

Operating Rule Concerning Operation and Access Through East Gate

Recitals

Whereas, Placer County has approved the abandonment of Mill Site Road, which will be effective upon the recordation of a certificate of abandonment, but has withheld recording the certificate to allow the interested parties additional time to attempt to negotiate a settlement; and

Whereas, if Placer County completes abandonment of Mill Site Road, Mill Site Road would no longer be a public road and the Martis Camp Community Association (“MCCA”) and its members would not have the right to use the road; and

Whereas, the East Gate provides access to Mill Site Road from Martis Camp, and MCCA owns and controls the East Gate, and access to Mill Site Road; and

Whereas, MCCA has been in negotiations with the Retreat at Northstar Association concerning allowable uses of the East Gate by MCCA for shuttles and other purposes, but which would forbid the use of the East Gate by private vehicles; and

Whereas, MCCA may enter into an agreement with the Retreat to allow for a six month trial period of this arrangement, which trial period would begin immediately; and

Whereas, one of the purposes of the trial period is to allow the opportunity for member input and comment on the adequacy of this possible arrangement, including the shuttle program, so that the Board can consider member input in taking future action concerning Mill Site Road and the issues identified above; and

Whereas, if MCCA is unable to restrict access to the East Gate immediately it might lose the right to negotiate a settlement, which would jeopardize access to Mill Site Road permanently for all vehicles and/or require MCCA to expend significant funds in litigation over these issues; and

Whereas, an immediate rule change is required to address an imminent risk of substantial economic loss to the association, justifying enactment of an emergency rule change under Civil Code section 4360(d); and

Operating Rule

Therefore, commencing on approval of this Operating Rule by the Board on December 3, 2015, and continuing until the Board revokes this Operating Rule or one-hundred-and-twenty (120) days after adoption, whichever occurs first, use of the East Gate, including private vehicle access by members, shall be prohibited, other than for the following purposes:

- a) Operation of shuttles to and from Martis Camp operated by, or by arrangement with, MCCA, for use by members and their guests;
- b) Pedestrian and unpowered bicycle access for members to and from: the East Gate, on the one hand, and both Big Springs Drive and the Multi-Purpose Trail Easement on the other hand;

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- c) Maintenance and snow removal by MCCA and its contractors of portions of Shaffer Mill Road and any other MCCA property located on the eastern side of the East Gate and work on adjacent property as provided in the Supplemental Agreement;
- d) Access by the operator of Northstar Ski Resort (“Northstar”) to the extent permitted pursuant to easements benefitting Northstar;
- e) Public transit service provided by the County through Tahoe Area Regional Transit or through a contract provider to the extent such service is initiated by the County;
- f) Emergency access consistent with County requirements; and
- g) Any other purposes required by the County or approved by the Retreat at Northstar Association.

All transponders issued to members shall be deactivated with respect to the East Gate, such that the transponders shall not open the East Gate. Private vehicles may not manually open the East Gate or follow shuttles or other authorized users through the East Gate. Prohibited private vehicle access includes automobiles, trucks, low speed vehicles, golf carts, snowmobiles, etc. and all forms of transportation by individual members except that as specifically authorized under (b) above. All members and guests/contractors/etc. must comply with the restrictions set forth above. Failure to comply with this Operating Rule will be considered an egregious violation under the Rules and Regulations, subjecting violators and members responsible for violators to fines up to \$10,000.

The Board will consider extending the effectiveness of this Operating Rule for the full six-month trial period at its regular First Quarter Board Meeting, currently scheduled for February 4, 2016, after consideration of member’s comment. The purpose and effect of this Operating Rule are set forth in the Recitals above. This Operating Rule shall constitute notice to the members of the rule change under Civil Code section 4360(c) and also 30-day notice to the members that this Operating Rule may be amended by the Board under Civil Code section 4360(a) to extend its effectiveness for the full six-month trial period. If you have comments on this Operating Rule, please submit them to the Board for consideration at 7951 Fleur du Lac Drive, Truckee, CA 96161 Attention: General Manager prior to this next meeting.

The Board may also approve this Operating Rule on a permanent basis, further amend this Operating Rule, or extend the duration of this Operating Rule at a future Board meeting by following the procedures set forth in Civil Code section 4360.