



**Board of Directors' Meeting Minutes
In Person and Via Zoom
April 8, 2022
2:00 PM**

Board Member(s) Present:

- 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:

- Jan Van Willigen, President

Also Present:

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

CALL TO ORDER

Gavin Schutz, Vice President, called the meeting to order at 2:00 PM. Six members of the Board of Directors, Management and numerous homeowners were present at the HOA office, which is located at 54-320 Southern Hills La Quinta CA. There were many additional homeowners present via Zoom.

Mr. Schutz announced that the Special Board of Directors' Meeting took place at the request of homeowners, who wanted to meet regarding a Mute Swan that often resides on and around Lake SRS 2.

Summarily, Management and the Board of Directors received multiple notifications from homeowners regarding a Mute Swan that demonstrated aggressive behaviors and caused multiple owners to be fearful of said swan. In response to the reports, Management notified the appropriate governmental agencies who address aggressive wildlife. Additionally, the Association's legal counsel and insurance broker were consulted. Both legal counsel and the insurance broker advised the Board that the aggressive Mute Swan presents a potential liability for the Association.

Numerous homeowners (and others outside of the community) object to the action that the governmental agencies may take when addressing the Mute Swan. These homeowners indicated that they want the Board of Directors enable the Mute Swan to continue to reside in or around Lake SRS 2, regardless of the recommendation of legal and insurance experts.

Mr. Schutz responded that pursuant to a letter dated April 8, 2022 from the Department of Fish and Wildlife regarding the subject Mute Swan, the swan is not within the jurisdiction of the Association. The letter states the following:

April 8, 2022

PGA WEST Residential Association,

As discussed on the phone, a mute swan is an invasive species in the state of California.

Reasons for a mute swan being listed as invasive are as follows:

Mute swans are voracious feeders of SAV (submerged aquatic vegetation), with each adult swan consuming up to 8 pounds per day and destroying much more in the process. SAV is an important part of aquatic ecosystems as it provides food and shelter for native waterfowl, fish, and invertebrates. By consuming massive amounts of SAV, mute swans negatively impact the structure and function of aquatic habitats native species depend upon. Additionally, mute swans are aggressive towards other birds, as well as people. Mute swans disrupt nesting activity of native waterfowl by chasing birds from their nests and have been reported to physically injure, or even kill, other birds. Mute swans have been reported to attack people and, in some cases, have critically injured children and pets.

Being listed as such, it is illegal to possess, import, or release a mute swan into California habitats. If the PGA community wishes to have the mute swan remain on the property, they will then be taking possession of the animal and are required to obtain a Restricted Species 671 permit from the Department of Fish and Wildlife. Having a permit for restricted species has requirements such as justified reasoning, experience, caging, and the general welfare of a possessed restricted species. The permit would be renewed annually along with an annual site inspection for the restricted species conducted by a Wildlife Officer of the department. Possession of a restricted species without a restricted species permit is a misdemeanor criminal offense in state of California.

If the PGA community board does not want to take possession of the mute swan, then it will be considered a public nuisance animal and may be removed by Riverside County or local city animal control. The mute swan may then be transferred by animal control to a restricted species housing facility authorized by the Department of Fish and Wildlife. If the swan poses an immediate threat/danger to public safety, actions may be taken by those involved to stop the threat and the Department of Fish and Wildlife shall be contacted.

I believe that you already have the Department of Fish and Wildlife website link relating to mute swans but I will attach below for reference.

<https://wildlife.ca.gov/Conservation/Invasives/Species/Mute-Swan>

Respectfully,

California Department of Fish and Wildlife
Law Enforcement Division - Riverside County
4665 Lampson Avenue, Suite C
Los Alamitos, CA 90720

The letter clearly states that the Association does not own, nor control any aspect of the Mute Swan's present or future status.

Many owners spoke on behalf of the Mute Swan, indicating that the swan is a Community pet, rather than wildlife. The owners suggested that the Association offer homeowner education regarding 'living with wildlife', install signage warning of the dangers associated with wildlife, and possibly creating an island on which the swan could nest.

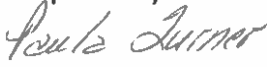
All agree that no one wants harm to come to the swan.

Sandra Gottlieb, Esquire, and Patrick Prendiville spoke to their concerns regarding liability created by the aggressive wild Mute Swan on Association property, and they reiterated that the Association does not own the swan.

One homeowner on Zoom told of his experience wherein he and his young child were on the lakeside of their home and the swan approached aggressively; the adult placed himself between the swan and the child and the swan backed down.

Gavin Schutz made a motion to adjourn at 4:40 PM. Seconded by Paula Turner, motion unanimously approved.

Respectfully submitted,


Paula Turner, Secretary

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