears. The trespassing bears have learned to break through both defenses to the point where these defense strategies no longer work effectively. Yates also has tried posting over-night guards to protect against the bears, but this is time consuming and also of limited effectiveness, given the darkness. Yates also has explored obtaining a depredation permit, but he has concluded (based in large part upon the response that he has received from pertinent governmental authorities) that issuance/use of a depredation permit is not a viable course at the present time.

At the Rocky Ridge level, the onslaught of break-ins is overwhelming Yates's maintenance team. Yates estimates that each break-in consumes up to 3 laborer days in clean up and repair (which often includes the cost of a new door). The break-ins have caused Yates to call upon extra labor to help address the

damage, but the break-ins threaten to interfere materially with Yates' ability to maintain the Rocky Ridge properties and to ready the properties for the summer season. They also increasingly pose a threat to people within Rocky ridge residences.

Yates proposed that the most viable next strategy to discourage bear break-ins is to install bear mats which give off an electrical shock to a bear trying to cross the mat. The board and owners in attendance engaged in a lengthy discussion as to the pros and cons of the mat strategy. On the pro side, the following points were noted (among others):

- Yates has seen these mats used in other Tahoe developments (Buster has one at his home), and Yates and Buster are impressed by the deterrent success.
- The O'Neal real estate office is in the process of installing these mats in the units at Rocky Ridge which O'Neal manages as a rental pool. So far the mats appear to be successful in deterring break-ins of the pertinent units.
- The mats can be easily turned on and off, or they can be covered by another non-conducting mat to as to preclude the electrical shock. The mats also do not shock someone who is wearing shoes.
- The board also considered how the strategy will evolve if the bears shift their break-in strategies to windows. Yates noted that the ground floor windows could be wired around the periphery to shock offending bears, and that this likely would not be that expensive (though there would be some expense, if this next step proves necessary)

The following potential cons were noted (among others):

- Tahoe Bear Busters, a local firm based in Truckee, appears to be the best source for the bear mats, but it has a lengthy backlog and it may take several weeks for Tahoe Bear Busters to deliver the 102 mats (minus those already installed) that would be required for the Rocky Ridge residences. In order to procure the requisite mats as expeditiously as possible to effectively address the bear break-in threat, an order for the mats must be placed as quickly as possible.
- The installation of the mats involves several costs, including the following:
  - The mat equipment itself costs around \$500 per unit.
  - Operation of a mat requires a power source near the front door. Most units do not have such a source, so one would have to be installed at each such unit. This requires an electrician. O'Neal's experience is that the electrical costs run from \$500 to \$1500 per unit (and potentially more if the unit owner desires to install an interior on/off switch for the bear mat). Note also that the need to engage an electrician can add to the timeline for installation of a bear mat.
  - ***Note that the Board intends to pass all costs of installing a bear mat at a residence to the pertinent residence owner, through a special Remediation Assessment.***
- The mats could pose a danger for dogs or kids or others unaware of their presence (again, the mats should not shock a person wearing shoes). Tahoe Bear Busters includes signage to warn people about the potential shock, but there can be no assurance that dogs or kids (or adults!) might ignore the warning and suffer a shock. Tahoe Bear Busters informs that the shock should not be materially detrimental to most people, but it could be dangerous for some, and in any event it will not be a happy event for the shocked party.
- There was some discussion as to the potential liability for the Association. The Association concluded that the potential liability exposure has to be evaluated relative to the damage, disruption and safety issues caused by the increasing scope of bear break-ins. The Association also hopes to mitigate risk by communicating the bear mat risks to townhome owners and their occupants.

The Board also discussed whether the bear mats should be mandated for all residences within Rocky Ridge, or whether the installation should be optional. The Board concluded that the installation should be mandatory for all owners. The Board articulated a number of reasons for this decision, including (i) leaving a residence without bear mat protection increases the risk of a break-in for that unit, and such break-ins impose material costs on the Association, and (ii) absence of a bear mat makes a residence a more attractive target for bears, thereby increasing the risk for all owners due to the more frequent attraction of bears to the Rocky Ridge properties.

After lengthy discussion, Bruce moved that the Association proceed with the procurement and installation of bear mats, and that the Board do so by adopting the resolution attached to these minutes. Bob seconded the motion, and the board voted 7-0 to adopt the motion. The resolution approves the implementation of a strategy calling for the installation of the bear mats and further sets forth certain mechanics applicable to the procurement and installation of the bear mats. NOTE: The costs of installing a bear mat at each residence will be tracked, and the Association will pass these along in full to the respective residence owner as a Reimbursement Assessment.

**2. *Property Damage/General Liability Insurance.*** Laura and Yates reported that after recent discussions with the Association's insurers, Rich Votaw (the Association's insurance broker) has refined his estimate of the premium increase that the Association will have to pay to extend its property damage and general liability insurance from 5-15-22 to 5-15-23. Rich expects to receive a final quote in the next week or so. He believes that the premium will increase between 10% and 40% over the prior year. The Board's approved budget contemplated a 33% increase, so Laura is cautiously optimistic that the quarterly dues will not need to be increased to cover the new premium.

**3. *Closed Session.*** The Board adjourned to closed session to discuss possible resolution of a dispute with a homeowner.

**Adjournment.** The meeting adjourned at approximately 10:25 am.

**SCHEDULE FOR FUTURE BOARD MEETINGS: (All meetings are scheduled to start at 1:30 pm, unless otherwise noted. Dates, times and locations are subject to change):**

5-13-22 (Location: Zoom)      7-12-22 (Location: Zoom)  
9-3-22 at 9:00 am (Location: Rocky Ridge Beach clubhouse)

**SCHEDULE FOR FUTURE HOMEOWNER/MEMBER MEETINGS (Subject to change):**

9-3-22 at 11:00 am. (Location: Rocky Ridge Beach clubhouse)

## Installation of Bear Mats

### Findings and Resolution

On April 22, 2022, the Board of Directors of the Rocky Ridge Properties Owners' Association met and considered the considerable threat applicable to (i) property within the Development, including portions of the doors and building exteriors which the Association is responsible for maintaining pursuant to the Amended and Restated Covenants, Conditions and Restrictions for Rocky Ridge (as amended to date) (the "CC&R's"), and (ii) Owners and others visiting the Development, on account of a recent dramatic increase in the frequency of bear break-ins to Residences within the Development. Capitalized terms in this Resolution have the meanings assigned to them in the CC&R's.

After taking into account the foregoing, and considering various alternative courses of action to address the emergency situation, the Association hereby FINDS that the recent spate of bear break-ins:

- constitutes an immediate and unreasonable threat to the safety or peaceful enjoyment of Residences within the Development; and
- constitutes a threat of material damage to or destruction of the Development or portions thereof; and
- warrants swift responsive action by the Association that is unhindered by any provisions of the CC&R's that otherwise might condition such responsive action upon provision to Owners of further notice with respect to, or provision of an opportunity for a hearing with respect to, the responsive action adopted by the Board, particularly since the meeting on April 22, 2022 was open to all Owners and provided Owners with an opportunity to express concerns with respect to such responsive action, or to object to any such responsive action, and no such objections were made.

Further, after consideration of the foregoing and the matters discussed at the meeting, the Board hereby RESOLVES, pursuant to its authority to address and remedy emergency situations within the Development, that all Owners of Residences within the Development are hereby required to procure and install bear mats in accordance with the following principles:

- The bear mats which are the subject of this resolution shall consist of the type prepared by Tahoe Bear Busters (see [TahoeBearBusters.com](http://TahoeBearBusters.com)). When contacted without an intervening layer (such as a shoe), these bear mats give off an electrical shock which creates discomfort and is designed to discourage the affected party from crossing the bear mat.
- The Association shall procure the bear mats from a supplier selected by the Association's Property Manager. The Property Manager (Yates) currently contemplates that the supplier will be Tahoe Bear Busters.
- The bear mats shall be installed immediately outside the front door of each Townhome Residence. For the two single family Individual Residences, the bear mat will be installed at a location selected by the Owner, provided that if the Owner has not informed the Property Manager of the desired location by the Bear Mat Election Deadline (described below), then the bear mat shall be installed immediately outside the front door of the single family residence.
- Each bear mat requires an electrical outlet near the location of the bear mat. The Property Manager will undertake an inspection and identify those residences for which he believes an additional

electrical outlet is required. The Property Manager will inform the owners of these Residences of the need for the electrical work.

- The Residence Owners, at their option, may install an internal on/off switch which controls the bear mat.
- The Association shall provide each Residence Owner with latitude to separately contract for the completion of the electrical work which the Property Manager anticipates will be required to install its respective bear mat. The Residence Owner may pursue such work with a licensed electrician of its choosing (provided that the electrician shall be subject to the reasonable approval of Yates). Notwithstanding the foregoing, if a Residence Owner has not provided the Property Manager, by May 21, 2022 (the “**Bear Mat Election Deadline**”), with evidence reasonably satisfactory to Yates that the Residence Owner has made arrangements with an electrician to undertake and complete such work by June 25, 2022, then the Residential Owner shall be deemed to have elected:
  - (i) to not engage its own contractor to perform the electrical work pertaining to the installation of the bear mat at its Residence, and rather to permit the Association to engage such a contractor on behalf of the owner, and
  - (ii) to include (within the electrical work to be performed pertaining to its Residence) the installation of an internal on/off electrical switch to control the bear mat.

The Association thereafter shall have the right to elect to contract with, on the owner’s behalf, a contractor of the Association’s choosing to perform the electrical work applicable to the installation of the bear mat for each Residence that has not elected to engage its own licensed contractor (and such work shall include the installation of the internal on/off switch). The Property Manager currently anticipates that the Association will engage Leo’s Electric to perform such electrical work (but the Property Manager, in his discretion, may use an alternative contractor).

- The Association shall track the costs associated with the procurement and installation of the bear mat for each respective Residence. The costs allocated to a Residence shall include without limitation (i) the procurement costs for any equipment involved in the installation of the bear mat for a Residence and (ii) any costs for any electrical work which the Association (in accordance with the foregoing) undertakes for the installation of the bear mat at the Residence. Homeowners are advised that the costs to install a bear mat at a particular residence may vary considerably (e.g., estimates run from \$500 to \$2,000 per residence, plus the cost of an interior on/off switch, if one is elected). The costs allocated to a particular Residence shall be borne by the Owner of that Residence, as a Reimbursement Assessment, and the same shall be reimbursed by the Owner to the Association.
- Each Owner shall maintain appropriate precautionary signs with respect to its bear mat so as to warn visitors as to the risk of shock from the bear mat. The signage shall be subject to the reasonable approval of the Property Manager.