

## R Ranch at the Lake

### Quarterly Board Meeting

July 18, 2020

Open Forum questions and email inquiries received by owners regarding the Ranch Closure/Reopening in July 2020

### Ranch Closure/Ranch Re-opening questions

#### Chrissy Leard #1289

*I respectfully request to be able to read the letter that was submitted by myself and over 20 owners during open forum, so that it can be on the record and also heard by other owners who are unaware of the suggestions in the letter. If you will not allow me to read the letter, then I request that it is read aloud during open forum by a member of the BOD or management.*

1) Regarding ATTACHMENT A: EMERGENCY RULES TO PREVENT OR MITIGATE COVID-19 DISEASE TRANSMISSION, Item 9 that states masks must be worn " on all paths and walkways" should be clarified. Is this regarding the pool only, or for the entire Ranch? State and County guidelines only require masks to be worn when social distancing cannot be met, and do not require them to be worn during outdoor recreation activities, such as walking. Also, why are masks required when sitting at your own pool table if you are 6ft away from other owners? Are our rules more strict than the state and county guidelines? If so, why?

*ANSWER- The rules are intended to apply to the entire ranch, except for the noted exceptions. The rule is intended to protect everyone on the ranch as widely as possible. The Board has taken a restrictive approach to start as a way to be as protective as possible and may be able to relax the rules as things progress. If you are eating or drinking, and are socially distanced, you will not be cited for not wearing a mask.*

*The county guidelines are just that- based level guidelines. The Board has the authority and the duty to create rules that it finds to be in the best interest of the Association and all owners.*

*The issue is not only whether the Association will be cited or shut down, although those are risks. The bigger issue is liability for disease transmission and trying to protect people.*

Here is a link to the state mask guidelines: [https://covid19.ca.gov/masks-and-  
ppe/?fbclid=IwAR0MddQp1yW169GZQ0K501WFBjh2cmNRzS\\_uHRJWdYYFjrvi4wASM2auc04](https://covid19.ca.gov/masks-and-ppe/?fbclid=IwAR0MddQp1yW169GZQ0K501WFBjh2cmNRzS_uHRJWdYYFjrvi4wASM2auc04)

#### "When should you wear a mask?"

You should wear a mask or face covering whenever you'll be around someone you don't live with, including:

- In any indoor public space
- When waiting in line
- When getting health care
- On public transportation or when ride-sharing
- At work, when near others or moving through common areas
- Outdoors, if you can't stay 6 feet away from others

## When can you take off your mask?

There are times when it's okay to take your mask off when you're away from home, such as:

- When eating or drinking
- If a hearing-impaired person needs to read your lips
- If wearing a face covering imposes a risk to you at work – for example, if it could get caught in machinery
- When you're not sharing a common area, room or enclosed space with others
- When you are getting a service to the nose or face
- When outdoors in public and can stay six feet from others
- You should replace the mask as soon as you can after these activities to reduce the risk of infection.

2) Item 21 in the same Attachment A states, "NO gatherings of people outside your immediate household are prohibited." First off, the double negative needs to be corrected.

**ANSWER- This is an error that has since been updated.** Additional information- Waivers have been updated as of 7/23/20 and available for owner review. If you have already signed a waiver, no need to sign an updated versions

Secondly, "gathering" needs to be defined. Are 2 people considered a gathering? If I stop by someone's campsite just to say hi for 5 minutes, am wearing a mask, AND 6 ft apart, is that a violation that can warrant a formal warning/penalty? According to the guidelines, this should not be a violation as a mask is worn AND social distancing is being met. Please clarify.

**ANSWER- The rule is intended to prevent groups of people from different households from intermingling, such as parties. Saying hello to someone for a few minutes while wearing a mask and maintaining social distancing is not a gathering for which you will be cited.**

3) Item 26 in Attachment A states: "Failure to comply with any of the above rules will result in the following measures:

- First offense: a verbal warning will be issued and will be documented with an Incident Report.
- Second offense: You will be removed from the Ranch for up to 30 days (including removing your trailer and any personal property) and will be documented with an Incident Report
- Third offense: Continued failure to comply with result in permanent removal from the Ranch until the health and safety emergency has ended and will be documented with an Incident Report."

I would like clarification on what the intent is here behind giving warnings and penalties. Is the intent here to target people who are blatantly not following the rules? Or are we also targeting the individuals that may accidentally forget their mask when walking to the bathroom? Are we allowing for educating and kind reminders to individuals who may simply forget? I am afraid these rules may be too stringent and definitely need clarification. I feel there should be clarification as well regarding if First offense happens today, and 2nd offense is in 60 days, if that can warrant removal from the Ranch? Or is there some leeway in the amount of time that has passed since the first offense? I think that perhaps it may be fair to owners to have a 30 day period between offenses and have a "reset" if you will, so start over at a warning if more than 30 days has lapsed between offenses (especially if someone can be written up for forgetting a mask vs. blatant disregard. I hope that made sense?)

**ANSWER- The intent in giving warnings is to alert people that they are not complying with the rules and to give them a chance to comply before a penalty is imposed.**

*The intent of penalties is to deter behavior that endangers others and puts the Association at risk. The Board can take your suggestion under review and may find it reasonable to make changes to the rules at some point.*

4) Lastly, I respectfully request that line 8 in the in Waiver agreement be revised and/or removed: "I willingly agree to take reasonable efforts to protect myself and any individuals identified in Paragraph 1 against any infectious diseases including COVID-19. If, however, I observe any unusual or significant health and safety issues at the Facilities during my presence, I will remove myself from the Facilities and immediately bring it to the attention of the Association. Such issues may include, but are not limited to, **lack of social distancing** or persons at the Facilities showing signs of illness."

I do NOT agree with putting owners against other owners! That allows for owners to be targeted by people who may not like them. I totally support reporting if someone shows signs of illness, but I DO NOT support asking owners to turn in other owners for not social distancing. Leave that to management and security please! People do not know everyone's families and can make horrible assumptions and accusations against other owners. Please, PLEASE revise or remove this line.

*ANSWER- The intent is not for owners to police each other; no one is responsible for another adult's behavior. Rather, the waiver is asking that everyone notify the Association if they see issues arise that could affect health and safety, so the Association can take appropriate steps to address the matter.*

#### **Kathleen Keenan #109**

- I am still asking for special rules for caregiver/sole owners like myself who would like to bring a guest up

*ANSWER- Unfortunately, guests cannot be permitted at this time for purposes of maintaining smaller numbers of people and for monitoring, etc. If you feel you have a special circumstance which requires you to bring a guest, please submit your request in writing to the Board for their consideration.*

#### **Nicholette Miglio, owner #256**

- Please see the correspondence below from Napa County regarding the required use of face coverings in two scenarios. I am hoping we could address this at the quarterly BOD meeting and perhaps revise the rules in these two instances. For us, wearing a mask at the pool and while walking the dog would really hamper our enjoyment of the Ranch, especially in 90 degree heat. We would of course always ensure we have a mask on us and wear it when moving about the pool deck or have it ready in the event we are walking the dog and walk through an area where people might come within 6 feet of us.

I think these minor changes will also be beneficial to staff so they aren't needing to be in a mask in every outdoor space or in a golf cart without being worried about owners reporting them also.

-----Original Message-----

From: Coronavirus <coronavirus@countyofnapa.org>

Sent: Thursday, July 16, 2020 10:54 AM

To: Nicholette Miglio

Subject: RE: Masks and Swimming Pools

If the people at the table are of the same household bubble masks do not need to be worn, however they must be when mixing with different households.

Masks are not required on walking trails so long as you are not closer than 6 feet from other patrons on the walking trail.

#### **Original question from Nicole to Napa County**

Thank you! In the pool I am speaking of, furniture is arranged more than 6 feet apart and only members from the same household are allowed at each table. In those cases we should be permitted to be at our tables without masks?

Can you also confirm, while walking on paths and trails that a mask is not needed unless you are within 6 feet of another person outside of your household?

**ANSWER-** *Napa County's rules are a baseline. The Board has the authority and duty to create rules that it finds to be in the best interest of the Association and all owners.*

*The goal is to protect the Association from liability and owners from disease transmission, not to punish people.*

#### **Lori Hullender #687**

- Can you tell me who is doing the policing?
- And how is it being done?

We do not have a problem staying in our campsite. But I don't want someone to stop in and before I can ask them to leave a picture gets taken. Or a kid come running to me a pool and before I can say, no, a picture gets taken.

This is very vague.

- And if workers don't have mask on, what do we do.  
I worry this is pitting people against people.  
We do not have a problem staying at our own site  
But these rules are very vague and very concerning

**ANSWER-** *Staff and board members/officers will monitor the ranch generally. No one is being asked to seek out violations, but if they see violations, they are requested to report them.*

*Neither staff nor others will be asked to take pictures of owners.*

*If you find that staff or others are not complying with the rules, please inform the Board in writing.*

### Owner – Nicole McIntosh Bruce

- WHAT ARE THE CONSEQUENCES FOR BOD/STAFF/MANAGEMENT if they/you do not follow the rules as set forth? HOW WILL THE OWNERS BE ASSURED THAT EVERYTHING IS EQUAL? My questions are fair and reasonable.

**ANSWER-** *Everyone is subject to the same rules. If you find that staff or others are not complying with the rules, please inform the Board in writing.*

### Leonard & Christina Caldera Owner #60

- Why are the new R-Ranch face mask rules more restrictive than the California Department of Public Health guidelines for the use of face masks?

**ANSWER-** *See response above.*

- What medical experts did the BOD consult with to come up with rules that are more restrictive than California's Public Health Officer's guidelines and why?

**ANSWER-** *The Board is not required to consult with medical experts to make decisions to protect the Association. They did consult with legal counsel.*

- How is signing the new waiver "voluntary"?

**ANSWER-** *It is voluntary in that you may choose not to sign it. If you wish to use the ranch, you are required to sign it. If you do not wish to sign it, you may not use the ranch at this time.*

- The update emailed out on 7/14/20 failed to provide what authority the BOD had to unilaterally close the Ranch. The update further fails to provide what authority for the Ranch to continually stay closed, after the BOD made an emergency rule. CC&R section 3.8.4(4) provides the authority to make an EMERGENCY RULE, under very specific conditions, not arbitrarily close the Ranch. Nothing in the new emergency rules provides any authority to close the Ranch. Explain what authority the BOD has to close the Ranch, citing the specific rule and how the BOD is in compliance with that rule.

**ANSWER-** *Emergency rules may be adopted when there is a threat to health and safety. The Board consulted with county counsel and considered what that happening at the ranch during that time, and determined that closing the ranch temporarily was in the best interests the Association, until further rules and a plan could be established.*

- The new emergency rule is poorly written, vague, and ambiguous. How will it be handled when there's a question that arises due to these vague, ambiguous, poorly written rules?

**ANSWER-** *If you have a question or concern about a particular rule, please send it to the Board in writing.*

- What ADA accommodations have been implemented within the new rules?

**ANSWER-** *Attorney from Berding & Weil responded*

- Why is there nothing within the emergency rule to explain the rules with wearing face masks while eating/drinking?

**ANSWER-** *The Board did not find it necessary, since it is not possible to eat or drink with a mask on.*

- Provide a copy of any and all reports/citations from the Napa County Health Department/Sheriff Department supporting the unsubstantiated claims of the “blatant disregard for owner safety and wellbeing of others” as noted BOD minutes from July 4th, 2020.

**ANSWER-** *The Board is not required to have reports or citations to make its determination, but did have a conversation with county counsel about the issues and their potential consequences with the county.*

- Provide specific incidents that were in violation of the Napa County/State of California Public Health Order and guidelines as set forth in the Centers for Disease Control and Prevention that the BOD based their decision on to close the R-Ranch. Who witnessed these incidents? What witnesses corroborated these claims?

**ANSWER-** *The Board was not required to list each violation that it considered in making its determination. The minutes of the meeting and the notice sent to owners with the emergency rules explained the basis for the Board’s decision.*

Provide the specific authority within the By-laws, CC&R, or R-Ranch Rules that authorizes the BOD to close the R-Ranch as it did this last Sunday.

**ANSWER-** *See response re emergency rules.*

- Napa County currently allows indoor dining, wineries are open again for tastings, hair salons are open, and you can walk into nearly any large business and see numerous people not in compliance with social distancing. We witnessed countless large groups on Lake Berryessa over the weekend with zero enforcement from the Sheriff’s Department. Napa County is not enforcing violations of the public health order. In fact, nearly all jurisdictions within the State are providing minimal enforcement of violations. Small gatherings or “social bubbles” are becoming the norm throughout the State, please explain why the Napa Ranch BOD and Management feel the need to take their current stance.

**ANSWER-** *The Board has the authority and the duty to create rules that it finds to be in the best interest of the Association and all owners.*

- If the Ranch BOD/Management is set on becoming the social distancing/facemask police provide the guidelines for violations committed by employees as well as members of the BOD.

**ANSWER-** *Everyone is expected to comply with the rules. We will deal with employee issues separately. If you have a concern about an employee not complying with the rules, please inform the Board in writing.*

- The meeting minute distributed today for the 7/6/20 meeting indicated guidance directly from the attorney firm would be forthcoming. For full transparency, please also provide to the Owners any and all communication from any member of the BOD/Management to the attorney firm as well as any and all communication from the attorney firm to any member of the BOD/Management as it relates to the current closure. Further, please provide any and all communication to all Owners, from any member of the BOD/Management to any entity representing Napa County regarding the opening, closing, and enforcement of the public health order as well as all communication from any entity representing the County of Napa to the BOD/Management related to the opening, closing, and enforcement of the public health order.

***ANSWER-** Guidance from legal counsel is reflected in the emergency rules, notice to members, FAQs, and waiver, as well as making ourselves available at this meeting.*