

**Governing Documents Committee
Minutes for November 7, 2020
Zoom Application Meeting
9:00 a.m.**

1. Call Meeting to Order.

Meeting was called to order at 9:09 a.m. by Chair John Cantley.

Present were members John Cantley (Chair), Shirin Murphy, Patrice Stimpson (Vice Chair), Alicia Rogers, Grace Wollemann (Secretary) and board liaison Bill Lewis II. Connie Baldin and Rick Throckmorton were excused.

2. Minutes reviewed and approved by email

September 5, 2020 minutes were approved via email. No minutes for October 3, 2020 due to lack of quorum.

Discussion: Grace Wollemann resigned from governing documents committee due to health issues.

3. Documents to be reviewed

Rule Article 3.22 (General Rules) (Hunting)

Discussion: Bill Lewis to provided background and recommendations.

The governing documents committee agreed by consensus to the following update to **Association Rule Article 3.22C (General Rules) (Hunting)**

3.22 Discharge of firearms, shooting a bow/arrow, hunting. The following applies within the boundaries of the Pine Mountain Club development;

C. Any form of hunting and/or trapping *of wildlife* is not permitted *unless authorized and/or permitted by the California Department of Fish and Wildlife (CDFW) and/or the United States Department of Agriculture (USDA) for the purposes of wildlife depredation or relocation. A copy of any permit issued or similar documentation will be delivered to the PMCPOA Patrol Office prior to any actions authorized or permitted.*

Rule Article 16.07 (Swimming Pool) (Wading Pool)

Discussion: The new pool will not have a wading pool.

The governing documents committee agreed by consensus to remove **Association Rule Article 16.07 (Swimming Pool) (Wading Pool)**.

~~**16.07 Only children five years old or younger may use the wading pool in the presence of a parent, guardian or other adult member. Lifeguards on duty are not responsible for children in the wading pool.**~~

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Rule Article 21 (EC Code) Section 7.13 (Hazards)

Discussion: Bill Lewis, the chair, and Patrice Simpson to provided further background and recommendations.

ACTION: John Cantley will forward the following updates to the environmental control committee.

The governing documents committee agreed by consensus at the **September** governing documents meeting to the following update for **Association Rule Article 21 (EC Code) Section 7.13 (Hazards)**:

A. ~~No slash,~~ **D**ebris, dead weeds, rubberized landscaping material or any other hazardous fire condition shall **not** be permitted on any lot at any time. Slash, mulch or a similar material will not be permitted within five (5) feet of a residence, propane tank enclosure, or other structure with combustible exteriors, such as wood or vinyl. Commercial mulch shall not exceed 4” in depth for landscaping.

B. ~~No~~ **A** construction permit will **not** be issued where ~~such~~ hazardous fire conditions exist.

C. Open fires, wood burning ~~or charcoal~~ barbeques, and outdoor wood burning fireplaces are not permitted in PMC. Propane fire pits, barbeques and pellet smokers are permitted with 15 feet clearance from combustible material.

D. Ashes from barbeques shall not be discarded on the ground and must be allowed to completely cool, placed in a metal container and disposed of at the transfer site.

~~D, E.~~ No discharge of firearms or fireworks is permitted within the boundaries of PMC.

The governing documents committee agreed by consensus to the following update to **Association Rule Article 21 (EC Code) Section 7.13C and 7.13E (Hazards)**.

~~C. Open fires, wood burning or charcoal barbeques and outdoor wood burning fireplaces are not permitted in PMC. Propane fire pits, barbeques and pellet smokers are permitted with 15 feet clearance from combustible material.~~ There shall be no exterior fires whatsoever except for barbeques in confined receptacles designed for such purposes. Pellet smokers and propane, charcoal, and electric barbeques are permitted with a minimum 15 foot clearance from combustible material. Residents shall take all reasonable precautions to minimize smoke and eliminate sparks.

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E. Discharge of fireworks or firearms including, but not limited to, BB guns, paintball guns, air soft guns, pellet guns and any similar guns or equipment capable of propelling a projectile, is not permitted. (Exception: PMCPOA Patrol officers who are trained and authorized to use paintball guns for hazing of bears and wildlife as necessary.)

Fire References

Discussion: Other rules regarding fire references were discussed.

The governing documents committee agreed by consensus to the following updates to **Association Rule Article 9.06 (Campground)**.

9.06 ~~No open fires, wood burning or charcoal barbeques permitted.~~ **There shall be no exterior fires whatsoever except for barbeques in confined receptacles designed for such purposes. Pellet smokers and propane, charcoal, and electric barbeques are permitted with a minimum 15 foot clearance from combustible material. Residents shall take all reasonable precautions to minimize smoke and eliminate sparks.**

The governing documents committee agreed by consensus to the following addition to **Association Rule Article 21 (EC Code) Section 7.12 Color and Building Material of Structures and Windows**.

E. All new and replacement roofing material must be fire retardant or fire proof per the Kern County Ordinance Code.

Rule Article 22.03 (Rentals)

Discussion: Bill Lewis II provided background. New law requires changes to the dates in the policy on rentals. Recommendations are with the attorney.

Shireen Murphy left the zoom meeting.

Rule Article 6 Traffic 6.06 (Parking)

Discussion: This has been referred back to the committee by the board chair. Bill Lewis II and committee chair discussed further recommendations.

MOTION by Patrice Stimpson, SECONDED by Alicia Rogers to the following update to **Association Rule Article 6 Traffic 6.06 (Parking)**. John Cantley, Alicia

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Rogers and Patrice Stimpson **approved**. Grace Wollemann **opposed**. **MOTION** carried.

6.06 No parking is permitted on paved or unpaved portions of Association roads. Vehicles parked on roads in violation of this rule, parked in such a manner to delay or obstruct passage for emergency vehicles, or impede, prevent, or cause an obstruction or delay during snow removal operations may be towed away and impounded without warning at the owner's expense. A vehicle parked in violation of this rule that delays snow removal on a road will result in that road not being plowed until the vehicle is moved or towed.

NOTE: Association roads, which are Association property, extend in width from the lot line on one side of the road to the lot line on the other side of the road. The paved portion of the road does not constitute its full width.

Exceptions to this rule are as follows:

- A. Temporary parking is allowed between 7:00 a.m. and 12 midnight for the following:**
- **Social Events and visits**
 - **Deliveries**
 - **Contractors and their employees**
 - **Trailheads for hikers**
- B. Recreational vehicles may be parked on the road in front of the property owner's residence with advance notice to the Association for the purposes of loading and unloading only for a period not to exceed 48 hours in any 7-day period.**

Rule Article 5 (Filming)

Discussion: GM to provide background and recommendations.

The governing documents committee agreed by consensus to the following update to **Association Rule Article 5 (Filming)**

The general manager will consult with KCFD on the clearance required for high wattage lights used in filming.

5.01 The general rules of article 3 also apply to this article.

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5.02 Definition. Filming means the act of recording images, stills or live action, on or for any media known or unknown. The filming of home movies or videos intended for the exclusive use of the owner and his/her immediate family, filming by and for the Association, filming in support of local events and filming for local property sales are exempt from this provision and are not included in the definition of "filming."

5.03 Persons requesting a permit to film must provide specifications as to the size of the project including number of vehicles, amount of time needed, number of security personnel (if needed), lighting to be used, etc.

~~5.034 Nobody shall start filming~~ **Filming shall not commence** within PMCPOA property including green belts, private homes and private property unless permits have been ~~issued by the general manager or his/her designee~~ **obtained from Kern County and issued by the general manager of PMCPOA or his/her designee.**

~~5.045 Prior to filming a permit must also be obtained from Kern County.~~ **A certificate of Insurance for \$1,000,000 must be provided showing Pine Mountain Club PMC, Inc. as additionally insured.**

~~5.046~~ A **minimum** permit fee **of \$250** and a **minimum** security deposit **is of \$300 per day are** required. The fee and deposit depend on the scope of the filming. In addition, a PMCPOA site representative(s) may be required.

~~5.067~~ A permit application must be submitted **five 15** business days prior to filming. A shorter turn-around is possible but may require an expediting fee. An application for a filming permit can be downloaded from the PMCPOA website or filled out on line (preferred).

~~5.078~~ The general manager or his/her designee may deny or grant the permit with restrictions and/or conditions. For certain projects the general manager or the board may waive some or all of the permit requirements.

~~5.089~~ The general manager or his/her designee may deny an application for a filming permit if he/she determines that it will create a dangerous condition, adversely interfere with the use of the Association streets or land, create a nuisance to the Association residents or violate any provisions of the governing documents.

~~5.910~~ When private property is used for filming, the owner of the property must sign the PMCPOA "right to enter property" release form. **PMCPOA's staff and board have the right to inspect a location and enter the property at any time during production.** ~~No other forms will be accepted.~~

5.11 Filming will be between 7 a.m. and 10 p.m. Monday through Friday. 8 a.m. to 4 p.m. on Saturday and is not permitted on Sunday or any legal holiday.

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5.12 Film companies will provide written approval of all owners in the area that may be impacted by this filming giving their authorization.

5.1113 Film companies are required to follow all PMCPOA governing documents, as well as Kern County, state and federal regulations. Violations will be subject to fines, forfeiture of deposit and cancellation of the permit.

5.1214 Filming at any single location is limited to no more than 20 days a year unless the board issues a written variance.

5.1315 Loud music and public-address systems are not permitted.

5.1416 Pyrotechnics are not permitted at any time.

5.1517 Filming, except still photography, during medium or higher fire danger levels require a Kern County fire safety officer present, or a site inspection by a Kern County fire safety officer, during filming.

5.1618 Gunfire or simulated gun fire is not permitted unless it is silent. Gun props are permitted but neighbors within visible range must be notified. If guns can be seen from the street a notification of "filming in progress fake guns may be visible" must also be posted on the street.

5.1719 Fake smoke is permitted; however the general manager or his/her designee and fire station 58 must be notified 24 hours in advance. If smoke can be seen from the street a notification of "filming in progress--fake smoke may be visible" must also be posted on the street.

5.1820 Use of generators must be approved by PMCPOA. Use of a generator above 100 amps or multiple generators producing a combined output of 60 amps or more requires a Kern County fire safety officer, or a site inspection by a Kern County fire safety officer. The generator(s) must be placed in a non-combustible area or at the discretion of the Kern County fire safety officer.

5.1921 Lights up to 2,000 watts must have three feet of clearance to any combustible material including trees and branches. Lights with wattage between 2,000 watts and 4,000 watts must have four feet of clearance. Lights above 4,000 watts must have five feet of clearance. Lights with wattage above 10,000 watts must have six feet of clearance. There are no clearance requirements for Keno Flo lights. It is at the fire safety officers discretion if more or less clearance is required or permitted.

5.2022 ~~Outdoor open fires (not including cooking stoves) are not permitted at~~

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~~any time. Outdoor controlled propane fire pits or fireplaces with fake logs can be used but require a Kern County fire safety officer's approval. No charcoal barbecues are permitted at any time.~~ **There shall be no exterior fires whatsoever except for barbecues in confined receptacles designed for such purposes.**

5.21~~23~~ PMCPOA reserves the right to terminate a filming if it is determined that the production is violating these rules or has misrepresented the scope of the filming in their applications to Kern County or PMCPOA.

5.24 No filming in the PMC Commercial Center without the Pine Mountain Club Commercial Property Owners Association approval and separate permit.

Film Permit Application Form

Discussion: Recommendations were made by the general manager.

The governing documents committee agreed by consensus to the update to the **Film Permit Application Form.**

Due to time limitations the following will be addressed at the next governing documents committee meeting.

Business Policies and Procedures B-15 (Employee Discussions)
Business Policies and Procedures D-10 (Records Retention)
Business Policies and Procedures H-2 (Board Meetings Procedures)
Business Policies and Procedures I-4 (Committee Minutes)
Bylaw 12.03 E (ADR)
Bylaws 10.02 and 10.03 (Budget)

Discussion: Grace Wollemann stated she will add IDR bylaw 10.03 for board approval.

4. Adjournment.

MOTION by Alicia Rogers, **SECONDED** by Patrice Stimpson to adjourn at 11:40 a.m. **MOTION** carried unanimously.

The next governing documents committee meeting will be held at **9:00 a.m. on December 5, 2020 via Zoom or in the Pool Pavilion.**

Grace L. Wollemann
Secretary, Governing Documents Committee

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