

OPEN MEETING

REGULAR MEETING OF THE UNITED LAGUNA WOODS MUTUAL GOVERNING DOCUMENTS REVIEW COMMITTEE

Monday, October 22, 2018 – 1:30 p.m. Laguna Woods Village Community Center, Sycamore Room 24351 El Toro Road, Laguna Woods, CA 92637

NOTICE & AGENDA

- 1. Call to Order
- 2. Acknowledgment of Media
- 3. Approval of the Agenda
- 4. Approval of the Report from August 27, 2018
- 5. Chair's Remarks
- 6. Member Comments (Items Not on the Agenda)

Consent:

All matters listed under the Consent Calendar are considered routine and/or informational and will be enacted by the Committee by one motion. In the event that an item is removed from the Consent Calendar by members of the Committee, such item(s) shall be the subject of further discussion and action by the Committee.

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Reports:

None.

Items for Discussion and Consideration:

- 7. Review and Discuss Possible Changes to the Caregiver Policy
- 8. Review and Discuss Mutual's Existing Traffic Rules Regarding Commercial Vehicles

Concluding Business:

- 9. Committee Member Comments
- 10. Future Agenda Items
- 11. Date of next meeting November 26, 2018
- 12. Adjournment

Juanita Skillman, Chair Siobhan Foster, Staff Officer



OPEN MEETING

REGULAR MEETING OF THE UNITED LAGUNA WOODS MUTUAL GOVERNING DOCUMENTS REVIEW COMMITTEE

Monday, August 27, 2018 – 1:30 PM Laguna Woods Village Community Center, Sycamore Room 24351 El Toro Road, Laguna Woods, CA 92637

MEMBERS PRESENT:

Juanita Skillman - Chair; Carl Randazzo, Gary Morrison

sitting in for Cash Achrekar, Maggie Blackwell and Advisors

Bevan Strom and Mary Stone

MEMBERS ABSENT:

Cash Achrekar

OTHERS PRESENT:

Director Manuel Amendariz, VMS Director Dick Rader,

Barbara Howard, Sherri Davis

STAFF PRESENT:

Pamela Bashline, Betty Parker, Dan Yost, and Eve Morton

REPORT

1. Call to Order

Chair Skillman called the meeting to order at 1:30 p.m.

2. Acknowledgement of Press

No press was present.

3. Approval of the Agenda

Director Carl made a motion to approve the agenda. Director Blackwell requested that the following agenda items be added: discuss sending residency restrictions out with the November budget information package, discuss updating the wording in Article 4 (a) (1) of the United Management Agreement, and discuss a resolution prohibiting residents from entering dumpsters. All were in favor of agenda as amended.

4. Approval of Report from the July 25, 2018, meeting

Director Blackwell moved to approve the report. There were no objections.

5. Chair's Remarks

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Chair Skillman reviewed the topics of discussion for the meeting.

6. Member Comments (Items not on the agenda)

Several comments were made.

Consent Calendar:

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

None.

Reports:

None.

Items for Discussion and Consideration:

7. Reviewing United Mutual Financial Requirements

a. Consider debts such as loans, college tuition, etc.

Steve Leonard stated that since a credit report is now required, any loans would appear on that report.

Discussion ensued.

No changes were proposed to the current policy regarding this subject.

b. Consider reviewing the aging of accounts, not just current bank statements

No changes were proposed to the current policy regarding this subject.

c. Consider changing financial requirement to \$125K in net worth versus \$125K in additional assets

Some wording was updated and will be brought to the Board for approval.

Co-occupancy was discussed.

d. Discuss whether capital gains may be considered income

Discussion ensued. The consensus was that capital gains may not be considered income.

8. Discuss Adopting a Rule for Requiring an HO-6 insurance policy for new Memberships

Chair Skillman read to the committee a Davis Sterling rule about this topic.

She stated some Members do not have a loss of use clause in their homeowner's insurance policy. The Mutual will pay for hotel only for fumigation purposes.

Betty Parker passed out information from the United Mutual attorney regarding requiring new Members to have HO-6 insurance. He stated there could be a rule change adopted by a resolution so this requirement would not involve a bylaw change. It could be worded to only apply to Memberships going forward.

Discussion ensued for and against this idea.

Dan Yost spoke about homeowners insurance. He said ideally Members should have an HO-6 policy which includes dwelling coverage, personal property coverage, loss of use coverage, and liability coverage. He informed the committee that Travelers, the Mutual insurance company, only pays for Mutual-owned items to be repaired, not any items of the Member's, such as flooring they may have put in, etc.

Director Blackwell moved that United continue to recommend to Members to obtain HO-6 policies and to ask Staff to increase communication urging members to purchase this insurance including examples of what has happened in the past when Members did not have this insurance, what is "loss of use" coverage, etc. Director Morrison seconded. The motion passed unanimously.

The committee requested that Dan Yost find out if lender NCB has any requirements for insurance.

Staff was asked to add the current insurance disclosure document to the escrow packages.

The committee directed the Marketing and Communications Division to work on a possible video on this subject to show at resident orientations, on TV6, and links to it in Village informational email blasts.

Discuss Sending Residency Restrictions Checklist Out with Annual Budget Package November Mailing

There is a Residency Restrictions form and the committee discussed including that form in the annual Budget mailing in November in order to remind the Members of residency restrictions.

The committee requested that the Marketing and Communications Division revise the existing residency restrictions form to make it into a reminder type form for mailing to the Members in the Budget package mailing in November. Director Blackwell made a motion to send a Residency Restrictions reminder out annually with the Budget package in November and to include wording that the Member signed a Residency Restrictions form in their move-in escrow packet. Also include an insurance reminder. Director Randazzo seconded. The motion had unanimous support.

10. Discuss Updating the Wording of Article 4 (a)(1) of the VMS Management Agreement

Director Blackwell read the current wording in Article 4 (a) (1) of the VMS Management Agreement to the committee regarding mailing lists. She also read page 139 of the Blue book which states only the name, address, and mailing address are required in a mailing list, not a phone number or email address. The committee requested that the VMS agreement with United needs to be updated to match Civil Code regarding this topic. Also to add that the list be provided in "unalterable" form. A Member must make their request for the mailing list to the Corporation and then the Corporation will instruct the managing agent to provide the information.

Staff was asked to make these updates and present them to the United Board for review.

11. Discussion a Possible Resolution Banning Residents from Entering Dumpsters

Discussion ensued regarding concerns over residents seen dumpster diving.

Staff was asked to write a Staff report and a resolution for the next Board meeting regarding banning residents from entering dumpsters.

The committee requested that the Marketing and Communications Division inform residents about that fact that no plastic bags may go into the recycle bins because whatever is in them will then not be recycled. A list of exactly what can go into the recycle bins and what can't go in was requested to be disseminated to residents.

Concluding Business:

- **12. Committee Member Comments** None.
- 13. Future Agenda Items None.
- 14. Date of next meeting September 24, 2018 at 1:30 p.m.
- 15. Adjournment at 4:12 p.m.

Juanita Skillman, Chair

RECOMMENDED CHANGES & JUSTIFICATIONS TO CAREGIVER POLICY - 10/2/2018

- 1. Removal of Physicians Certification
 - a. Only needed for medical care. i.e., home health care physical or occupational therapy, hospice care, in-home supportive services (IHSS), all in-home care requiring insurance billing, etc.
 - b. A Physician will never refuse to sign if patient requests it. They would not want to open themselves to liability.
 - c. Requires residents to make an appointment with their physician, transport to/from appointment and is a chargeable service (co-pay) for a non-medical service wanted.
 - d. Residents requiring medical care at home will be treated by a licensed professional who can present proper identification to gain access to community. Typically, these are temporary short-term visits.
- 2. Family caregiver revision. Do not require a Private Caregiver Application for a family member(s) or any person(s) who is/are **not** living in the unit more than 30 days.
 - a. Resident doesn't have to pay for services.
 - b. Issue a 30 day caregiver gate pass and/or overnight pass. (This would help track how long family member has been in the community).
 - c. Require Private Caregiver Application for family member who live in the unit **more than** 30 days in a calendar year.
 - d. As a Private Caregiver, this will reduce chances of family members becoming occupants.
- 3. Home Care Organization/Agency (HCO) exemption
 - a. HCO's should be exempt from the process because HCO's have already performed background checks on their employed caregivers.
 - b. HCO's caregivers are required to be registered with the CDSS.
 - c. HCO's monitor their caregivers and are liable.
 - d. Issue a business pass to the HCO to provide to their caregivers.
- 4. Reduce Board review of all applications. Only submit Private Caregiver Applications to the Board when there are exceptions. If the application meets all requirements, allow Staff approval.
 - a. Reduces turnaround for the resident and Private Caregiver.
 - b. Reduces the number of staff reports submitted by Resident Services
 - c. Reduces number of applications reviewed by the Board.
- 5. Managing access to the Community.
 - a. Private Caregivers will be issued a picture ID card with expiration date. Thirty/sixty days prior to expiration, a letter can be sent to the Resident and/or the Private Caregiver notifying them that their ID is about to expire and needs to be renewed by ______.
 - b. Require ID's to be worn in plain sight while in the Community.
 - c. Private Caregivers will be issued a "Private Caregivers" gate pass and/or overnight parking pass, if needed.



Private Caregiver Policy

I. Purpose

The purpose of this document is to define the policies of Third Laguna Hills Mutual (Third) regarding individuals who provide care to residents.

II. Definitions

For the purposes of this policy:

- a. Activities of Daily Living (ADL) are defined as a series of basic activities performed by individuals on a daily basis necessary for independent living at home or in the community. There are many variations on the definition of the activities of daily living, but there are five basic categories. ADLs include:
 - i. Personal hygiene bathing/showering, grooming, nail care, and oral care
 - ii. Dressing the ability to make appropriate clothing decisions and physically dress/undress oneself
 - iii. Eating the ability to feed oneself, though not necessarily the capability to prepare food
 - iv. Maintaining continence both the mental and physical capacity to use a restroom, including the ability to get on and off the toilet and cleaning oneself
 - v. Transferring/Mobility- moving oneself from seated to standing, getting in and out of bed, and the ability to walk independently from one location to another
- b. Application is the form prescribed by Third to apply for a Private Caregiver.
- c. Community is Laguna Woods Village.
- d. Community Facilities are defined as the facilities and services operated by the Golden Rain Foundation (GRF).
- e. Community Rules are defined as the Bylaws, Covenants, Conditions, and Restrictions (CC&R's), Articles of Incorporation, or any rules and regulations of Third and of GRF.
- f. Golden Rain Foundation (GRF) the non-profit mutual benefit corporation organized to manage and maintain the Community Facilities and services for the Community.
- g. Live-in Private Caregiver is defined as an individual who will stay overnight for more than thirty (30) days in any twelve (12) month period, including individuals related to the resident/member.
- h. Member is a person who has been approved by Third as being entitled under the Governing Documents of Third to membership in Third and has an appurtenant right of membership in GRF.
- i. Private Caregiver, also known as a Home Care Aide or Care Provider, is a person who has been approved by Third or authorized designee in writing on the basis of being a provider of primary caregiver support to the Resident. A Private Caregiver is a helper who assists an individual with activities of daily living or

non-medical services. Non-medical home care is provided by caregivers. Unlike home health, caregivers are considered "non-clinical" and are not covered by insurance and does not need a physician order.

Private Caregiver services include, but are not limited to, assistance with the following:

- laundry
- light housekeeping
- activities of daily living shopping for personal care items or aroceries
- j. An affiliated Caregiver is a person who is employed by a licensed Home Care Organization/Agency (HCO) who provides homecare services to a resident(s).
- k. A Private Caregiver is independent and is not employee by a HCO.
- I. In-Home Supportive Service (IHSS) Caregivers are part of the Medi-Cal program and required to adhere to this policy.
- m. Resident is defined as any person who has been approved by the Board of Directors for occupancy.

III. Conditions

- a. Private Caregivers must be approved by the Board or authorized designee in writing prior to commencing support. Special circumstances may be granted.
- b. Private Caregivers must be 18 years old or older.
- c. Private Caregivers must be registered with the California Department of Social Services Home Care Services Bureau.
- d. Private Caregivers must provide a copy of a government issued photo ID with the application.
- e. Private Caregivers must provide a copy of their driver's license, vehicle registration, and proof of vehicle insurance with the application if he/she will be operating a vehicle within Laguna Woods Village.
- f. A Private Caregiver Permit is approved for a period of up to one year. Residents are required to re-apply for approval.
- g. The total number of persons residing in a unit shall not exceed the number of bedrooms, plus one or no more than two persons in a one-bedroom unit; no more than three persons in a two-bedroom unit etc. Fees for third and fourth parties will be assessed.
- h. Each Private Caregiver shall not have been convicted of a felony or a misdemeanor involving moral turpitude (e.g., fraud, perjury, criminal threats).
- i. The Resident and/or Member are responsible for the conduct of the Private Caregiver and shall ensure that he/she complies with all community rules, regulations, and policies.
- j. Upon approval by the Board or authorized designee, a gate pass shall be issued to the Private Caregiver that will permit gate access into the community, if needed. If a gate pass is supplied, it must be displayed on their car dashboard at all times. This pass may include an overnight parking pass when necessary.
- k. The Private Caregiver must wear in clear sight the Laguna Woods Village picture ID at all times.

- I. The Private Caregiver's ID and gate pass may not be transferred or lent to anyone.
- m. The Private Caregiver is authorized to use the Community Facilities only as necessarily incidental to provide support to the Resident.
- n. Part-time Private Caregivers may only us the laundry facilities for the Resident's use. Live-in Private Caregivers may use the laundry facilities for their limited personal use and the Residents use.
- o. The live-in Private Caregiver requires written permission from the Board of Directors to remain in the unit without the Resident only if both of the following are applicable:
 - The Resident is absent from the unit due to hospitalization or other necessary medical treatment and expects to return to the unit within 90 days from the date the absence began; and
 - ii. The Resident submits a written request desiring the live-in Private Caregiver be allowed to remain in order to be present when the Resident returns to reside in the unit. [Civil Code §51.11.b.7]
- p. Private Caregivers may not bring family members, pets or guests into the Community.
- q. The Resident must surrender the Private Caregiver ID and vehicle pass to the Resident Services Department at the conclusion of the care service or be subject to charges.
- r. The Private Caregiver shall meet all applicable GRF requirements relating to operating a motor vehicle within the community.
- s. All Caregivers employed by a licensed Home Care Organization/Agency (HCO) are required to obtain a business pass.
- t. A person living in the residence to provide short term care must obtain a thirty (30) day caregiver pass. Any person providing care beyond thirty (30) days must adhere to the private caregiver policy.

IV. Enforcement

Third is authorized to take disciplinary action against a Member whose property may be found in violation of the Private Caregiver Policy. When a violation occurs the Board of Directors is obligated to evaluate and impose, if appropriate, Member-discipline as set forth in the Governing Documents. The Board has the authority to impose monetary fines, suspend Member privileges, and/or bring forth legal action. The Member is entirely responsible for ensuring that the Community Rules and policies are followed by anyone they allow into the Community.

- a. The Member and Private Caregiver must read and agree to comply with and be bound by all the Governing Documents and the Community Rules.
- b. Nothing contained herein shall relieve Member of the performance of any obligation owed to Third and/or GRF under the Governing Documents.

V. Procedures

a. The Resident must complete and submit "Application for Private Caregiver Permit" for review. The Application is available for download at

- <u>www.lagunawoodsvillage.com</u> or upon request from the Resident Services Department.
- b. Application can be submitted to the Resident Services Department located in the Laguna Woods Village Community Center.
- c. Upon receipt of an Application, the Resident Services Department will research whether the Member and/or Private Caregiver has received notices of violations or has any outstanding Charges and Assessments before approval of the application.
- d. The Board or authorized designee will review the application and approve or deny request.
- e. The Resident Services Department will notify the Resident of the results within 10 14 business days. Special circumstances may be granted.
- f. Office hours of operation are Monday-Friday, 8:00 A.M. to 5:00 P.M., phone number (949) 597-4323.
- g. Mailing address is P.O. Box 2220, Laguna Hills, CA 92654-2220.



Application for Private Caregiver Permit

\square UNITED	
\square THIRD	
UNIT #	

Return completed application to: Resident Services Department – 240, 24351 El Toro Road, Laguna Woods, CA 92637; Phone: 949-597-4600, email: residentservices@vmsinc.org

Resident Information				
Name:			☐ Member	☐ Occupant
Address:				
Telephone:		Cell Phone:		
Email:				
What is the expected schedule of the Private Caregiver? ☐ Day time only ☐ Night time only ☐ Overnight ☐ 24 Hours – no. of days per week:				
What is the service the	Private Caregiver is exp	ected to prov	vide? (check all	that apply)
 □ activities of daily living □ laundry □ other: □ light housekeeping 				
Private Caregiver Infor	mation			
Name:				
Address:				
Telephone:		Cell Phone:		
Email:				
Driver's License No:		Expiration Date:		
Vehicle Color:	Make:	Model:	Licens	e Plate:
Insurance Company: Expirati		Expiration [piration Date:	
Private Caregiver's personal state identification number:				
In-Home Supportive Services (IHSS) Caregiver's identification number, If applicable:				
Has the Private Caregiver been convicted of a felony: ☐ Yes ☐ No				
Has the Private Caregiver been convicted of a misdemeanor involving moral turpitude (e.g., fraud, perjury, criminal threats)? ☐ Yes ☐ No				
Is the live-in Private Caregiver a family member? $\ \square$ Yes $\ \square$ No If Yes, relationship to resident:				

Private Caregiver Permit Agreement				
The undersigned acknowledges that the issuance of a Private Caregiver Permit does not constitute approval of the Private Caregiver nor does it represent any direct or indirect liability on behalf of Third Laguna Hills Mutual (Third), and the Golden Rain Foundation of Laguna Woods (GRF), all California non-profit mutual benefit corporations, and Village Management Services, Inc. (VMS). a California corporation, and each of their respective directors, officers, employees, and agents. Further, I/we have read and received a copy of the Private Caregiver Policy and agree to wear the ID in clear sight and display the pass at all times while in this Community. I/we also understand that falsification of any information related to this application is subject to disciplinary action.				
Resident Signature:	Date:			
Member Signature:	Date:			
Private Caregiver Signature:	Date:			
For Office Use Only Received By:	WO#			
Requirements: ID				
Will approval cause the unit to exceed the number of occupants permitted? Yes No				
State status of the Private Caregiver: Pending Registered Other:				
Has the Resident received notices of rules violation? ☐ Yes ☐ No				
Does staff recommend approval of this application? $\ \square$ Yes $\ \square$ No If, No, state reason:				
For Board of Directors or Authorized Designee	Use Only			
Application DENIED The Board of Directors of this Mutual Corporation or authorized designee has reviewed this application. Based on the information provided, the application is denied .	Corporation or authorized designee has reviewed this application. Based on the information provided, the application is approved.			
Signature:	Signature:			
Signature:	Signature:			
Signature:	Signature:			
For Office Use Only				
Resident Notified By:				
☐ WO Updated/Closed	Documents Scanned			



Vehicle, Traffic, and Parking Rules Resolution 01-16-32; April 12, 2016

The following Vehicle, Traffic, and Parking Rules are strictly enforced and applicable to all pedestrians and persons controlling or operating vehicles on any real property regulated by United Laguna Woods Mutual. This generally refers to the cul-de-sacs, parking areas, sidewalks, and grounds regulated by the Mutual.

COMMERCIAL VEHICLE

A vehicle displaying **any** of the following attributes:

 Of a type used or maintained for the transportation of persons for hire, compensation, or profit.

Examples: taxi cab, limousine, any vehicle originally designed to carry 12 or more passengers.

- Designed, used, or maintained primarily for the transportation of property.
 - Includes any vehicle mounted with a utility body/bed, or aftermarket storage chest, equipment carrier or other structure designed to secure goods. Pickup truck bed covers, and carriers designed for specific sports or athletic equipment (e.g. bicycle or ski rack) are acceptable.
- Used, specially equipped, or advertised for commercial purposes.
 Examples: MOTOR TRUCK, cargo trailer, PICKUP TRUCK with a ladder rack, utility body, stake panels or aftermarket tool chest, or carrying visible tools or merchandise, van with business advertising displayed or carrying visible tools, chests, racks or merchandise, sedan with applied lettering advertising a

EXCEPTIONS:

business.

 PICKUP TRUCKS and passenger vehicles (including commuter carpooling vans of up to 11 passenger capacity) are not COMMERCIAL VEHICLES unless used, specially equipped, or advertised for commercial purposes.

PICKUP TRUCK

A MOTOR TRUCK having **all** of the following attributes:

- Is equipped with an open box-type bed not exceeding 9 feet in length.
- Has an overall vehicle length not exceeding 22 feet.
- Has only 2 axles.
- Has an unladen weight of less than 8,001 pounds.
- Has a manufacturer's gross vehicle weight rating not to exceed 11,500 pounds in single rear wheel configuration, or 14,000 pounds in dual rear wheel configuration.

PICKUP TRUCK does not include a vehicle otherwise meeting the above definition that is equipped with a bed-mounted storage compartment unit commonly called a "utility body" or "utility bed."

A vehicle otherwise meeting the above definition that displays advertising, or is mounted with an equipment carrier, aftermarket storage container, or other structure designed to secure goods is deemed to be a COMMERCIAL VEHICLE. However, a bed cover, or carrier designed for specific sports or athletic equipment (e.g. bicycle or ski rack) is acceptable.

A PICKUP TRUCK mounted with a camper unit extending over the cab or equipped with food preparation and sleeping areas is deemed to be a RECREATIONAL VEHICLE.

RESIDENT VEHICLE DECAL LIMIT

Each MANOR is allowed to receive a limited number of GRF decals based on the number of original construction bedrooms.

- 1 Bedroom MANOR up to 2 decals
- 2 Bedroom MANOR up to 3 decals.

Decals may be issued in any combination to eligible motor vehicles, golf carts and golf cars, up to the total authorized per Manor.

Decal counts do not include motorhomes and commercial vehicles stored in the GRF Recreational Vehicle Storage Area.

Unassigned Parking

Signs and curb and pavement markings that limit or prohibit parking apply at all times.

- Red zone: No stopping, standing or parking.
 - **EXCEPTIONS:**
 - A driver may stop to avoid conflict with other traffic.
 - o An attended vehicle may stop for passenger transfers.
 - An attended vehicle may stop for use of a mailbox.
 - o An attended vehicle may stop or stand while necessarily engaged in work. Examples: moving or delivery truck.
 - o An unattended vehicle or piece of equipment may park when necessary and is authorized by the Security Division.
- Parking is permitted only when the vehicle is displaying a valid Blue zone: government issued disabled (handicapped) license plate or placard.
- Fire hydrant zone: No person shall stop, park, or leave standing any vehicle within 15 feet of a fire hydrant. Vehicles in violation are subject to immediate tow-away at owner's expense.
- Green zone: Parking may not exceed 10 minutes, or as posted by sign or curb marking.

EXCEPTION:

- Unlimited time parking in a Green Zone is permitted only when the vehicle is displaying a valid government issued disabled (handicapped) license plate or placard.
- Grey zone: Same as Unpainted.
- Handicapped zone: See "Blue zone."
- White zone: Loading and unloading only.
- Yellow zone: Commercial vehicle loading and unloading only.

 Unpainted: Parking is permitted for up to 7 continuous days, unless otherwise restricted. Parking is always prohibited within 15 feet of a fire hydrant even if the curb is unpainted. See Fire hydrant zone above.

EXCEPTION:

- Resident's extended absence parking.
- GUEST PARKING zone: RESIDENT VEHICLES are prohibited from using the location between 8:00 a.m. and 10:00 p.m.
- RESERVED PARKING zone: Parking is prohibited by unauthorized vehicles.
- VISITOR PARKING zone: RESIDENT VEHICLES are prohibited from using the location between 8:00 a.m. and 10:00 p.m.

FOR SALE SIGNS

RESIDENT VEHICLES may display a maximum of two (2) "For Sale" signs advertising that vehicle. Each sign may be up to 9" x 12" in size. No signage may be on the exterior of the vehicle.

ADVERTISING

Any signage advertising a business or organization is prohibited on a vehicle parked overnight (any time between the hours of 12:00 midnight and 6:00 a.m.) Displaying a name or contact information constitutes advertising.

EXCEPTIONS:

- o RESIDENT VEHICLES may display up to 2 signs containing a political message.
- o Commercial vehicle or equipment displaying a valid GRF Overnight Parking Permit issued by the managing agent.
- License plate frames, and vehicle manufacturer's incidental identification and accessory items (Example: vehicle brand and model nameplates.)
- For Sale Signs.
- GRF vehicles.