

TO: Board of Directors, Telegraph Landing North Association

FROM: Rules Committee, Telegraph Landing North Association
Nancy E. Spero, Chair; Joanna Kurn, Joe Najpaver, and Robin Winburn-Woll, Members

Date: October 26, 2011

Re: July 26, 2011, Referral from Telegraph Landing Board to Rules Committee
Regarding the TL Policy re Holiday Decorations in Common Areas

Request to Rules Committee

At the July 26, 2011, meeting, the board received data from a survey to residents asking their views about holiday decorations in the common areas at Telegraph Landing North Association (TL), and referred the matter to the Rules Committee (the committee), asking for recommendations. A copy of the summary of the data as presented to the Board is attached to the July 26, 2011, minutes.¹ The property manager had the survey delivered to the door of each of the 189 residential units at Telegraph Landing. This is known as a “door drop” and is a common method at TL for delivering the newsletter, providing notice of events and maintenance interruptions, and on occasion soliciting views through a survey.

Previous Association/Board Action

The January 15, March 25, and June 17, 2008, minutes² reflect the community members’ attention over many months in 2008 on developing a policy for how to decorate the common areas at Telegraph Landing during the November-December holidays: primarily the lobbies, the grounds, and the Club Room. Minutes of these 3 meetings are summarized below. All identified individuals were elected Board members. At the January and March 2008 meetings, Nancy Spero was president and presided over the meeting. At the June 2008 meeting, Kevin Gross was president and presided over the meeting.

Excerpt from January 15, 2008, TL board meeting minutes:

“Based on several emailed comments over the past 2 months, the agenda contained a community discussion item on what standards and policies should the Association have for holiday decorations in the lobby and the Club Room. In the past there have been Christmas trees, Hanukah decorations, Halloween and Fourth of July decorations.

“Kevin [Gross] noted that some residents were unhappy this year with the decorations' size. Morton [Beebe] appreciated the string of lights in the exterior, front trees. A homeowner suggested winter season wreaths and a few greens in all of the lobbies, with no specific holiday

¹ The July 26, 2011, TL Board minutes, with the survey data summarized by the property manager, are found at: <http://www.tl-onlinesf.net/BdMtgs/Bdmtg7-26-11.pdf>

² The minutes for these 3 meetings in 2008 are found at: <http://www.tl-onlinesf.net/BdMtgs/bd-arc.htm>

implications.. Another homeowner suggested forming a Committee of the people who are concerned about the issue. Another homeowner suggested smaller holiday-related decorations, so that all holidays could have space. Another homeowner, who stated that she is Jewish, said she objects strongly to a menorah, just doesn't think it's appropriate. Another homeowner disagreed and offered her menorah for the lobby. Another suggestion was to have only a beautiful floral arrangement. A member of the Events Committee wanted to make sure that their Committee is not responsible for decorating. Another homeowner felt that holiday decorations should remain private and not be reflected in the lobby or other common areas. She felt a good example of a nice holiday decoration was the exterior lighted, front trees, without any particular religious expression. Another homeowner really missed the Christmas tree in the lobby and would like to see that in the future. Another homeowner appreciated the different ways traditions decorate for the holidays and that shows the Association's diversity. Two homeowners suggested the issue should be put to a vote. Several members commented that they did not appreciate individual's decorating the lobby based upon their own taste and traditions. Barry [Shiller] noted that everyone liked the idea of lights and greenery and suggested a way to celebrate diversity, something like a collage. Another homeowner said that having no decorations actually expresses intolerance. Mark [Moreno] noted that he has never worked for an Association that allows anyone to decorate the lobby. He would like to see something formalized, perhaps a Committee that would be responsible for the decorating. Another homeowner brought up that there are a lot of other holidays and really encouraged the formation of a committee. Other homeowners supported the idea of a committee.

“Barry [Shiller] summarized on the item on which their appeared to be consensus: he moved to restrict individuals from decorating common areas without permission from the Board. He further moved to form a Decorating Committee to make recommendations to the Board and document what works and what doesn't. Barry recommended against using a survey since it could cause polarization on a sensitive and nuanced issues. Nancy [Spero] also thinks that a survey may further polarize the issue. She added that a committee may not be the best way to go forward since committees can be best used to gather and analyze facts for the purpose of developing reasoned recommendations based on those facts. Since this question is not fact-based, but is rather values-based, having a homeowner discussion at an open, noticed Board meeting which all members can attend and participate in is the best way to develop a community decision.

“Homeowners noted that the city and the federal government have rules and regulations around holiday decorations in their buildings, which could be instructive. Nancy [Spero] suggested tabling the issue until the February meeting, while researching these city and federal rules. Two homeowners agreed to find these rules in written form.

“Kevin [Gross] moved on Barry's [Shiller] suggestion to bar individuals from decorating common areas without Board approval. Barry seconded and the motion passed unanimously.”

Excerpt from March 25, 2008, TL board meeting minutes:

“Nancy [Spero] asked several homeowners to read the minutes of the January 15th meeting pertaining to this item in order to review the prior community discussion. A homeowner reported that she looked into the Federal government’s rules, but found that the general services administration had no recommendations regarding decorations. She noted it is really a legal issue that has gone to the Supreme Court and that federal buildings cannot show preference toward any one religion. Another homeowner noted that the Association isn't a federal organization so federal guidelines shouldn't be consulted. She really likes strings of small, elegant lights. Another homeowner likes the lights outside and thought they could also be brought inside, plus some wreaths or greenery. Another homeowner stated that a compromise needs to be made because to do nothing is very cold and severe. A homeowner wanted an outside tree with lights that stays through February. Another homeowner added that a few pots of white flowers outside and in the lobby would be a nice touch. Another homeowner asked about lighting the Courtyard trees. Another member really wants to see a tree in the lobby and hopes that anyone who is uncomfortable to please speak up because he thinks that everyone likes the tree. A homeowner thought there would be so much disagreement in the lobby that the lobby should be disregarded and to focus instead on lights outside. Another member wants lighted greenery perhaps with red bows, and another opted for potted plants and lights strung at the most. Nancy [Spero] noted that there appeared to be a consensus placing small white lights on the tree outside the lobby in front, which was confirmed by the members of the building. There was also a general consensus to not decorate the Club Room, so that people could decorate it as they see fit for their own needs, also confirmed by the members. A homeowner noted that the lobby gets so busy and crowded that a tree should be moved outside. There was more support for lighted greenery, another homeowner objected to anything that could resemble a Christmas Tree, but appreciates lighted greenery. There was general agreement on lighted greenery with potted plants in the lobby areas. Nancy [Spero], again summarizing the apparent consensus, stated that the members would like greenery decorating the front façade of the desk, and potted plants, white was considered a nice color, in all the lobbies. Again, this was confirmed by members. The members and the board agreed that the Board would delegate to the Landscape Committee the authority to approve cut flowers and potted plants for T.L lobbies. Nancy [Spero] offered to write up these understandings as our T.L policy on holiday lobby decorations, post publicly, etc. The policy could be revisited after the completion of the next holiday season, say at the January 2009 Board meeting. Nancy [Spero] stated the January 2008 meeting had banned homeowners’ decorations in public areas.”

Excerpt from June 17, 2008, TL board meeting minutes:

“The Board mailed out the Common Area Holiday Decoration Policy resolution to determine membership interest in changing the rules. The resolution generated only one response. Jasper [Schad] moved to accept the new Common Area Holiday Decoration Policy, Kathi [Barnes] seconded and the motion passed 5-0.”

Survey Data and Process—Rules Committee Conclusions & Observations

The Rules Committee makes the following conclusions about the 2011 survey response data:

- Sixty-one (61) responses were received and summarized by the property manager, an approximate 1/3 response rate.³
- Thirty-one (31) responses indicated the current policy reflected their opinion; 30 responses indicated the current policy did not reflect their opinion. This is a fairly even split—there is no clear indication one way or another—and each of these groups only represents about 15% of the residents.
- Twenty-five (25) responses indicated they would like to see the main courtyard decorated; 27 responses indicated they did not.⁴
- Thirty-eight (38) responses indicate that they would like a Christmas tree, wreath, and other traditional holiday items; 16 responded they did not want these traditional items in the common areas; 7 did not respond at all to this question.⁵ Those that favor traditional holiday decorations are about 20% of the residents.

The Rules Committee makes the following observations about the survey process:

- The survey was dropped at the door of each of the 189 residential units at Telegraph Landing. Some of the residents are owners, some are not. The Rules Committee asserts that the residents are not the appropriate population to survey for opinions about the 2008 policy for holiday decorations in the common areas. That policy was adopted through 2 open townhalls for owners. At the second meeting, March 26, 2008, a consensus was reached. That consensus was put into writing, mailed to all owners, according to the procedure for adopting an association rule. The June 17, 2008, minutes indicate that there was only 1 comment by any of the 189 owners to that mailing, so the Board on June 17, 2008, approved the policy. The committee believes that the owners, and not the residents, are the proper individuals to consult when considering a change to an Association policy.
- The survey did not measure how strong the views of an individual may be. For example, some individuals may have mild preferences one way or another, and other individuals may have intense preferences or views. The committee believes that the strength and passion of views is highly relevant to how to approach this issue.

Recommendations

If the Board wants to revise or repeal the 2008 Policy for Holiday Decorations in Common Areas, the Rules Committee recommends that the Board engage the owners in a townhall, consensus-building process to develop the features of the revised or different policy. The benefits of such a process are board transparency and accountability to the views of the members, which will be diverse (as indicated by the survey results and the content of the January and March 2008 minutes). Moreover, some owners will have strong views and it benefits the process as well as the outcome to provide the opportunity for

³ Subsequent to the property manager creating the survey data summary, about 3 more submissions were received. They have been provided to the Rules Committee and their contents have been considered by the committee.

⁴ Note the survey summary, referring to courtyards in the plural, mischaracterizes Questions #5 and #6. The questions asked about “the main courtyard.”

⁵ Note the survey summary, referring solely to “a Christmas tree,” mischaracterizes Questions #3 and #4. The questions ask about whether the respondent favors “. . . more traditional items displayed within the common areas —Example—Christmas tree or Christmas wreath – Other traditional holiday items?”

those who care passionately to speak about this issue and to hear others who have similarly passionate, yet different views. Reaching consensus may not occur at the first such townhall meeting, but the committee recommends that the townhall process be continued over to a second and even a third meeting, if not resolved at the first. In subsequent, townhall meetings, a community crafted solution can be reached. If the Board undertakes this townhall process, the committee recommends that it be started in a month that is not proximate to the holidays—January or February would be preferable. The closer these community conversations occur to the holidays (November and December), the more polarized views can become and the more difficult it becomes to reach consensus.

If the Board is interested in doing something different in November-December 2011 than that which is allowed by the current policy, it can suspend the policy for this year. Such action creates possibilities, however, which require further immediate decisions for the Board: Who will decide how the common areas will be decorated in 2011? What will the budget be? Will there be any guidelines, standards, or limitations on the decorations?

If the Board is interested in staying within the current policy in November-December 2011, it still has the option of making some changes from the past: more white lights in more places (courtyard and the 4 building lobbies) and more color for the potted flowers, and more potted flowers.

For both the long term decorating policy (in 2012 and future years) and for a short term interim policy if the current policy were to be suspended (in 2011), the committee offers some possible answers to these questions without making any recommendations:

- Who will decide? A newly formed committee for decorating during the holidays. Or the Landscape Committee, if it is willing to take on this responsibility. Or the 5 member board could serve as an ad hoc decorations committee. Or the property manager. Or a professional could be engaged to decorate. Or the board could establish a process for decorating at a community decorating event, to which all (residents? owners?) are invited, to be supported by either a committee or the property manager. Etc.
- What will the budget be? There could be a range authorized by the Board for decorations, lights, flowers, etc.
- Will there be guidelines, standards, or limitations? The board could vest complete discretion in the person or group who will decorate. Or the board could specify certain conditions, guidelines, standards, and limitations. (The current policy is an example of specific guidelines, standards, and limitations.)

Non-exhaustive list of possibilities for the purpose of illustrating pros and cons—the committee is not recommending any of these

There are pros and cons to various possibilities. The committee offers the following observations about the pros and cons of several possibilities. This list is illustrative and does not exhaust the possibilities, given the many variables. The Board, as the elected governing body for the Association, can decide what the features would be.

Note: the committee does not make any specific recommendations in this list and offers it merely to illustrate that there are several possibilities beyond the obvious and that there are pros and cons to each possibility.

- Possibility #1: Do not decorate the common areas for the holidays at all

- Pros: no controversy, no cost, no effort, no cleanup, no responsibility, and no judgment about taste.
- Cons: TL will not look festive, and many residents will be disappointed.
- Possibility #2: Decorate the common areas within the current policy
 - Pros: No time and effort is needed to put into developing a new policy. This policy was developed in 2008 through an open, transparent board process of successive townhall meetings, where community consensus was reached, and a subsequent mailing to owners did not raise any opposition. Its terms are descriptive and can be understood.
 - Con: The current policy does not allow any specific holiday items, which is for many (but not all) too restrictive and not sufficiently festive and holiday-oriented. It is not clear who decorates under the current policy (although presumably the property manager does—the policy expressly allows “the Landscape committee to approve the offer by individual members of non-holiday related plants and cut flowers”)
- Possibility #3: Form a committee to decorate the common areas
 - Pros: This committee would be composed of those who care about common area holiday decorations. The board will decide who will be on the committee.
 - Cons: It has been difficult to recruit sufficient members to serve on committees in the past, so populating a new committee might be difficult. Individuals who want to subordinate the community’s interests in harmony and festive holidays to their own personal agendas might seek appointment to this committee. Lack of continuity in the committee membership from year to year could have cost implications.
- Possibility #4: Organize a community decorating event to perform the common area holiday decorations
 - Pros: This has the potential for being done with a sense of community and welcomeness. The decorations will have meaning and connection for the individuals who participate in the event.
 - Cons: This has the potential for having too many or too few décor items and some items may not be sufficiently coordinated (e.g. lights). Some members may view negatively what will likely be items from a variety of tastes, styles, and traditions.