



**Board of Directors' Meeting Minutes  
In Person and Via Zoom  
March 24, 2022  
2:00 PM**

**Board Member(s) Present:**

- Jan Van Willigen, President – In Person
- Gavin Schutz, Vice President – In Person
- Paula Turner, Secretary – In Person
- Carol Nolte, Director – In Person
- Dean Rivale, Director – In Person
- Kenn Ulrich, Director – In Person

**Board Member Absent:**

- Wayne Le Blang, Treasurer

**Also Present:**

- Michael Walker, General Manager – In Person
- Kelly McGilliard, Operations Manager – In Person

**CALL TO ORDER**

Jan Van Willigen, President, called the meeting to order at 2:00 PM. Six members of the Board of Directors, Management and eighteen (18) homeowners were present at the HOA office, which is located at 54-320 Southern Hills La Quinta CA. There were thirteen (13) additional homeowners present via Zoom.

**Addition to March 24, 2022 Board Meeting Agenda** - Jan Van Willigen explained that there is an immediate need to address a topic that is not on the agenda. Given the urgent nature of the matter and unanimous Board consent the topic of the Swan of Lake SRS 2 was added to the agenda under New Business.

**Approve & Waive Reading of Minutes of January 27, 2022 and the Special Meeting Minutes of March 1, 2022** – Jan Van Willigen made a motion to approve the Board Meeting, the Executive Session minutes of January 27, 2022 and the Special Meeting minutes of March 1, 2022 with one minor edit. Seconded by Paula Turner, motion unanimously approved.

**Open Forum** – Many homeowners were present to express their interest in not having a swan removed from Lake SRS 2, although the swan has recently demonstrated aggressive behaviors. The homeowners were thanked for their comments and advised that the Board would address the swan issue under 'New Business'.

Several owners stated that they were in opposition to the proposed Non-Commercial Sign Rules. Several owners voiced their concerns regarding the reduced pool heating schedule.

Two owners complained about speeding vehicles, one of whom stated that his dog had been killed by a speeding vehicle near his PGA home.

### **Financial Statements**

Gavin Schutz, Vice President, provided a financial report to the Board. Jan Van Willigen made a motion to accept the Operating Fund Financial Statement as of January 31, 2022 the Accounts Receivable Summary as of February 28, 2022 the Financial Review Certification of December 31, 2021 as presented. Seconded by Paula Turner, motion unanimously approved.

Gavin Schutz made a motion to authorize liens on parcels 775161010, 775081063, 775081067 and 775131059. Seconded by Wayne Le Blang roll call vote taken, motion unanimously approved.

### **Old Business**

**Cell Tower Update** – Kelly McGalliard informed the Board that the Cellular Telephone Survey had been distributed through Constant Contact to all owners who receive correspondence from the Association via email. She reported that thus far 607 owners have responded to the survey. The data collected so far is as follows: 147 or 24.22% of the respondents are happy with their current cellular service, whereas 460 or 75.78% are not. 76.11% or 462 respondents rely solely on a cellular telephone, while 23.89% or 145 owners have alternate telephone service. 556 or 91.9% of respondents are in favor of having a substantially concealed cell tower on site at PGA WEST, although 49 or 8.10% of owners do not want a cell tower on site.

Data will continue to be gathered as survey responses are received by the Association.

An Association homeowner who is experienced in contract negotiations related to telecommunication towers has offered his assistance should the Association Board decide to pursue placing a tower on site.

**2022 Board of Directors' Election Update & Candidate Meet & Greet** – Jan Van Willigen announced that there will be four Board of Director positions open for the 2022 Board election. The Board positions will be filled based upon the results of the 2022 Board of Directors' Election ballots.

The 2022 Annual Members' Meeting and 2022 Board of Directors Election materials will be mailed via US Mail to all owners on or about April 9, 2022.

There will be a Meet & Greet event to meet the 2022 Board of Directors' candidates hosted at the Association office located at 54-320 Southern Hills La Quinta, CA at 4:00 PM on Tuesday, April 19, 2022. The Meet & Greet event will also be broadcast via Zoom for those who cannot attend the event at the Association office.

The 2022 Annual Members' Meeting and 2022 Board of Directors' election will be conducted on Saturday, May 14, 2022 at 9:00 AM. The meeting will be held both in person at the Association office and via Zoom.

There will be a Board of Directors' Organizational Meeting on Tuesday, May 17, 2022 at 9:00 AM. The Board of Directors' officers will be appointed by a majority vote of the Board at the May 17, 2022 Board meeting. Committee Chairs and Committee Members will be appointed by the Board of Directors. Additional Board business may also be conducted, an agenda will be published closer to the meeting.

**Review Member Comments RE: Non-Commercial Sign Rules Consider adoption of Non-Commercial Sign Rules** – At the Special Meeting of February 11, 2022 the Board of Directors proposed Non-Commercial Sign Rules for the Res I Community. The Rules were distributed to the membership for the requisite 28-day requirement period. The Board received approximately 85 responses; most respondents expressed opposition to the proposed Non-Commercial Sign Rules.

Discussion ensued regarding the existing CC&R provision regarding signs. CC&R's Section 7. Signs. States: "No signs shall be displayed on any Lot, Unit or on the Common Area, except that an Owner may place a "For Rent/Lease" or "For Sale" sign on his or her Property and another's Property with such person's permission. The Board shall have the right to adopt rules restricting the location, number, material, color, and size of open house, sale/lease signs and other directional signs. Signs indicating existence of a security system may also be placed in front windows or other locations approved by the Board. The Board or its agents shall have the right to remove signs which do not comply with these restrictions or additional rules adopted by the Board."

The Board concluded that with the existing CC &R's, the existing real estate sign policy, and the California Civil Code, there is not a need at this time to adopt additional signage rules. Gavin Schutz made a motion to not ratify the Non-Commercial Sign Rules that were considered by the Board and made available to the membership for the requisite 28-day comment period. Seconded by Dean Rivale, passed unanimously.

**Newsletter Policy Statement** - Kenn Ulrich stated that he and Carol Nolte, Co-Communication Committee Chairs, developed a Newsletter Homeowner Engagement Policy. The policy's development came after a request from an entity that the Association include a notification to homeowners regarding a volunteer opportunity in the Coachella Valley. The opinions of the Board varied as to whether including such information was appropriate.

The newly established policy provides in pertinent part that Valley-wide engagement opportunities for homeowners to deepen and broaden their participation in leisure-time activities will be considered for inclusion in the Association's newsletter. The guidelines require, among other things, that advertising volunteer opportunities is limited to non-profit groups that are not religious, nor have social agenda ideas, nor are for the purpose of promoting local/regional/state/national politics. Gavin Schutz made a motion to adopt the Newsletter Policy Statement as presented by Kenn Ulrich and Carol Nolte. Seconded by Dean Rivale, passed unanimously.

**Review Pool and Spa Heating Schedule** – On March 1, 2022, at a properly noticed, open Board of Directors’ Meeting the Board made the decision to heat 25 pools and spas, strategically located throughout the Association, and to turn the heat off at the remaining 29 pools and spas. This action was based upon the fact that in January and February 2022 the Association’s natural gas cost was substantially over budget, due to unforeseen cost increases in natural gas.

An Ad-Hoc Committee of volunteer homeowners, management and a Board member Chair was assembled to review the costs of heating Res 1 pools and spas, provide recommendations on future heating schedules, and review and provide recommendations on the pool heating infrastructure. Sixteen homeowners expressed interest in being on the Ad-Hoc Committee, ten of whom attended the meeting. The owners present for the initial Committee meeting shared their perspectives, which included heating all the pools and spas and pass the increased cost on to the owners, heat a portion of the pools and spas, permanently closing certain pool areas, exploring alternative heating technologies, and surveying the entire community for widespread input.

The Board also received feedback from owners via mail and telephone calls primarily expressing dissatisfaction with the reduced pool and spa heating schedule.

Jan Van Willigen made a motion directing Management to develop a widespread community survey regarding the future of pool and spa heating and to resume the 2022 Pool and Spa Heating schedule for April and May 2022, effective April 1, 2022. The Board and Management to closely monitor gas usage and cost in the coming months. The Board will determine the winter 2022 Pool and Spa heating based upon YTD gas expense in September 2022 and survey results. Seconded by Gavin Schutz; passed unanimously.

**SWAN Lake SRS 2** – On or about March 1, 2022 it was brought to Management’s attention that a swan that has long resided at/on Lake SRS 2 has demonstrated aggressive behavior toward at least two PGA WEST Residential Association owners. An investigation ensued, experts were consulted, and legal and insurance opinions were obtained. The net of the situation is that many owners around the lake want to allow the swan to stay on the lake, whereas the advice of the Association’s legal counsel and insurance expert is to remove the liability by removing the swan.

Although the Board, Management, Staff and Owners would like to see the swan remain at PGA WEST, the risk of liability to the entire membership is valid. The liability comes not only from the swan physically harming someone but also includes the risk of someone falling while trying to escape the swan’s chase. The Association has been put on notice, the allegation has been verified and documented, and the Board must consider the best interest of the Association as a whole.

Many owners of homes around Lake SRS 2 asked the Board to again question the Association’s legal counsel and insurance professional to determine if there are any mitigation efforts that can be made, which will reduce the liability created by the aggressive swan, to a level that is acceptable, so that the swan can stay. Management was instructed to seek additional input from legal counsel and the insurance broker and report back to the Board.

**2021 Audited Financial Statements** – The Association’s CPA, Brabo & Carlsen, LLP, prepared the 2021 audited Financial Statement and Report. Gavin Schutz provided an overview of the 2021

audited Financial Statements. Jan Van Willigen made a motion to accept the 2021 audit as presented. Seconded by Carol Nolte, passed unanimously. The 2021 audited financial statements will be provided to the Association membership the week of March 28, 2022.

**Board Member Resignation** – Jan Van Willigen announced that long-term Board member and Treasurer, Wayne Le Blang resigned from the Board due to a planned out of state move later this month. The Board, Management and several owners who attended the Board Meeting in person celebrated Wayne’s contributions to the Association and enjoyed a lovely cake and toast in Wayne’s honor.

**Appoint Interim Board Treasurer** – The resignation of Wayne Le Blang created an opening for Board Treasurer. Jan Van Willigen nominated Gavin Schutz to serve as interim Treasurer until May 17, 2022, when the 2022 Board officers will be appointed by majority vote of the Board of Directors. Seconded by Paula Turner, passed unanimously.

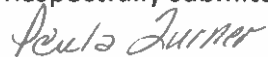
**Appoint 2022 Inspectors of Election** – Jan Van Willigen announced that the Inspectors of Election for the 2022 Board of Directors’ Election are Kathryn Wanshura, Charlotte Carr, and Darrell Snyder.

**Committee Reports** – Landscape/Pool, Architectural, Compliance, Gate and Patrol, Master Association, Communication and Big Horn Sheep Reports were provided by the respective Committee Chairs/Representatives.

**General Manager’s Report** - Michael Walker, General Manager, provided information regarding Association activities, including utility consumption updates, monthly and year to date work orders, radar speed report, landscape, pest, lake, pool and maintenance departments and staff status.

Gavin Schutz made a motion to adjourn at 4:35 PM. Seconded by Paula Turner, motion unanimously approved.

Respectfully submitted,



Paula Turner, Secretary

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

The next Board of Directors’ Meeting is scheduled for  
May 17, 2022 at 9:00 AM