

Sand Dollar Beach Homeowners Association

Draft Minutes as at 10/7/09 – approved.

Board Meeting: Friday, September 25, 2009; held at Canon Del Sol Clubhouse

Board members present: Pat Emmons, Bruno Lehner, John Linkletter, Bill Russell and Bob Arnold (by phone).

Also Present: Claire Hildreth, Zonia Sandoval-Waldon, Harold Lucht, Cathy Smith, Cynthia Haines, Terry Dager, Monte and Miki Pehrson, Gini Lebacqz.

The meeting was called to order at 10.04 am

All board approvals were unanimous unless stated otherwise.

The minutes of the June 19 Board Meeting were approved.

Reports of Officers

President: Pat Emmons

The owners of lot 24 have agreed to prune the tree which has been the subject of an ongoing complaint. This will be done next spring, and Pat will write to the owners to confirm this commitment. She will also communicate this to the homeowners who raised the issue.

Action: Pat

The structure which had been erected by the owners of lot 4 on a tree in the common area has been removed.

Pat distributed committee job descriptions for ARC and Landscape and Facilities Committees, although these were developed a long time ago. The committee chairs agreed to bring them up to date and submit new versions to the board.

Action: Cathy, Dave, John

The outstanding dues for Lot 13 have now been paid. Lot 27 dues are still unpaid, and the property is believed to be currently in a short sale. Collection procedures have been initiated, and it is likely that a lien will be attached to the property. The growth of the palm trees on this property is an outstanding issue for the SDBHOA, and a disclosure form about the palm trees has been sent to the title company alerting them to the fact that there have been complaints that the tree is blocking the neighbors' views.

Following Jack Basler's resignation as chair of the Facilities Committee, John Linkletter has now assumed this role. Pat said that she had called Mary Ann to enquire after Jack's health and conveyed the board's best wishes. Claire passed a card around for everyone to

sign. It was agreed to pursue the naming of a rose in the Basler's name as a special gift recognizing their contribution to the community.

Pat has contacted Mr. Desai, the owner of the property adjacent to the common area. Mr. Desai believes someone in the local community is sabotaging the construction work being done at his property. Terry and Cathie Dager have agreed to keep a watchful eye on the property and report any signs of continued vandalism.

The Canon Del Sol information binder that is distributed to all homeowners in that community was circulated. This is an extended version of a member directory, which includes the by-laws and other useful information. Zonia and Pat agreed to pursue this further with a view to producing something similar for Sand Dollar.

Action: Zonia & Pat

Claire agreed to send the file containing the current SDBHOA directory to Bill. Bill will attempt to create a pdf version which can be posted to our website.

Action: Claire & Bill

The budget time line was discussed and it was agreed that a provision be made for some social activities in 2010. (See Finance Committee report to follow).

The Canon Del Sol President has resigned. Pat will continue to lead the ongoing development of a stronger relationship with Canon Del Sol with the new President.

The elimination of the erroneous painting of the curb in front of Lot 28 was discussed. This was already agreed by the board, but it is still outstanding. The Facilities Committee will have it removed.

Action: John

The ongoing question of fines remains as

Unfinished business

Insurance Review: Bob summarized the attached insurance review document that had been circulated previously. (Attachment 1)

Because of the cost, the association elected not to purchase insurance for the improvements on the common lots i.e. the stairs, gazebo, fences, gate etc. as is the current practice. Funds will, therefore, continue to be added annually to the reserves instead. All members will be notified accordingly when the notice of the annual meeting is distributed.

Action: Bob

The current Fidelity Bond amount is less than the bylaws require. The estimate of the increased premium to correct this is less than \$100. The bond limit increase to \$116K was approved.

Bob will now send a request to our agent, John Kane, to request the increased coverage.

Action: Bob

The recommendations documented in the last paragraph of the insurance report were, therefore, approved as proposed.

The board thanked Bob for his help to the ARC regarding the boundary discussions etc.

Finance Report: Bruno said that the 2010 budget creation process needs to be completed during October, and so the committee chairs were asked to provide their complete inputs to Shoreline by then. Bruno will provide an exact deadline if it's different to 10/31. Bruno will also arrange a telephone meeting so that the board can review the draft budget with Shoreline. This process has worked well in the past.

Action: Bruno

Facilities Report: John reviewed the attached report from the facilities committee (Attachment 2).

The proposed repair to the stairs was approved.

John anticipates that new members will shortly be joining the facilities committee.

Note the date of the Facilities Committee meeting has subsequently been changed to November 16 at 11.00am.

Townhouse Committee Report: Zonia said that the pavement restriping (to define parking areas etc) has been completed, and that the Fire Marshal is pleased with the outcome. As a result, the parking situation has also got better! Originally \$300 had been authorized by the Board, but the final bill is now \$460. The additional \$160 will come from Townhouse funds.

Modifications have been made to many of the storage areas so that trash cans now fit inside.

However garbage cans in driveways throughout the community is still an issue.

All termite inspections have been completed and, not surprisingly, some problems have been identified. An action plan is being developed, and this will be communicated at the next board meeting. The ongoing townhouse maintenance plan is also being updated.

The gas lines will be discussed at next Townhouse Committee meeting.

And the skunks are back!

ARC Report: Cathy reviewed the following proposals which had already been approved by the ARC.

Lot 86 – ground level deck etc.

Lot 23 – new roof, paint etc

Lot 22 – replacement driveway

These 3 proposals were approved.

Lot 24 – deck replacement – At this point the ARC believes that there is insufficient information, and can find no evidence of the appropriate building permits. This proposal, therefore, was NOT approved, and, in the light of the discussions to date, communication to the homeowner of the board's decision would be made by our attorney.

A permanent replacement is needed for Roy Howard who has resigned from the committee as he has sold his property and moved out of the area. Zonia has agreed to join the ARC until the next annual meeting, and this was welcomed to by the Board.

Landscape Report: Bill reviewed the attached Landscape Report in Dave Mack's absence. (Attachment 3)

The proposed new landscape contractor contract was discussed, and it was agreed that this would be enthusiastically agreed to by the board, once it has been confirmed that the townhouse needs have been covered.

Action: Dave & Zonia

The addition of \$1500 to the 2009 landscape budget was approved.

An increase of around 2-3% for the landscape contractor fees would likely be approved by the board if it was proposed by the Landscape Committee in the 2010 budget submission.

The board agreed to the proposals that Ginny Lebacqz would assume the role of Landscape Committee Chair and that Dave Mack would remain as a member of the committee. The proposed increase in members from 5 to 7 was also approved (although the committee job description should be amended accordingly as part of the updating process discussed earlier).

Security: Harold led a discussion of a whole series of recent worrisome incidents (Attachment 4).

It was agreed that a full Security Committee be formed and that Zonia, Cathy and Cynthia would join Harold in developing a proposed course of action. Pat will take on the board liaison role, and it was suggested that representatives from First Alarm and State Parks also be included. The initial committee would also produce a purpose statement and job description (none currently exists for security).

Action: Harold et al

Pat will send a letter out to the owners of the properties whose tenants' activities are highlighted in the attached report.

Action: Pat

Community Updates: Claire announced that Chris and Cecile Seams had recently become Sand Dollar property owners.

Mike Driscoll had asked that the ongoing problem with garbage be raised, but it was agreed that he should work with the Landscape Committee on this.

The organization of the 2010 Annual Meeting was deferred.

Unfinished business

Unfinished Business:

The replacement gate proposal is still with Facilities committee. It was agreed that although Roy Howard has left the community, this project should not lose momentum. Harold and John will review this further at the next board meeting.

Unfinished business

Road striping above the gate; Pat is still working on this, and several homeowners have shown interested in having this work done. Assuming the majority of homeowners are in agreement, this will be added to the budget for 2010.

Unfinished Business

Common area border: Cynthia pointed out that the installation of a fence had already been approved, subject to agreement on the type of fence by the directly impacted property owners. This is now the case, and so Cynthia proposed that the project be completed. However, the board agreed that this should be put on hold until Pat could meet with Mrs. Desai in the hope of determining their landscape plans. It was agreed to review this (near the beginning!) of the next meeting.

Unfinished business

The Facilities Committee agreed to make sure all the common area boundaries are clearly marked.

Action: John

Nominating Committee Report; Cynthia said that the committee has now met and that nominations have been invited. The plan is that the requirements of each board position will be communicated to those interested, and the board members agreed to provide an updated job description.

Action: All Board Members!

New Business: As some board members had to leave, it was agreed to postpone the discussion on Mutt Mitts to the next meeting.

Unfinished business

The next meeting was confirmed for Friday October 16 at 10.00am at Canon Del Sol Clubhouse.

The Board recorded thanks to Mr. Spencer for arranging the use of this facility.

It was agreed that the November meeting would be rescheduled given the proximity of the current date to the Thanksgiving holiday.

Unfinished business

The meeting adjourned at 12.25pm

Attachment 1:

Sand Dollar Beach Homeowners Association

SUBJECT: Annual Review Insurance

Board Members

Section 3.3.3 calls for an annual review of all insurance maintained by the Association. "The Board shall adjust the policies to provide the amounts and types of coverage and protection that are customarily carried by prudent owners of similar property in the area which the Project is situated."

I met with our long time agent, John Kane III of KBK Insurance, 1006 Freedom Boulevard, Watsonville, CA 95077, (831) 724-1085 and discussed our coverage. Pertinent sections of our Bylaws are cited in the following analysis. Some reference data is attached.

3.3.1(a) a company (shall be) legally qualified and in good standing to do business in the State of California and (i) holding an "A" or better general policyholder's rating and a "6" or better financial performance index rating as established by Best's Insurance Reports Our companies are as follows:

<u>Coverage</u>	<u>Company</u>	<u>Best</u>	
<u>Financial</u>			
General Liability	Mount Vernon Fire	A++	8
Workers Comp.	State Fund	Quasi governmental	Not rated
Fidelity Bond	CAN Surety	A	10
Directors & Officers	Continental Casualty	A	15
Umbrella	United States	A++	8

Exhibit "A" is an insurance summary prepared by KBK July 7, 2009

3.3.2(a) Property Insurance: "The Board may determine the appropriate kind of insurance for loss by fire or other casualty for all insurable Common Area Improvements, including fixtures, service equipment and buildings, if any. If the Board is unable or elects not to purchase insurance, the Board shall notify all Members by first-class mail as soon as reasonably practicable, if not already disclosed in the annual notice to Members pursuant to these Bylaws. A vote of 51% of the Members may override this decision."

I have included as Exhibit "B" the Sand Dollar Beach subdivision map showing common parcels. Parcel "C" has retaining walls and the shelter which should be treated as reserve fund items.

Parcels "D" and "E" have the stairs. The "self insurance \$945" per year should be a reserve fund item. Repairs, including our July 5, 1999 fire, came from this account.

The gate and mailboxes (Parcel "F") are our only remaining improvements and also should be reserve items. The Board has no insurable improvements and should elect (vote) not to purchase insurance for same.

(b) Liability Insurance – Bylaws call for \$2,000,000. We carry \$1,000,000 plus \$5,000,000 umbrella.

(c) Workers Compensation covered to the extent of law.

(d) Fidelity Bond: "A fidelity bond naming the Board, the Owners, the Association and such other persons as the Board may designate as obliges, in an amount equal to at least one-fourth (1/4) of the total sum budgeted for the Current Operation Account and Reserve Account for both the Association and the Townhouse Committee, said premium to be pro rated as their interests appear."

Calculations for 2009 are as follows:

<u>TOTAL</u>	<u>HO</u>	<u>TH</u>
Operation Account	\$ 83,686	\$ 82,693
\$166,379		
Reserve Fund 12/31/08	<u>+143,053</u>	<u>+152,831</u>
<u>+295,884</u>		
\$462,263	\$226,739	\$235,524
% of total	49%	51%
100%		

Total Operation and Reserve \$462,263 x 25% = \$115,566. Bylaws require minimum coverage \$115,566. Our current coverage is \$90,000. We should up coverage now as our anniversary is July 6. The premium for 2009 should be paid 49% HO and 51% TH.

(e) Directors and Officers: “Errors and omissions insurance covering individual liability of Directors, officers, and committee members for their negligent acts or omissions while acting in their capacities as Directors, officers and committee members in an amount equal to at least the minimum amount specified in Section 1365.7(a)(4) of the California Civil Code.” Included as Exhibit “C” is a copy of this code.

The Code, among other things, requires \$500,000 minimum coverage. We carry \$3,000,000.

3.3.4 Annual Notice to Members: “The Association shall provide to all Members a summary of the Association’s property damage, general liability, earthquake and flood insurance policies within 60 days preceding the beginning of the Association’s fiscal year. The summary shall include all of the following information about each policy:

- (a) The name of the insurer;
- (b) The type of insurance;
- (c) The policy limits of the insurance; and
- (d) The amount of deductibles, if any.

To the extent that may of the information required to be disclosed pursuant to this provision is specified in the insurance policy declaration page, the Association may meet its obligation to disclosed that information by making copies of that page and distributing it to all of its members.”

The summary of insurance information shall include, in at least 10-point boldface type, the following statement: “This summary of the Association’s policies of insurance provides only certain information, as required by subdivision (e) of Section 1365 of the Civil Code, and should not be considered a substitute for the complete policy terms and conditions contained in the actual policies of insurance. Any Association Member may, upon request and payment of reasonable duplication charges, obtain copies of those policies. Although the Association maintains the policies of insurance specified in the summary, the Association’s policies of insurance may not cover your property, including personal property or, real property improvements to or around your dwelling, or personal injuries or other losses that occur within or around your dwelling. Even if a loss is covered, you may nevertheless be responsible for paying all or a portion of any deductible that applies. Association Members should consult with their individual insurance broker or agent for appropriate additional coverage.”

Summary

We are in good hands with KBK. Our coverage meets and or exceeds requirement of the various codes and prudent property managers.

Action Needed

1. Board vote not to insure non insurable property and notify members at annual meeting per Section 3.3.2(a).
2. Board vote to increase Fidelity Bond to \$116,000 per Section 3.3.2(d).
3. After adoption of Budget, Arnold to recommend adjustment and prepare proration of Fidelity Bond premium per Section 3.3.2(d) if needed for 2010.
4. Arnold and Shoreline (keeper of our policies) will prepare the annual notice to comply with Section 3.3.4.

Attachment 2

Facilities Report 09/25/09

I had a conversation with Rachel Lather at the Department of Public Works and this is the current update:

The SCADA devices have been installed and are working properly

The Backflow Valve Repacement/Repair has been completed and seems to be fixed after many hours of work by the County trying to figure out the problem

Lining of the Sand Dollar Beach Sewage Tank is the next project on the list for repair
*A bid in the amount of \$29,900.00 has been presented by the National Coating & Lining Company
*Starting time and completion of this project was not given

An Apprentice Engineer is working on the preliminary engineering of the Force Main Line replacement.

*Putting a camera in the existing pipe to see what kind of life is left is too risky in her opinion. If they drill a hole in the asbestos pipe and it shatters, it would then have to be replaced immediately

*There is no estimation when this project will be completed at this time

*Even though the pipe is 40 years old, she thinks we have years of life left in it

Mike Driscoll has completed the small stair and retaining wall project next to the Lenihan home.

He pointed out a few stairs that need replacement to me on the lower stairway and a bid will be submitted.

A rough draft of the Facilities Reserve study will be sent to me by Avelar and Associates in the next week or so

The Facilities Committee will have a meeting on Nov. 7th at 11:00 AM

Attachment 3:

SDHOA WRITTEN COMMITTEE REPORT

Date: 19 September 2009

Name of Committee: Landscape

Name of Chairperson: Dave Mack

Statement of Issues/Projects in Progress/Updated report

Landscape contractor agreement:

The attached draft is a proposed new agreement. Over the last few months Bill Priest, Mike Driscoll, and Dave Mack worked to produce a document that relates both to the needs of the HOA and the contractor. It also contains the suggestions of the association's attorney Catherine Philipovich. The principle reason for rewriting the existing document is to bring the association's landscape scope of operations into the modern age (the existing agreement hasn't been updated in over ten years) and to allow the contractor more flexibility in addressing on-site work.

We're asking the board to approve the final draft so it can be implemented in 2010.

Budget augmentation;

The Grounds account is in need of a \$1500 augmentation to fund landscape operations for the remainder of this year. The committee regrets our inability to more effectively manage our fiscal means and is intent on not letting this happen again. The board President and the committee chairman met with a Shoreline accountant in August & were assured that sufficient funds are available for this transfer. Specifically we're asking the board to authorize a redirection of \$1500 from the Operations account to the Grounds account #8654 (landscape supplies).

Landscape Committee administration;

We believe a change in the committee leadership is a refreshing switch periodically. With the board's approval Ginny Lebacqz will become the landscape committee chair on November 1st & Dave Mack will remain a committee member.

The committee is also asking the board to approve adding two new members to the current five. Over the next year we will be considering long term planning options and will reorganize the committee to provide more focused evaluations of common area landscape maintenance and upgrades. We also anticipate a benefit in having a broader base of HOA member participation.

2010 HOA Budget preparation;

There will be several key considerations in framing the landscape budget request for next year. We encourage the board to outline the budget workup process soon and to communicate that to the committee chairs well in advance. We also ask the board to give consideration to the landscape contractor compensation for next year. In 2009 the association board of directors granted a 5% increase (over 2008) totaling \$23,500.

Options/Solutions

Financial Analysis: Cost/Bids including maintenance costs in the future is appropriate – N/A

Recommendations to the Board/Action requested of the Board

Approve the final draft so it can be implemented in 2010.

Authorize a redirection of \$1500 from the Operations account to the Grounds account #8654 (landscape supplies).

Approve the leadership change and the addition of two new members to the current five.

Provide guidance on the landscape contractor compensation for next year.

Attachment 4

INCIDENT REPORT

Fireworks-Blackwell #75

On Friday, 7/24/09, a substantial amount of professional quality fireworks were being discharged near the south stairs. I went down to observe and it appeared the perps seemed to be based out of the Blackwell's townhouse. It don't believe it was a rental as there was a Tim Blackwell Construction truck was parked outside. I called 911. P&R cleared the beach just after 10pm. Moments later First Alarm showed up as a result of a complaint by another homeowner. As I was briefing the guard, some guy lit 3-4 fireworks from an abandoned fire. As the guard approached the perp, the renters of lots 66 & 67 let out jeers and a volley of name calling from their balconies. Despite the "Fireworks Letter", all the signs and after having been run off moments earlier, he told the guard that he didn't realize fireworks were illegal. He then retreated to what appeared to be Blackwell staircase. Shortly before midnite and from the same location another round of 6 or so, fireworks were discharged. This clearly was defiant behavior and demonstrates the ultimate lack of consideration from one of our own owners and/or guests. All total, I estimate at least 25 rounds of mortar type fireworks were discharged by this group.

I request the Board determine some course of action.

PARTIAL INCIDENT HISTORY

Company Party –Ubaldi #54

9/19/09 Saturday

Late morning, I noticed an extraordinary amount of vehicle and foot traffic going up The Shoreline. I later learned the renters were hosting a company picnic and expected 50 people. They had professional catering and live entertainment. When I went down to

have a look at the parking situation, I noticed a passel of unsupervised kids at Cathy's house. They were running through landscaping, up and down both sides of her house and playing in her driveway. I could only get the attention of 2 of the kids. As I counceled them, two male adults finally came out and got them under control. However, that appears to have been short lived. A little later a received the following email.

"For what it's worth; The renters have around 30 people over for a company picnic. They have at least 12 -15 kids. They were skateboarding down my driveway and jumping in my plants when I wasn't here. Someone told them they couldn't do that. Just now I had to tell them not to skateboard all over the neighbors yards. They were sweet kids but totally just doing kid things. Do they post this kind of stuff in the rentals?

I think lately it's getting a little out of control with renters.

Cathy"

Party – Porter #56 (address unverified)

9/19/09 Saturday

Coincidentally the rentors of this unit were hosting a party with an expected attendance of 30 people, just 2 doors down from Ubaldi. I am not aware of any incidents and it appeared that most guests parked above the gate. I did call and leave a messege for Jim Porter to advise him of the number of guests at his unit. He did not return call.

Week of July 20, 2009

Beach fires - Calahan #66

The presumed renters at lot 66 showed up with a full size PU truck full of lumber to burn, including several tree trunks about 20" in diameter and 20" tall. The things were so heavy, two able bodied guys could only roll them down the south stairs. I watched in disbelief as the step boards creaked and shifted.

High Occupancy - Scarpitto #64

Scarpito townhouse was rented for the week. These folks brought a large open trailer and a pu truck full just for their beach encampment stuff and toys. FYI – Clearly in violation of CC&Rs was trailer parked onsite all week.

The rentors had a high turn-over and a constant steam of guests throughout the week. At times 7 or more cars associated with the unit were parked below the gate + others above the gate. I suspect this may have been the same group that I had complaints about this time last year. 3 single women renting an adjacent unit were forced endure their partying and to navigate thru their gauntlet to access beach.

At one point I counted 31 people in their group at the beach and a bunch of empty chairs. There were excessive number of cars, car alarms and door slamming at all hours.

Excessive vehicles-Arnold #67

Saturday night 7/26, car count 9, cars parked in adjacent empty units and in front of Strelitz.

Sunday day 7+motorcycle-headcount at beach assoc. with unit 20+.

Unsafe vehicle operation-renters above the gate

7/27&28 A group of about 20 people, who I'm told rent annually, trailered with them an ATV with the intent to use as a shuttle to the beach. It's small enough to get around the gate. This ATV is a non-street legal, un-licensed, un-muffled off road vehicle designed for one rider. I observed them driving down SDL carrying 3 adults, 2 small children and an ice chest. I approached them as they were unloading in the Red Zone. I pointed out their issues and recommended they discontinue use, which they agreed to. Next day they came back. I informed the driver that the next time I saw or heard it, I would call police.

Forced Gate-Renters/Guests- Calvallo #69

7/27 Despite the posted, detailed and bi-lingual gate instruction. Renters still find it necessary to force gate.

SUMMARY

Request Board to develop controls for rentals.

I am frustrated with the security position.

I am constantly dealing with issues related to rentals.

Single handedly, I can't do anything about it, except to talk to renters and then next week a new batch comes in.

I think in the past resident complaints re: rentals may have been taken lightly.

Out of 28 full time resident households, 30% (8) live in the sphere of rental activities.

I don't know any neighborhood where a party house, day after day, week after week would be tolerated and the owners do little to correct the problem.

The rental units have turned into an event center.

Vacation rental are clearly a for profit business and are subject to CC&Rs

-Restrictions on business

-Offensive conditions.

-County Transient Occupancy Facility

In my experience neighborhoods adjacent to rentals have lowered property values.

ISSUES-

Nearly all renters I talk to has gate code.

Parking issues

Car Alarms

Door Slamming

Dogs- Unleashed, Running loose, allowed to relieve around the neighborhood

DANGEROUS - Skateboarding- coffin position, terminal velocity, no brakes

Adults and kids riding on SUV running boards.

taxing our aging sewer system

wear and tear on other facilities-streets, stairs, garbage.

POSSIBLE SOLUTIONS-

Include neighborhood precaution letter with each rental package.

Charge neighborhood security deposit, set fine schedule, deduct as incidents happen.

Register each rental with First alarm-

So they can verify cars associated with unit.

owner cell phone on file, call at time of incident

If event center continues-require owners hire security.

4.24.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. "Transient occupancy facility" means any facility, or any portion of any facility, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other lodging. Transient occupancy facility includes, but is not limited to, a camping site or a space at a campground or recreational vehicle park, but does not include:

1. Any facilities operated by a local government entity;
2. The right of an owner of a time-share estate, as defined in Section 11003.5 of the California Business and Professions Code, in a room or rooms in a time-share project, or the owner of a membership camping contract, as defined by subdivision (b) of Section 1812.300 of the California Civil Code, in a camping site at a campground or the guest of the owner to occupy the room, rooms, camping site, or other real property in which the owner retains that interest. "Guest of the owner" means a person who occupies real property accompanied by the owner of a time-share estate, or who occupies a camping site in a campground pursuant to a right or license under a membership camping contract, or who exercises that owner's right of occupancy without payment of any compensation to the owner, or pursuant to any form of exchange program;
3. Any campsite in a unit of the state park system.

The burden of establishing that a place of occupancy is not a transient occupancy facility shall be upon the owner or operator thereof, who shall file with the tax administrator such information as the tax administrator may request, to establish and maintain nontransient occupancy facility status.

B. "Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms or portions thereof, or other living space, in any transient occupancy facility for dwelling, lodging or sleeping purposes.

C. "Operator" means the person who is proprietor of the transient occupancy facility, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter, and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

E. "Rent" means a consideration charged, whether or not received, for the occupancy of space in a transient occupancy facility, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, and property and services of any kind or nature without any deduction therefrom whatsoever.

F. "Tax administrator" means the county tax collector.

G. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a transient occupancy facility shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered. (Ord. 4230 § 1, 1992; Ord. 4089 § 1, 1990; Ord. 3715 § 1, 1986; Ord. 3619 § 1, 1985; prior code § 7.05.020; Ord. 1011, 10/13/64)