



OPEN MEETING

**MINUTES OF THE OPEN MEETING OF THE
BOARD OF DIRECTORS OF UNITED LAGUNA WOODS
MUTUAL A CALIFORNIA NON-PROFIT MUTUAL BENEFIT
CORPORATION**

**Tuesday, December 13, 2022- 9:30 a.m.
Board Room/Virtual Meeting
24351 El Toro Road, Laguna Woods, California**

Directors Present: Lenny Ross, Thomas Tuning, Anthony Liberatore, Pearl Lee, Diane Casey, Mary Simon, Maggie Blackwell, Cash Achrekar, **Azar Asgari**

Directors Absent: Reza Bastani, ~~Azar Asgari~~

Staff Present: CEO Siobhan Foster, Makayla Schwiertert, Paul Nguyen, Carlos Rojas, Eric Nunez, Robert Carroll, Steve Hormuth, Bart Mejia, Kurt Wiemann

Candidates Present: **Frances Alison** Bok, William Wilson

Others Present: GRF: None
Third: None
VMS: Norman Kahn and Cynthia Rupert

1. Call Meeting to Order/Establish Quorum

President Ross called the meeting to order at 9:30 a.m. and acknowledged that a quorum was present.

2. Pledge of Allegiance to the Flag

Director Casey led the pledge of allegiance.

3. Acknowledge Media

The Village Television Camera Crew, by way of remote cameras, was acknowledged as present.

4. Approval of Agenda

President Ross requested to move agenda Item VMS Update to Agenda Item 7. Additionally, requested to change Agenda Item 6. Social Services Update - (Oral Discussion) to Solar Updates - (Oral Discussion).

Director Blackwell made a motion to approve the agenda as amended. Director Casey seconded.

Hearing no changes or objections, the motion to approve the amended agenda was approved unanimously.

5. Approval of Minutes

- a. November 8, 2022 – Regular Open Session
- b. November 14, 2022 – Special Open Meeting
- c. November 23, 2022 – Agenda Prep Meeting
- d. October 11, 2022 – Annual Meeting
- e. October 11, 2022 – Organizational Meeting

Director Asgari requested to change the following for the October 11, 2022 Organizational Meeting Minutes:

- Correct the vote on page (2 of 6) from 6-4 to 6-4-1.
- Add Director Blackwell as who made a motion to nominate herself as Secretary of the Board on page (3 of 6).
- Add President Ross as who opened the floor for the Treasurer vote on page (3 of 6).

Director Asgari additionally requested to change the following on the November 23, 2022 Agenda Prep Meeting minutes:

- Remove “excused” from Director Casey’s absence.

Director Asgari made a motion to approve the meeting minutes as amended. Director Blackwell seconded.

Hearing no objections, the amended meeting minutes were approved by unanimous consent.

6. Report of the Chair

President Ross commented on the following items:

- There shall be no interruptions, debates, or attacks made against any board members or residents. The goal is to run the meeting as professionally and organized as possible.
- A successful vote was conducted on November 14, 2022 regarding the T-Bills recovery plan.

THIS ITEM WAS MOVED TO ITEM 7 DURING APPROVAL OF AGENDA

7. VMS Board Update

VMS Director Kahn provided an updated on the following items:

- Discussed “A Pivotal Year with Many Changes” article to be placed in the upcoming Village Breeze and provided all accomplishments made by VMS, and discussed future goals.

VMS Director Kahn answered questions and discussion ensued among the Board.

THIS AGENDA ITEM TITLE WAS UPDATED DURING APPROVAL OF AGENDA

8. Solar Update – (Oral Discussion)

Bart Mejia, Maintenance & Construction Assistant Director, provided an oral update regarding Solar within the community.

Mr. Mejia answered questions from the Board.

9. Open Forum (Three Minutes per Speaker)

At this time Members addressed the Board of Directors regarding items not on the agenda

The following members made comments:

- A member commented on the Anti-Harassment Policy, and expressed their own personal harassment issues.
- A member commented on and provided updates regarding the Laguna Woods Village Foundation.
- A member commented on a petition to call a special meeting for the GRF Board regarding finance concerns.
- A member commented on the importance of obtaining ideas and inputs from residents, and additionally discussed their concerns regarding the solar updates.
- A member commented on receiving a mass email to residents from a United Director, and questioned the authenticity of said Director.
- Director Asgari read an email from a member commenting on obtaining appliance replacement.

Director Achrekar entered the meeting at 11:02 a.m.

10. Responses to Open Forum Speakers

a. Response to Open Forum Speakers

- Director Casey addressed the comment regarding the Director email in question, and provided clarification behind the emails.
- Director Simon addressed the comment regarding the solar update concerns.
- Director Asgari addressed the member comment regarding the Director email in question, and provided their own concerns regarding said emails. And additionally, commented on the solar update concerns.
- President Ross stated that he advised Directors to not send mass emails to residents or speak on behalf of the board.

b. Response to Past Open Forum Speakers – Maggie Blackwell

- Director Blackwell commented on the responses to the previous Open Forum Speakers from the November board meeting, and advised on updates.

11. CEO Report

CEO Siobhan Foster discussed the following items:

- Upcoming Holiday Hours
- Who to Call After-Hours
- Christmas Tree Recycling
- 2023 Mulch Days
- Clubhouse 7 Updated Hours

CEO Foster answered questions from the board.

12. United Board Vacancy Appointment

a. Introduction of United Candidates

President Ross introduced the United VMS Candidates:

- ~~Frances~~-Alison Bok
- William Wilson

b. Candidate Opening Statements

The candidates were given two minutes to give an opening statement.

c. Candidate Interviews

The candidates were given 1-2 minutes to answer questions from the board.

d. Candidate Closing Statements

The candidates were given 2 minutes to give a closing statement.

e. Entertain a Motion to commence Balloting

President Ross made a motion to commence balloting. Director Achrekar seconded.

Hearing no changes or objections, the motion was approved unanimously.

f. Entertain a Motion to Cease Balloting

Director Asgari made a motion to cease balloting. Director Simon seconded.

Hearing no changes or objections, the motion was approved unanimously

g. Tabulation of Ballots and Announce Results – Corporate Secretary

Assistant Corporate Secretary, Paul Nguyen, tabulated the ballots and announced the results.

- ~~Frances~~ Alison Bok – 6 votes
- William Wilson – 3 votes

Frances Bok was elected to a 2-year term ending in December 2024

13. Consent Calendar

All matters listed under the Consent Calendar are recommended for action by committees and will be enacted by the board by one motion. In the event that an item is removed from the Consent Calendar by members of the board, such item(s) shall be the subject of further discussion and action by the board.

- a. **Consistent with its statutory obligations under Civil Code §5501, a subcommittee of the board consisting of the Treasurer and at least one other board member reviewed the United Laguna Woods Mutual preliminary financials for the month of October 2022, such review is hereby ratified.**
- b. **Recommendation from the Landscape Committee - None**
- c. **Recommendation from the Architectural Control and Standards Committee - None**
- d. **Approve the Review of the United Sub-Leasing and Transfer of Trust Documents Approved in November 2022, and such review is hereby ratified.**
- e. **Recommendation from the Finance Committee - None**

Director Asgari made a motion to approve the Consent Calendar. Director Casey seconded.

Hearing no changes or objections, the Consent Calendar was approved unanimously.

14. Unfinished Business

- a. **Entertain a Motion to Approve Proposed to Land Use Policy (November Initial Notification – 28-day notification for member review and comment to comply with Civil Code §4360 has been satisfied)**

Director Blackwell read the following resolution:

RESOLUTION 01-22-80

Land Use Alteration Policy

WHEREAS, the Board of Directors of United Laguna Woods Mutual (“Board”) established policies and procedures for the construction of any alterations, additions and expansions; and

WHEREAS, the Board, through Resolutions U-02-46, U-02-155, 01-04-54, 01-07-45, 01-08-73, 01-17-94 and 01-19-12 (collectively referred to as the “Land Use Policy”) adopted and implemented the Land Use Alteration Policy, some of which allowed members, in limited circumstances, to make exclusive use of certain portions of the common area to expand the footprint of their unit; and

WHEREAS, members have expressed concern over the Land Use Policy and, in general, the Board’s policy to allow members to use common area for their exclusive use by making alterations to units that expand the improvements beyond the original footprint; and

WHEREAS, the original footprint shall be defined as the unit, original patios, courtyards and atriums as shown on the original floorplans; and

WHEREAS, members have been permitted to construct alterations on previously approved or grandfathered expansions of the original footprint; and

WHEREAS, the Board has consulted with staff, legal counsel and having previously terminated the Land Use Policy that allowed members to make exclusive use of common area through such alterations;

NOW THEREFORE BE IT RESOLVED, December 13, 2022, that the Board hereby introduces the Revised Land Use Policy; and

NOW THEREFORE BE IT RESOLVED, that California Civil Code Section 4600 states that “...the affirmative vote of members owning at least 67 percent of the separate interests in the common interest development shall be required before the board may grant exclusive use of any portion of the common area to a member”; and

RESOLVED FURTHER, that the Board of Directors determines that there are no exclusive use common areas outside of the original footprint of the manor and therefore, California Civil Code Section 4600 (b) (3) (E) is not applicable to variance requests; and

RESOLVED FURTHER, that the Board of Directors acknowledges that current and active standards that allows improvements in common areas such as the installation of solar panels, lifts, ramps, etc. will continue to be in effect; and

RESOLVED FURTHER, that the Board of Directors shall not approve any alterations expanding the original footprint of units (some examples include the installation of new sliding doors that lead into common areas which require the installation of a landing in common area, and the installation of pads in common areas for golf cart parking), but that all such alterations currently in

place, which have already been approved under the Land Use Policy, are grandfathered; and

RESOLVED FURTHER, that no further alteration may be approved or constructed on any previously approved, permitted or grandfathered alteration that encroaches upon common area, other than like for equivalent, that augments, enlarges, or changes the construction, purpose, or use of the previously approved, permitted or grandfathered alteration; and

RESOLVED FURTHER, that no new exclusive use improvement, room extension, or room addition may be constructed in common areas or on any previously approved or grandfathered expanded footprint area; and

RESOLVED FURTHER, that the determination of whether a proposed alteration is like- for-equivalent shall be made by Staff, in consultation with the Architectural Controls and Standards Committee, and subject to appeal to the Board, whose decision shall be final and made in the Board's sole and absolute discretion; and

RESOLVED FURTHER, that the officers and agents of this corporation are hereby authorized on behalf of the corporation to carry out the purpose of this resolution.

Director Casey made a motion to approve Resolution 01-22-80. Director Asgari seconded.

Discussion ensued among the board.

Hearing no changes or objections, the motion was called to a vote and passed 7-2. Directors Asgari and Achrekar opposed.

- b. Entertain a Motion to Discuss and Consider Criminal Background Qualifications Policy (**November initial notification – 28-day notification for member review and comments to comply with Civil Code §4360 has been satisfied**).

RESOLUTION 01-22-81

Criminal Background Qualifications Policy

WHEREAS, the Governing Documents Review Committee is tasked to review policy and processes for consistency; and

WHEREAS, the Board recognized the need to establish a Criminal Background Qualifications Policy;

NOW THEREFORE BE IT RESOLVED; December 13, 2022 that the Board of Directors of this Corporation hereby approves the Criminal Background

Qualifications Policy, as attached to the official minutes of this meeting; and

RESOLVED FURTHER, that the officers and agents of this Corporation are hereby authorized on behalf of the Corporation to carry out the purpose of this resolution.

Director Casey made a motion to approve Resolution 01-22-81. Director Blackwell seconded.

Discussion ensued among the board.

Hearing no changes or objections, the motion was called to a vote and passed 9-0.

c. Strategic Planning Update – President Ross (Oral Discussion)

President Ross discussed the need for Strategic Planning and to defer this topic for a future meeting, as he would like to discuss this topic with the other Board Presidents.

Discussion ensued among the board.

d. Update Committee Appointments

RESOLUTION 01-22-82

Golden Rain Foundation Committee Appointments

RESOLVED, December 13, 2022, that in compliance with Article 7, Section 7.3 of the Golden Rain Foundation Bylaws, adopted September 29, 2014, the following persons are hereby appointed to serve on the committees of the Golden Rain Foundation:

GRF Strategic Planning Committee

Mary Simon

Reza Bastani (Lenny Ross temporarily)

GRF Community Activities Committee

Diane Casey

Pearl Lee

GRF Finance

Azar Asgari

Thomas Tuning

GRF Landscape Committee

Diane Casey

Lenny Ross

GRF Maintenance & Construction

Reza Bastani (~~Alison Bok temporarily~~)

Mary Simon

Clubhouses & Facilities Renovation Ad Hoc Committee

Reza Bastani

Mary Simon

GRF Media and Communications Committee

Maggie Blackwell

Anthony Liberatore

GRF Mobility and Vehicles Committee

Azar Asgari

~~Pat English~~

Alison Bok

GRF Security and Community Access

Maggie Blackwell

Cash Achrekar

Disaster Preparedness Task Force

Anthony Liberatore

~~Pat English~~

Alison Bok

Laguna Woods Village Traffic Hearings

Cash Achrekar

Pearl Lee

Purchasing Ad Hoc Committee

Thomas Tuning

Lenny Ross

Information Technology Advisory Committee

Diane Casey

Thomas Tuning

Broadband Ad Hoc Committee

Diane Casey

Maggie Blackwell

Insurance Ad Hoc Committee

Anthony Liberatore

Lenny Ross

Website Ad Hoc Committee

Anthony Liberatore

Azar Asgari

Compliance Ad Hoc Committee

Maggie Blackwell
Pearl Lee

RESOLVED FURTHER, that Resolution 01-22-77, adopted November 8, 2022, is hereby superseded and cancelled.

RESOLVED FURTHER the officers and agents of this Corporation are hereby authorized, on behalf of the Corporation, to carry out this resolution.

RESOLUTION 01-22-83

United Laguna Woods Mutual Committee Appointments

RESOLVED, December 13, 2022, that the following persons are hereby appointed to serve the Corporation in the following capacities:

Architectural Controls and Standards Committee

Anthony Liberatore (Chair)
Maggie Blackwell
~~Pat English~~
Alison Bok

Finance Committee

Azar Asgari, Chair
Thomas Tuning
Mary Simon

Governing Documents Review Committee

Maggie Blackwell (Chair)
Mary Simon
Azar Asgari

Landscape Committee

Diane Casey (Chair)
Lenny Ross
Anthony Liberatore

Landscape Tree Ad Hoc

Diane Casey (Chair)

Maintenance and Construction Committee

Reza Bastani (Chair) (~~Lenny Ross – temporarily~~)

Pearl Lee
Lenny Ross

Members Hearing Committee

Pearl Lee (Chair)
Thomas Tuning
~~Pat English~~
Alison Bok

New Resident Orientation

Maggie Blackwell
Cash Achrekar (Chair)

Resident Advisory Committee

Anthony Liberatore (Chair)
Pearl Lee
Cash Achrekar

Investment Ad Hoc Committee

Azar Asgari, Chair

RESOLVE FURTHER that all directors are considered alternate members of each committee “Alternate.” Each Alternate may serve as a substitute for another director that is unable to attend a meeting (“Substitute”). Committee Member Alternates cannot substitute for more than two (2) consecutive meetings. This will allow any director to ask any other director to sit in their stead during a temporary absence or unavailability. Of course, we can modify this and structure this any way the Board feels is best. However, the concept is that the Board, in advance, will approve any director sitting on a committee on a temporary basis when necessary to fill in for another director.

RESOLVED FURTHER Resolution 01-22-78, adopted November 8, 2022, is hereby superseded and canceled.

RESOLVED FURTHER the officers and agents of this Corporation are hereby authorized, on behalf of the Corporation, to carry out this resolution.

Director Asgari made a motion to approve Resolution 01-22-82 and Resolution 01-22-83. Director Blackwell seconded.

Hearing no changes or objections, the motion was called to a vote and passed unanimously.

- e. Entertain a Motion to Approve Anti-Harassment, Anti-Abuse, and Anti-Intimidation Policy and Formation of Joint Hearing Body (**December initial notification – 28-day notification for member review and comments to comply with Civil Code §4360**)

RESOLUTION 01-23-XX

Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy and Charter of the Joint Hearing Body Committee

WHEREAS, the Board of Directors of United Laguna Woods Mutual (“United”) and Golden Rain Foundation (“GRF”) require a clear and consistent policy to address claims of harassment, abuse and intimidation by directors to staff of Village Management Services, Inc., fellow directors and residents, as well as claims involving harassment, abuse and intimidation by residents to staff of VMS, directors and other residents; and

WHEREAS, this Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy (“Policy”) is intended to provide guidance relative to such behavior and issue a mechanism for addressing same by the Anti-Harassment, Anti-Abuse and Anti-Intimidation Joint Hearing Body Committee; and

WHEREAS, this Policy is being adopted by the Board of Directors of GRF and United in the exercise of their respective duties to maintain, protect and enhance the value and desirability of Laguna Woods Village and the interests of all of its members.

NOW THEREFORE BE IT RESOLVED, [Date], that the Board of Directors of this Corporation hereby adopts the Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy and Charter of the Joint Hearing Body Committee, as attached to the official minutes of this meeting; and

RESOLVE FURTHER, that Resolution 01-22-73, adopted November 8, 2022 is hereby suspended and cancelled; and

RESOLVED FURTHER; that the officers and agents of this Corporation are hereby authorized on behalf of the Corporation to carry out the purpose of this resolution.

Director Casey made a motion to approve the Resolution for discussion purposes and to postpone the final vote for 28-days per Civil Code §4360. Director Blackwell seconded the motion.

Discussion ensued among the Board.

CEO Foster and Francis Gomez, answered questions from the Board.

Hearing no changes or objections, the motion was called to a vote and passed 5-3. Directors Tuning, Ross, and Asgari opposed.

(DECEMBER Initial Notification - postpone 28-days for Member review and comment to comply with Civil Code §4360).

15. New Business

a. Report of Town Hall

President Ross briefly discussed last weeks' Town Hall Meeting with the Board on December 9, 2022.

b. Entertain a Motion to Approve Private Loans Research Ad Hoc Committee

RESOLUTION 01-22-84

Private Loan Research Ad Hoc Committee Charter

WHEREAS, the United Finance Committee has expressed concern over (1) the inability for existing members to obtain loans using their manor / membership as collateral and (2) potential members inability to obtain a loan to purchase a new unit;

NOW THEREFORE BE IT RESOLVED, December 13, 2022, the Board of Directors hereby forms a Private Loan Research Ad Hoc Committee and assigns the duties and responsibilities as follows:

MISSION

The purpose of the Private Loan Research Ad Hoc Committee is to research loan options and reexamine prior policies that currently restrict the use of private loans.

MEMBERSHIP

The Private Loan Research Ad Hoc Committee shall be comprised of five members, one Director from the Board and four at-large members selected by the Board of Directors to represent the Corporation based on their expertise with private loans. The at-large members will be United owners and may or may not currently serve as an advisor to another committee.

DUTIES AND RESPONSIBILITIES

1. The Private Loan Research Ad Hoc Committee will be chaired by the Treasurer of the Board and will meet as often as determined necessary to accomplish the objectives.

2. The Private Loan Research Ad Hoc committee will (a) study the history of United loan approvals including use of a Recognition Agreement, (b) become familiar with recent events that have prevented lenders from loaning money to United members, (c) understand the history leading up to the approval of Resolution

01-16-107 discontinuing the use of individual recognition agreements, and (d) recommend solutions to the Board of Directors that may allow existing and

potential members to obtain loans using their manor / membership as collateral.

RESOLVED FURTHER, the Private Loan Research Ad Hoc committee shall perform such other duties as may be assigned by the United Finance Committee during this assignment; and

~~**RESOLVED FURTHER**, the Private Loan Research Ad Hoc Committee will be automatically disbanded upon conclusion of the duties and responsibilities assigned herein or when directed by the Board.~~

Director Blackwell made a motion to remove the last paragraph of the resolution. Director Simon seconded.

Hearing no changes or objections, the amendment to the resolution was called to a vote and passed unanimously.

Hearing no changes or objections the motion to approve Resolution 01-22-84 as amended was called to a vote and passed 7-1-1. Director Liberatore opposed. Director Achrekar abstained.

16. Director Comments (Two minutes per director)

- Director Blackwell commented not being recognized to speak at meetings.
- Director Casey commented on her disagreement regarding the discussion of her emails.

THIS ITEM WAS NOT DISCUSSED AT THE MEETING

17. Committee Reports

- a. Report of the Finance Committee / Financial Report – Director Asgari. The Committee met on November 29, 2022; next meeting December 27, 2022, at 1:30 p.m. in the Board Room and as a virtual meeting.
 - (1) Treasurer’s Report
 - (2) United Finance Committee Report
 - (3) Resales/Leasing Reports
- b. Report of the Architectural Control and Standards Committee – Director Blackwell. The Committee met on October 20, 2022; next meeting January 19, 2023, at 9:30 a.m. in the Board Room and as a virtual meeting.
- c. Report of Member Hearings Committee – Director Lee. The Committee met on November 24, 2022; next meeting December 8, 2022, 9:00 a.m. in the Board Room and as a virtual meeting.
- d. Report of the Governing Documents Review Committee – Director Blackwell. The Committee met on November 17, 2022; next meeting December 15, 2022, 1:30 p.m. in the Board Room and as a virtual

meeting.

- e. Report of the Landscape Committee – Director Casey. The Committee met on November 28, 2022; next meeting January 23, 2023, 1:30 p.m. in the Board Room and as a virtual meeting.
- f. Report of the Maintenance & Construction Committee – Director Bastani. The Committee met on October 26, 2022; next meeting December 28, 2022, at 9:30 a.m. in the Board Room and as a virtual meeting.
- g. Report of the United Resident Advisory Committee – Director Liberatore. The committee met on December 8, 2022; next meeting January 12, 2023, at 4:00 p.m. in the Elm Room and as a virtual meeting.

18. GRF Committee Highlights

- a. Report of the GRF Finance Committee – Director Asgari. The committee met on October 19, 2022; next meeting December 21, 2022, at 1:30 p.m. in the Board Room and as a virtual meeting.
- b. Report of the GRF Strategic Planning Committee— Director Casey. The committee met on October 3, 2022; next meeting TBA.
- c. Report of the Community Activities Committee – Director Casey. The committee met on December 8, 2022; next meeting January 12, 2022, at 1:30 p.m. in the Board Room and as a virtual meeting.
- d. Report of the GRF Landscape Committee – Director Casey. The committee met on September 14, 2022; next meeting December 14, 2022, at 1:30 p.m. in the Board Room and as a virtual meeting.
- e. Report of the GRF Maintenance & Construction Committee – Director Simon. The committee met on October 12, 2022; next meeting December 14, 2022, at 9:30 a.m. in the Board Room and as a virtual meeting.
 - (1) Clubhouse (Facilities) Ad Hoc Committee – Director Simon. The Ad Hoc Committee met June 24, 2022; next meeting TBA.
- f. Report of the Media and Communication Committee – Director Blackwell. The committee met on November 21, 2022; next meeting December 19, 2022, at 1:30 p.m. in the Board Room and as a virtual meeting.
 - (1) Website Ad-Hoc Committee – Director Liberatore. The committee met on September 14, 2022; Next meeting TBA
 - (2) Broadband Ad Hoc Committee – Director Casey. The committee met

on November 29, 2022; next meeting TBA.

- g. Report of the Mobility and Vehicles Committee – Director Asgari. The Committee met on December 7, 2022; next meeting February 1, 2023, at 1:30 p.m. in the Board Room.
- h. Report of the Security and Community Access Committee – Director Blackwell. The Committee met on October 31, 2022; next meeting February 27, 2023, at 1:30 p.m. in the Board Room and as a virtual meeting.
- i. Laguna Woods Village Traffic Hearings – Director Achrekar. The Traffic Hearings were held on November 16, 2022; next hearings on December 21, 2022, at 9:00 a.m. in the Board Room.
- j. Report of the Disaster Preparedness Task Force – Director Liberatore. The Task Force met on November 29, 2022; next meeting January 31, 2023, at 9:30 a.m. in the Board Room and as a virtual meeting.
- k. Report of the Purchasing Task Force Ad Hoc Committee – President Ross. The Committee met on April 7, 2022; next meeting TBA.
- l. Report of the Information Technology Advisory Committee – Director Casey. The Committee met on October 28, 2022; next meeting December 9, 2022 as a virtual meeting.
- m. Report of the Insurance Ad Hoc Committee – Director Liberatore. The Committee met on July 25, 2022; next meeting TBA.

Report of the Compliance Ad Hoc Committee – Director Blackwell. The Committee met on October 19, 2022; next meeting TBA.

19. Future Agenda Items

- **Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy and Charter of the Joint Hearing Body Committee**
- **Discussion of Social Services**

20. Recess - *At this time the meeting will recess for lunch and reconvene to Closed Session to discuss the following matters per California Civil Code §4935.*

The meeting recessed at 1:50 p.m. into the Closed Session.

Summary of Previous Closed Session Meetings per Civil Code Section §4935

Approval of Agenda

Approval of the Following Meeting Minutes;

(a) November 8, 2022 – Regular Closed Session

Discuss and Consider Member Disciplinary Matters

Discuss Personnel Matters

Discuss and Consider Contractual Matters
Discuss and Consider Legal and Litigation
Matters

21. Adjourn

The meeting was adjourned at 5:07 p.m.

DocuSigned by:

Mary Simon

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Mary Simon, Secretary of the Board
United Laguna Woods Mutual

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RESOLUTION 01-22-80
LAND USE ALTERATION POLICY

ADOPTED APRIL 2002, RESOLUTION U-02-46 REVISED NOVEMBER 2002,
RESOLUTION U-02-155 REVISED APRIL 2004, RESOLUTION 01-04-54
REVISED MAY 2007, RESOLUTION 01-07-45
REVISED MAY 2008, RESOLUTION 01-08-73
REVISED JUNE 2017, RESOLUTION 01-17-94
REVISED JANUARY 2019, RESOLUTION 01-19-12
REVISED NOVEMBER 2022, RESOLUTION 01-22-80

WHEREAS, the Board of Directors of United Laguna Woods Mutual (“Board”) established policies and procedures for the construction of any alterations, additions and expansions; and

WHEREAS, the Board, through Resolutions U-02-46, U-02-155, 01-04-54, 01-07-45, 01-08-73, 01-17-94 and 01-19-12 (collectively referred to as the “Land Use Policy”) adopted and implemented the Land Use Alteration Policy, some of which allowed members, in limited circumstances, to make exclusive use of certain portions of the common area to expand the footprint of their unit; and

WHEREAS, members have expressed concern over the Land Use Policy and, in general, the Board’s policy to allow members to use common area for their exclusive use by making alterations to units that expand the improvements beyond the original footprint; and

WHEREAS, the original footprint shall be defined as the unit, original patios, courtyards and atriiums as shown on the original floorplans; and

WHEREAS, members have been permitted to construct alterations on previously approved or grandfathered expansions of the original footprint; and

WHEREAS, the Board has consulted with staff, legal counsel and having previously terminated the Land Use Policy that allowed members to make exclusive use of common area through such alterations;

NOW THEREFORE BE IT RESOLVED, December 13, 2022, that the Board hereby introduces the Revised Land Use Policy; and

NOW THEREFORE BE IT RESOLVED, that California Civil Code Section 4600 states that “...the affirmative vote of members owning at least 67 percent of the separate interests in the common interest development shall be required before the board may grant exclusive use of any portion of the common area to a member”; and

RESOLVED FURTHER, that the Board of Directors determines that there are no exclusive use common areas outside of the original footprint of the manor and therefore, California Civil Code Section 4600 (b) (3) (E) is not applicable to variance requests; and

RESOLVED FURTHER, that the Board of Directors acknowledges that current and active standards that allows improvements in common areas such as the installation of solar panels, lifts, ramps, etc. will continue to be in effect; and

RESOLVED FURTHER, that the Board of Directors shall not approve any alterations expanding the original footprint of units (some examples include the installation of new sliding doors that lead into common areas which require the installation of a landing in common area, and the installation of pads in common areas for golf cart parking), but that all such alterations currently in place, which have already been approved under the Land Use Policy, are grandfathered; and

RESOLVED FURTHER, that no further alteration may be approved or constructed on any previously approved, permitted or grandfathered alteration that encroaches upon common area, other than like for equivalent, that augments, enlarges, or changes the construction, purpose, or use of the previously approved, permitted or grandfathered alteration; and

RESOLVED FURTHER, that no new exclusive use improvement, room extension, or room addition may be constructed in common areas or on any previously approved or grandfathered expanded footprint area; and

RESOLVED FURTHER, that the determination of whether a proposed alteration is like-for-equivalent shall be made by Staff, in consultation with the Architectural Controls and Standards Committee, and subject to appeal to the Board, whose decision shall be final and made in the Board's sole and absolute discretion; and

RESOLVED FURTHER, that the officers and agents of this corporation are hereby authorized on behalf of the corporation to carry out the purpose of this resolution.



CRIMINAL BACKGROUND QUALIFICATIONS POLICY

I. PURPOSE

In order to promote the safety and well-being of the shareholders/members/residents of United Laguna Woods Mutual ("United"), prospective shareholders/members, prospective caregivers, and prospective sub-tenants of units in United (collectively referred to as "applicants") shall be required to provide United with a criminal background report. The purpose of the Criminal Background Qualifications Policy ("Policy") is not intended to discriminate or create an unjustifiable discriminatory effect against the applicants regarding criminal history and records. Rather, the purpose of the Policy is to minimize the potential for applicants to create risk to the safety and wellbeing of residents of United.

II. QUALIFICATIONS

Applicants with the following crimes will be disqualified:

- (1) Individuals with a lifetime requirement to register as a sex offender; and
- (2) Individuals convicted of manufacturing methamphetamine.

For other past convictions and history, United shall evaluate the nature and severity of the crime and the elapsed time to make a determination based on facts and evidence rather than a perceived threat.

- A. An infraction, or petty offense, is a minor violation of an administrative regulation, an ordinance, a municipal code, local traffic rule, or California state law and is not considered a criminal offense nor does it create a criminal record. Infractions are punishable by a fine, community service, and/or jail time of up to five days. Examples of infractions include traffic tickets, jaywalking, building permit violations, trespassing, littering, and disturbing the peace. Applicants with infractions are not disqualified.
- B. A misdemeanor is a crime for which the maximum sentence is no more than one year in county jail and/or a fine of up to \$1,000.00. Examples of misdemeanors include DUI, shoplifting, and domestic violence that did not result in injury.

United will evaluate the convictions for misdemeanors within five (5) years based on:

- i. the date of the conviction (more recent convictions are more relevant than older convictions);
- ii. the age of the individual at the time of the conviction;
- iii. jail time and/or fines imposed by the court at the time of conviction;
- iv. the type of crime (i.e., crimes such as burglary, assault, arson, and sex offenses, are more relevant to the decision on whether to approve an application than a conviction for a reckless driving); and

- v. other mitigating circumstances (such as whether the applicant has demonstrated rehabilitation efforts and/or has demonstrated a good tenant history before or after the conviction).
- C. Felony is a crime that can result in punishment ranging from a year in jail to life in prison, a fine of up to \$10,000, and a judge has the option of imposing formal felony probation. Examples of felony crimes include attempted murder, assault with a firearm, and grand theft.

United will evaluate the convictions for felony crimes within twenty (20) years based on:

- i. the date of the conviction (more recent convictions are more relevant than older convictions);
 - ii. the age of the individual at the time of the conviction;
 - iii. jail time and/or fines imposed by the court at the time of conviction;
 - iv. the type of crime (i.e., crimes such as burglary, assault, arson, and sex offenses, are more relevant to the decision on whether to approve an application than a conviction for a DUI); and
 - v. other mitigating circumstances (such as whether the applicant has demonstrated rehabilitation efforts and/or has demonstrated a good tenant history before or after the conviction).
- D. The criminal background report cannot be used in a manner to obtain information relating to race, color, religion, sex, familial status, national origin, sexual orientation, marital status, ancestry, source of income, or disability to evaluate the applicant. United will also consider the eligibility based on the following documents that prospective shareholders submit for consideration:
- Record of Expungement; and
 - Letters from a guarantors, friends, and family.
- E. All applicants, and not only those applicants of a particular race or other protected characteristic, shall be required to authorize United to obtain a criminal background report. Any information obtained from a report may not be used for any other purpose than to evaluate the applicant's housing request. Upon the completion of the review, to maintain confidentiality, United will destroy, shred, and/or erase all physical and electronic files pertaining to the criminal background report.

III. PROSPECTIVE SHAREHOLDERS

With respect to prospective shareholders, once a Shareholder/Member has qualified within United, said shareholder need not re-qualify for purchase of a replacement unit as long as the person or persons in whose name the Membership Stock Certificate remains the same.

A. QUALIFICATION WAIVERS

Shareholders who purchase a replacement unit need to re-qualify for Membership if there is no change to the Membership vesting and the dual interim agreement is in effect.

Current members of one Mutual who wish to purchase in another Mutual are not required to meet the requirements of the Mutual in which they are purchasing.

A former member may obtain a waiver of qualifications if the replacement Membership is purchased within 90 days of the closing of the sale of the previously owned Membership and vesting in the new unit is the same as the vesting in the unit previously owned.

B. DISCRETIONARY AUTHORITY

United Board of Directors may, but is not obligated to, deny or approve applications for Membership based on the conditions herein. The Board of Directors, exercising prudent business judgement, may also deny or approve, in its sole and absolute discretion, applications based on other material factors, such as, but not limited to, excess liabilities, or history of non-compliance as a member in United, GRF, or other Mutuels in Laguna Woods Village.

Membership in United is created, and starts, with the, later occurring of the following:

- Written approval of Membership by United's Board of Directors;
- Issuance of a Membership Stock Certificate;
- The signing of an Occupancy Agreement;
- Close of Escrow; and
- Non-Escrow Membership Transfers.