



OPEN SESSION

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
GOLDEN RAIN FOUNDATION OF LAGUNA WOODS A CALIFORNIA NON-PROFIT
MUTUAL BENEFIT CORPORATION**

**Tuesday, June 06, 2023, 9:30 a.m.
24351 El Toro Road, Laguna Woods, California
Board Room/Virtual Meeting**

Directors Present: Bunny Carpenter, James Hopkins, Martin Roza, Joan Milliman, Gan Mukhopadhyay, Yvonne Horton, Reza Karimi, Juanita Skillman, Debbie Dotson, Elsie Addington, Egon Garthoffner

Directors Absent: None

Staff Present:

CEO - Siobhan Foster, Makayla Schwietert, Paul Nguyen, Robert Carroll, Eric Nunez, Carlos Rojas, Eileen Paulin, Joana Rocha, Alison Giglio, Ian Barnette, Cody DeLeon, Catherine Laster

Other Directors

Present: Cash Achrekar, S.K. Park, Cynthia Rupert, Deb Allen

1. Call Meeting to Order/ Establish Quorum - President Carpenter

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

2. Pledge of Allegiance

Director Skillman led the Pledge of Allegiance to the Flag.

3. Acknowledgment of Media

The media via Village Television crew were present remotely by way of cameras.

4. Approval of Agenda

President Carpenter requested an approval of the agenda.

Hearing no changes or objections, the agenda was approved by unanimous consent.

5. Approval of Minutes

- a. May 2, 2023 – GRF Board Regular Open Meeting
- b. May 18, 2023 – GRF Board Agenda Prep Meeting

Director Milliman requested that a change be made on item 5a, page 15 of 20, item 12a. "Discussion ensued" and the motion needs to be flipped.

Director Addington made a motion to approve the amended minutes for May 2, 2023. Director Milliman seconded.

There being no further changes or objections, the meeting minutes were each approved separately by unanimous consent.

6. Report of the Chair

President Carpenter commented on the following:

- Welcomed new Director Martin Roza to the Board.

7. CEO Report

Siobhan Foster-CEO provided a report on the following items:

- Employee Excellence Awards
- CEO Office
- General Services
- Human Resources
- Information Services
- Landscaping
- Maintenance and Construction
- Media and Communication
- Recreation and Special Events
- Security

CEO Foster answered questions from the Board.

8. Open Forum (Three Minutes per Speaker)

At this time members were allowed to address the Board of Directors regarding items not on the agenda.

- A member commented on The Foundation of Laguna Woods Village.
- A member commented on the quick action of the Security Department.
- A member commented on the Club Expo, the Village Games, and Memorial Day.
- A member commented on the Memorial Day Festivities put on by the Village, the Vision Club, working with the SCAC Committee pertaining to cross walks.
- A member commented on rehearsal/recording space for band musicians in the Village and finding a dedicated space.
- A member commented on expanded clubhouse hours.

9. Responses to Open Forum Speakers

The following are responses to the open forum speakers:

- Director Horton commented on the availability of clubhouse spaces and more budget to expand hours.

10. Consent Calendar

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

Recommendation from the Finance Committee:

10a. Consistent with its statutory obligations a subcommittee of the board consisting of the Treasurer and at least one other board member reviewed and approved preliminary Golden Rain Foundation financials for the month of April 2023, and by this vote ratified that such review be confirmed in this month's Board Member Open Session Meeting minutes.

10b. Approve the 2023 Annual Election Schedule and Approve a Resolution Appointing the Inspector of Elections

RESOLUTION 90-23-25

Approve Inspector of Election Services

WHEREAS, Civil Code §5110 and Corporations Code §7614 requires an association to select an independent third party as an inspector of elections; and

WHEREAS, an Inspector of Elections is used, among other tasks, to print and mail voter packages, inspect and tabulate ballots, and certify results;

NOW THEREFORE BE IT RESOLVED, June 6, 2023, that the Board of Directors of Golden Rain Foundation hereby approves a contract to UniLect Corporation to perform Inspectors of Election services for the 2023 Annual Meeting of the Corporate Members; and

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

Director Milliman made a motion to approve the consent calendar. Director Dotson seconded.

Hearing no changes or objections, the consent calendar was approved by unanimous consent.

11. Unfinished Business

11a. Update Committee Appointments

Director Milliman read the following resolution:

RESOLUTION 90-23-26

GRF Committee Appointments

RESOLVED, June 6, 2023, that the following persons are hereby appointed and ratified to serve on the Committees of this Corporation:

Community Activities Committee

Yvonne Horton, Chair (GRF)
Elsie Addington (GRF)
Joan Milliman, Alternate (GRF)
Cush Bhada (Third)
Jules Zalon, Alternate (Third)
Mark Laws (Third)
Diane Casey (United)
Pearl Lee (United)
Frank Stern (Mutual 50)
Peter Sanborn, Alternate (Mutual 50)
Advisors: Roland Boudreau, Ajit Gidwani

Finance Committee

James, Hopkins, Chair (GRF)
Elsie Addington (GRF)
Debbie Dotson, Alternate (GRF)
Donna Rane-Szostak (Third)
Andy Ginocchio (Third)
Mark Laws, Alternate (Third)
Azar Asgari (United)
Thomas Tuning (United)
Margaret Bennett (Mutual 50)
Sue Stephens, Alternate (Mutual 50)
Advisor: Rosemarie diLorenzo

Information Technology Advisory Committee (ITAC)

James Hopkins, Chair (GRF)

Bunny Carpenter (GRF)
Deborah Dotson (GRF)
Martin Roza (GRF)
Diane Casey (United)
Mary Simon (United)
Mark Laws (Third)
Advisor: Sue Margolis

Landscape Committee

Juanita Skillman, Chair (GRF)
Yvonne Horton, (GRF)
Diane Casey (United)
Sue Quam (United)
Jules Zalon (Third)
Nathaniel Ira Lewis (Third)
Andy Ginocchio, Alternate (Third)
Glenn Miller (Mutual 50)
Advisor: Catherine Brians

Maintenance & Construction Committee

Reza Karimi, Chair (GRF)
Gan Mukhopadhyay, Co-Chair (GRF)
Egon Garthoffner, Alternate (GRF)
James Cook (Third)
Ralph Engdahl (Third)
Andy Ginocchio, Alternate (Third)
Lenny Ross (United)
Mary Simon (United)
Sue Stephens (Mutual 50)
Peter Sanborn, Alternate (Mutual 50)
Advisors: Bill Walsh, Carl Randazzo, Ajit Gidwani

Clubhouse Renovation Ad Hoc Committee

Egon Garthoffner, Chair (GRF)
Gan Mukhopadhyay, Co-Chair (GRF)
Deborah Dotson (GRF)
Reza Karimi (GRF)
Andy Ginocchio (Third)
Moon Yun, Alternate (Third)
Ralph Engdahl (Third)
Mary Simon (United)
Anthony Liberatore (United)
Advisors: Ajit Gidwani, Carl Randazzo, Bill Walsh

Media and Communications

Joan Milliman, Chair (GRF)

Elsie Addington (GRF)

Deborah Dotson, Alternate (GRF)

Jim Cook (Third)

Cris Prince, (Third)

Moon Yun, Alternate (Third)

Maggie Blackwell (United)

Sue Quam (United)

Margaret Bennett (Mutual 50)

Peter Sanborn, Alternate (Mutual 50)

Advisors: Carmen Pacella, Tom Nash, Lucy Parker, Theresa Frost, Catherine Brians

Website Ad Hoc Committee

Joan Milliman, Chair (GRF)

Debbie Dotson (GRF)

Anthony Liberatore (United)

Azar Asgari (United)

Mark Laws (Third)

Donna Rane-Szostak (Third)

Advisors: Lucy Parker, Diane Phelps

Broadband Ad Hoc Committee

Joan Milliman, Chair (GRF)

Jim Hopkins (GRF)

Debbie Dotson (GRF)

Martin Roza (GRF)

Cris Prince (Third)

Jim Cook (Third)

Diane Casey (United)

Maggie Blackwell (United)

Alison Bok (United)

Margaret Bennett (Mutual 50)

Sue Stephens, Alternate (Mutual 50)

Advisors: Martin Rosa

Mobility & Vehicles Committee

Vacant (GRF)

Egon Garthoffner (GRF)

Elsie Addington, Chair (GRF)

James Cook, Alternate (Third)

Cush Bhada (Third)
Moon Yun (Third)
Azar Asgari (United)
Alison Bok (United)
Frank Stern (Mutual 50)
Sue Stephens, Alternate (Mutual 50)
Advisor: Vashi Williams

Security and Community Access

Juanita Skillman, Chair (GRF)
~~Gan Mukhapadhyay (GRF), Temporary~~
~~Martin Roza (GRF)~~
S.K. Park (Third)
Donna Rane-Szostak, Alternate (Third)
Cash Achrekar (United)
Maggie Blackwell (United)
Sue Stephens (Mutual 50)
Peter Sanborn, Alternate (Mutual 50)

OTHER COMMITTEES:

Disaster Preparedness Task Force

Eric Nunez, Chair
Juanita Skillman (GRF)
Gan Mukhapadhyay (GRF)
S.K. Park (Third)
Moon Yun (Third)
Donna Rane-Szostak, Alternate (Third)
Anthony Liberatore (United)
Rick Kopps, Resident (Mutual 50)
Sue Stephens, Alternate (Mutual 50)
Advisors: Tom Soule, Bruce Bonbright

Laguna Woods Village Traffic Hearings (Chair will alternate between Boards)

Elsie Addington (GRF)
Deborah Dotson, Alternate (GRF)
S.K. Park, ~~Alternate~~ (Third)
Cash Achrekar, Alternate (United)
Pearl Lee (United)
~~Jules Zalon (Third)~~
~~Mark Laws, Alternate (Third)~~
Margaret Bennet (Mutual 50)
Sue Stephens, Alternate (Mutual 50)

Purchasing Ad Hoc Committee

Bunny Carpenter, Chair (GRF)
Jim Hopkins (GRF)
~~Mark Laws (Third)~~
Donna Rane-Szostak (Third)
~~Andy Ginocchio (Third)~~
Ralph Engdahl, ~~Alternate~~ (Third)
Thomas Tuning (United)
Lenny Ross (United)
Advisor: Carl Randazzo

Select Audit Task Force

James Hopkins (GRF)
Diane Phelps (VMS)
Cynthia Rupert (United)
Peggy Moore (Third)

Compliance Ad Hoc Committee

Bunny Carpenter, Chair (GRF)
Maggie Blackwell (United)
Pearl Lee (United)
Mark Laws (Third)
Cris Prince (Third)
Joan Milliman (GRF)
Juanita Skillman (GRF)
Reza Karimi (GRF)

Executive Hearings Committee

Bunny Carpenter, Chair (GRF)
Yvonne Horton (GRF)
Elsie Addington (GRF)
Joan Milliman, Alternate (GRF)

Finance Advisory Group

Jim Hopkins, Chair (GRF)
Tom Tuning (United)
Donna Rane-Szostak (Third)
Sue Stephens (Mutual Fifty)

Correspondent – Elsie Addington (GRF)
El Toro Water District – Juanita Skillman (GRF)

RESOLVED FURTHER, that Resolution 90-23-16 adopted May 2, 2023, is hereby superseded and cancelled; and

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

Director Milliman made a motion to approve the update to the GRF Committee Appointments Resolution. Director Dotson seconded.

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

11b. Entertain a Motion to Approve Appeals Policy (May initial notification – 28-day notification for member review and comments to comply with Civil Code §4360 has been satisfied)

Director Milliman Read the following resolution:

RESOLUTION 90-23-27

Appeals Policy, Amended, June 6, 2023

WHEREAS, from time to time Resident Members seek approval from the Golden Rain Foundation Board of Directors on many matters of Corporate business by way of the committee structure for review of a question that will ultimately be determined by the Board; and

WHEREAS, such committees forward recommendations regarding Members' requests to the Golden Rain Foundation Board for consideration, and if the proposed request is disapproved, then such decision is subject to appeal to the Golden Rain Foundation Board by the Mutual Member;

NOW THEREFORE BE IT RESOLVED, June 6, 2023, that the Board of Directors of this Corporation hereby establishes and adopts the attached Appeals Policy pertaining to the rights of Members to appeal decisions of Committees of the Board and, as applicable, by the Board regarding certain Corporate business, for this Corporation; and

RESOLVED FURTHER, Resolution 90-15-47, adopted September 1, 2015, is hereby superseded in its entirety and canceled; and

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

Director Milliman made a motion to approve the Appeals Policy Resolution. Director Skillman seconded.

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

11c. Entertain a Motion to Approve Nuisance Policy (May initial notification – 28-day notification for member review and comments to comply with Civil Code §4360 has been satisfied)

Director Milliman Read the following resolution:

RESOLUTION 90-23-28

Nuisance Policy, Adopted, June 6, 2023

WHEREAS, on August 2, 2022, the Board of Directors adopted the Nuisance Policy to set forth guidelines for nuisance complaints; and

WHEREAS, the Compliance Ad Hoc Committee has recognized the need to revise the Nuisance Policy to provide concise interpretation of the policy;

NOW THEREFORE BE IT RESOLVED, June 6, 2023, that the Board of Directors of this Corporation hereby revised the Nuisance Policy, as attached to the official minutes of this meeting; and

RESOLVED FURTHER, that Resolution 90-22-35 adopted August 2, 2022, is hereby superseded and canceled; and

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

Director Milliman made a motion to approve the Nuisance Policy Resolution. Director Horton seconded.

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

11d. Entertain a Motion to Approve the Harrassment Policy (May initial notification – 28-day notification for member review and comments to comply with Civil Code §4360 has been satisfied)

Director Milliman Read the following resolution:

RESOLUTION 90-23-29

Harassment Policy, Adopted, June 6, 2023

WHEREAS, the Board of Directors of Golden Rain Foundation of Laguna Woods (GRF) adopted the Anti-Harassment, Anti-Abuse and Anti- Intimidation Policy to allow for a Joint Committee to be created with United Laguna Woods Village (United) and Third Laguna Hills Mutual (Third);

WHEREAS, the United and Third Boards of Directors elected not to adopt the Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy; and

WHEREAS, the Compliance Ad Hoc Committee has recognized the need to adopt the Harassment Policy to set forth guidelines for harassment complaints received by the GRF Board;

NOW THEREFORE BE IT RESOLVED, June 6, 2023, that the Board of Directors of this Corporation hereby approves the Harassment Policy, as attached to the official minutes of this meeting; and

RESOLVED FURTHER, that Resolution 90-23-03 adopted January 3, 2023, is hereby superseded and canceled; and

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

Director Milliman made a motion to approve the Harassment Policy Resolution. Director Dotson seconded.

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

12. New Business

12a. Entertain a Motion to Approve Donation of Miter Saw Clubhouse 4 Woodshop

Director Milliman read the following resolution:

RESOLUTION 90-23-30

Donation of Miter Saw for Clubhouse 4 Woodshop

This Agreement, entered into this 6th day of June 2023, is by and between the Golden Rain Foundation (“GRF”), a California non-profit mutual benefit corporation and Donor who donated a used miter saw for Clubhouse 4 Woodshop.

WHEREAS, GRF and Donor recognize the importance of community facilities and amenities; and

WHEREAS, GRF and Donor acknowledge the benefit of donations when they have a purpose consistent with GRF goals and are in the best interest of Laguna Woods Village; and

WHEREAS, the Donor has offered to donate a used miter saw for Clubhouse 4 Woodshop; and

WHEREAS, the Recreation and Special Events Department Director or Financial Services Director reviewed and affirms the proposed donation meets the criteria for acceptance contained in the GRF Donation Policy:

- a. Meet a true need of the facility;
- b. Not interfere with the intended current or future use of the facility; and
- c. Not require the relocation of other equipment or infrastructure to accommodate the donation.

NOW THEREFORE BE IT RESOLVED, June 6, 2023, that GRF and Donor in accordance with the described conditions and obligations, hereinafter set forth, agree as follows:

Section 1 The donation, known as a used miter saw for Clubhouse 4 Woodshop, described below, is donated in its entirety to GRF, hereafter owned by GRF and managed on behalf of the residents of Laguna Woods Village by Village Management Services, Inc. (VMS)

Section 2 Donation description: a used miter saw: Clubhouse 4
Location: Clubhouse 4 Woodshop

Section 3 Amount of Donation

Item cost:	\$300.00
Installation cost:	\$0.00
Maintenance cost:	<u>\$100.00 (annually)</u>
Total estimated donation	\$400.00

GRF reserves the right to move/remove and/or retire the donation

Section 4 following cessation of the five-year period. The term shall commence upon the date entered into and indicated above.

Section 5 GRF will not replace the donation or community space improvement if it is stolen, vandalized, worn out, irreparably damaged, destroyed or expires.

Section 6 Installation and Maintenance: GRF shall be responsible for installation and maintenance of the item, including any reasonable repairs.

Section 7 Term: The term of this agreement is a minimum of five years or beyond, if applicable; and

RESOLVED FURTHER, that the officers and agents of this corporation are hereby authorized to carry out this resolution as written.

Director Milliman made a motion to approve the Donation of Miter Saw for Clubhouse 4 Woodshop Resolution. Director Horton seconded the motion.

Discussion ensued among the Board.

There being no objections, the motion was approved unanimously.

13. The Board took a 5-minute break at 10:17 a.m. and reconvened at 10:23 a.m.

Director Skillman left the meeting at 10:30 a.m.

14. Committee Reports

- a. Report of the Finance Committee/Financial Reports – Director Hopkins. The committee met on April 19, 2023; next meeting June 21, 2023, at 1:30 p.m. in the Board Room and as a virtual meeting.
 - (1) GRF Treasurer’s Report – Director Hopkins
 - (2) GRF Finance Committee Report – Director Hopkins
 - (3) GRF Board 2022 Annual Audit Report – Director Hopkins. The Committee met on April 6, 2023.
 - (4) GRF Budget Capital Review – Director Hopkins. The Committee met on May 23, 2023.
 - (5) GRF Budget - Operating Department Review – Director Hopkins. The Committee met on June 5, 2023.
- b. Report of the Community Activities Committee – Director Horton. The committee met on

May 11, 2023; next meeting June 8, 2023, at 1:30 p.m. in the Board Room and as a virtual meeting.

- c. Report of the Landscape Committee – Director Skillman. The committee met on May 10, 2023; next meeting August 9, 2023, at 1:30 p.m. in the Board Room and as a virtual meeting.
- d. Report of the Maintenance & Construction Committee – Director Karimi. The committee met on April 12, 2023; next meeting June 14, 2023, at 9:30 a.m. in the Board Room and as a virtual meeting.
 - (1) Report of the Clubhouse Renovation Ad Hoc Committee – Directors Garthoffner and Dotson. The Committee met on March 6, 2023 and March 15, 2023; next meeting TBA.
- e. Report of the Media and Communications Committee—Director Milliman. The committee met on May 15, 2023; next meeting July 17, 2023, at 1:30 p.m. in the Board Room and as a virtual meeting.
 - (1) Website Ad-Hoc Committee – Director Milliman. The committee met on May 22, 2023; Next meeting TBA.
 - (2) Broadband Ad Hoc – Director Milliman. The committee met on May 15 and May 31, 2023; next meeting June 27, 2023, at 10:00 a.m. in the Sycamore Room.
- f. Report of the Mobility & Vehicles Committee – Director Addington. The Committee met on February 1, 2023; next meeting June 7, 2023, at 1:30 p.m. in the Board Room.
- g. Report of the Security & Community Access Committee – Director Skillman. The Committee met on April 26, 2023; next meeting June 28, 2023, at 1:30 p.m. in the Board Room and as a virtual meeting.
 - (1) Report of the Laguna Woods Village Traffic Hearings – Director Addington. The Traffic Hearings were held on May 17, 2023; next hearings on June 21, 2023, at 9:00 a.m. as a virtual meeting.
 - (2) Compliance Ad Hoc Committee – President Carpenter. The committee met on May 3, 2023; next meeting June 9, 2023, at 9:30 a.m. in the Sycamore Room.
 - (3) Executive Member Hearings Committee - President Carpenter. The committee met on June 1, 2023; next meeting TBA.
- h. Report of the Disaster Preparedness Task Force – Director Skillman. The Task Force met on June 5, 2023; next meeting July 25, 2023, at 9:30 a.m. in the Board Room and as a virtual meeting.
- i. Information Technology Advisory Committee – Director Hopkins. The Committee met on June 2, 2023; next meeting TBA.

- j. Purchasing Ad-Hoc Committee – Director Carpenter. The Committee last met on May 25, 2023; next meeting TBA

15. Future Agenda Items - *All matters listed under Future Agenda Items are Resolutions on 28-day public review or items for future Board Meetings. No action will be taken by the Board on these agenda items at this meeting. The Board will take action on these items at a future Board Meeting.*

16. Director's Comments

- Multiple directors commented that this was a nice and fast meeting.
- Director Hopkins commented on customer service with VMS Staff.
- Multiple Directors commented on yesterday's finance meeting.
- Multiple Directors congratulated staff on receiving the excellence awards
- Director Dotson commented on easy pay and the ITAC committee.
- Director Mukhopadhyay commented on the helpfulness of the Corporate Secretaries
- Director Roza commented on getting acclimated with being a new GRF Director and the help he has received from fellow Board Members.

17. Recess - 11:16 a.m. - *At this time, the Meeting recessed for lunch and reconvened to Executive Session to discuss the following matters per California Civil Code §4935: Member Disciplinary Matters; Personnel Matters; Contractual Matters; and Litigation Matters.*

Closed Session Agenda

VMS Board Update

Approved the Agenda

Approve the Minutes of:

(a) May 2, 2023 – Regular Closed Session

(b) May 17, 2023 – Special Closed Session

Discuss and Consider Personnel Matters

Discuss and Consider Contractual Matters

Discuss Legal/Legislation Matters

Discuss Member Disciplinary Matters

18. Adjournment

The meeting was adjourned at 3:49 p.m.



Joan Milliman, Secretary of the Board
Golden Rain Foundation



Appeal Policy
Resolution 90-23-27; Amended June 6, 2023

I. Purpose

Golden Rain Foundation of Laguna Woods (GRF), requires a Member to seek approval from the Board of Directors (Board) on matters of Corporate business by way of the committee structure for review of a question that will ultimately be determined by the Board. Such committees forward recommendations regarding Members' requests to the Board for consideration, and if the proposed request is disapproved, then such decision may be subject to appeal to the Board by the Member.

The purpose of this document is to set forth the Appeal Policy (Policy). This includes, but not limited to, decisions made regarding recreation and special events, mobility & vehicles, disciplinary, occupancy and membership.

II. Definitions

For the purposes of this policy:

- a. Committee is a group of individuals appointed by the Board for a specific function. For example, the Community Activities Committee, and Mobility and Vehicles Committee review Members' requests for nonstandard changes and make recommendations to the Board for approval or denial.
- b. Community Rules - the Articles of Incorporation and Bylaws of GRF, the Trust Agreement; and any rules and regulations adopted by GRF. Any reference to the "Governing Documents" shall, for purposes of this Policy, be deemed a reference to the Community Rules set forth in this definition.
- c. Executive Session is defined as a closed meeting of the Board to address disciplinary/confidential matters.
- d. Member is defined as any person entitled to membership in GRF.
- e. Open Meeting is defined as a meeting open to the Members of GRF.
- f. Subject Matter Expert (SME) is defined as the Staff Member with the highest level of expertise in the specialized job, task, or skill.

III. Conditions

Non-disciplinary decisions made by the Board in Open Session are subject to one appeal.

Decisions made by the Board in Open Session:

- a. All decisions including other matters of corporate business by the Board made in meetings that satisfy the Common Interest Development Open Meeting Act may be subject to appeal.

- b. Notwithstanding the foregoing, if new information is brought to the Board's attention relating to a matter previously decided by the Board, the Board may, in its sole discretion, revisit the decision due to extraordinary circumstances. No Member shall be entitled to such reconsideration as a matter of right. The SME will review any extraordinary circumstances for consideration if submitted within 30 days in writing from the Board's determination.

Decisions made by the Board in Executive Session are subject to one appeal. The Executive Hearing Committee makes decisions on disciplinary/confidential matters including occupancy, violations of governing documents and membership decisions in Executive Session.

IV.Procedure

- a. Within 30 days of receipt of a written decision by either the Board or Executive Hearing Committee relating to Member discipline or a Committee decision, made at a meeting, the Member may appeal the decision by submitting a request in writing and as applicable providing new or different information, as to why the Member believes the committee made a wrong decision.
- b. No reconsideration request will be considered by the Board after one (1) year from the date of the original, final decision by the Board



Nuisance Policy

Resolution 90-22-35, Adopted August 2, 2022

Resolution 90-23-28, Amended June 6, 2023

I. Purpose

The purpose of this Nuisance Policy (Policy) is to set forth guidelines for the treatment and handling of nuisance complaints on Golden Rain Foundation (GRF) property, in accordance with the requirements of GRF's Governing Documents, as defined below, and the law.

II. Definitions

- a. Community – Laguna Woods Village.
- b. Golden Rain Foundation (GRF) – the Golden Rain Foundation, a California nonprofit mutual benefit corporation.
- c. Governing Documents – all of the following, collectively, the Trust Agreement, the Articles of Incorporation; the Bylaws; the Rules and Regulations; and any Resolutions or Policies duly adopted by the Board; all as may be lawfully amended or modified from time to time.
- d. Location – GRF properties
- e. Member – any person who is an owner of a Unit in United Laguna Woods Mutual (United) or Third Laguna Hills Mutual (Third) or The Towers Mutual No. Fifty (Mutual 50) who has been approved for membership in accordance with the Governing Documents.
- f. Nuisance – see details under Conditions.
- g. Resident – any person who has been approved by the Board of Directors, or its designee, as applicable, for occupancy of a manor within United or Third or Mutual 50's development.
- h. Staff - Employees of Village Management Services, Inc. authorized to act on behalf of GRF.

III. Conditions for Nuisance

Nuisance in General: Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. (Civ. Code § 3479)

Public Nuisance: A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (Civ. Code § 3480)

Private Nuisance: A private nuisance is a condition or activity that interferes with an individual's use or enjoyment of their property. (Civ. Code § 3479, 3481)

Based upon the foregoing provision of the various statutory provisions, with regard to GRF, a nuisance shall be deemed to be anything that unreasonably interferes with another Member or Resident's use and enjoyment of GRF facilities, as determined by the Board. Below are examples of activities that fall into a nuisance category; please note, however, that this is not an exhaustive list of potential nuisances, inasmuch as any activity that falls within the above definition of a nuisance shall be deemed a violation of GRF's Governing Documents:

1. **Noise:** Things that interfere with quiet enjoyment such as, Residents playing their music at an excessively loud volume, overly loud conversations, yelling or shouting, barking dogs, excessively loud vehicles, etc. Excessive and overly loud characteristics are measured against what a reasonable person in the same or similar circumstance would consider to be excessive or overly loud.
2. **Odors:** This includes second-hand smoke or other smoke odors such as but not limited to cigarettes, cigars, vaping matter/materials and marijuana. The word strong shall be measured against what a reasonable person in the same or similar circumstance would consider to be strong.
3. **Violation of Laws:** A violation of federal, state laws or local ordinances, including, without limitation, such violations as public nudity, brandishing weapon(s) at or in the presence of another Resident, a guest, invitees or a staff member.

IV. Nuisance Complaints and Investigation

A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division 949-268-CALL or email compliance@vmsinc.org. Staff will inform the reporting party to call the Security Department for documentation of the ongoing nuisance violation.

Investigating Alleged Nuisances: To determine whether or not a nuisance in violation of the Governing Documents is taking place or has occurred, Staff evaluates the alleged behavior, based upon the written complaint provided along with all of the information provided to support the complaint, and may further investigate the complaint before determining if the alleged behavior or nuisance activity in fact occurred, and whether the impact on other Members/Residents or units is deemed reasonable or unreasonable to an average reasonable person similarly situated. This may include, without limitation, further conversations with the reporting party and neighbors.

If Staff determines that the alleged nuisance in violation of the Governing Documents has or may have occurred, a warning letter may be sent to the

responsible Member and/or the Member may be sent a notice that the Member is being called to a disciplinary hearing before the Board or a committee thereof. At the disciplinary hearing, the Board will consider all evidence and documentation of the alleged nuisance violation, and the Member may speak and present evidence regarding the nuisance before the Board makes a decision on disciplinary action to be taken, if any.

V. Enforcement

GRF is authorized to take disciplinary action against any Member Resident, tenant, guest, or invitee found to be in violation of the Governing Documents. When a complaint is lodged regarding the occurrence of a violation, the Board of Directors has a duty to investigate and impose, if appropriate, discipline as set forth in the Governing Documents. Discipline shall be imposed, if at all, after a duly noticed disciplinary hearing in accordance with the requirements of statute and GRF's Governing Documents.

If a Member is found to have committed a nuisance violation as defined herein, the Board has the authority to impose monetary fines, suspend Member(s) privileges, and/or bring forth legal action, as more fully set forth in the Governing Documents, including without limitation the Schedule of Monetary Penalties, as may be revised from time to time. Each Member is entirely responsible for ensuring that the Governing Documents are followed by anyone they allow into the Community—this includes any co-occupant, lessee, guest, care provider, vendor, invitee or contractor.



Harassment Policy

Resolution 90-22-39; Adopted September 6, 2022 and

Resolution 01-22-73; Adopted November 8, 2022

Resolution 90-23-29; Amended June 6, 2023

I. Purpose

The Board of Directors (Board) of the Golden Rain Foundation (GRF) requires a clear and consistent policy to address claims of harassment, abuse and intimidation. Harassment, abuse and/or intimidation are strictly prohibited in the community. This Harassment Policy (Policy) provides guidance relative to such behavior.

This policy applies to:

- a. Members;
- b. Residents;
- c. GRF Board and advisors; and
- d. Member's or resident's guests.

The claims of harassment, abuse and/or intimidation may be against:

- a. Members;
- b. Residents;
- c. GRF Board and advisors;
- d. Member's or resident's guests; and
- e. VMS employees.

VMS investigates incidents of harassment, abuse and/or intimidation from an employer's standpoint pursuant to the VMS Anti-Harassment Policy, and by necessary implication, there will be overlap when an employee is harassed by any of the foregoing and vice-versa.

This Policy has been adopted by the GRF Board to exercise its duties to maintain, protect and enhance the value and desirability of Laguna Woods Village and the interests of all of its members.

II. Definitions

- a. Abuse - See details under Conditions for Abuse.
- b. Community - Laguna Woods Village, including, but not limited to, the community center, gate houses, clubhouses and amenities.
- c. Claimant - Member, resident, board member, advisor, member's or resident's guest who submits a claim of alleged harassment, abuse and/or intimidation (claim) involving member, resident, board member, advisor, member's or resident's guest, and/or employee.
- d. Director - A board member from GRF or VMS boards of directors.
- e. Governing documents - All of the following, collectively: the Trust Agreement, Articles of Incorporation, Bylaws, rules and regulations, and resolutions or

policies duly adopted by boards of directors of GRF; all as may be lawfully amended or modified from time to time.

- f. Harassment - See details under Conditions for Harassment.
- g. Intimidation - See details under Conditions for Intimidation.
- h. Member - any person who is an owner/shareholder of a Unit in United Laguna Woods Mutual (United) or Third Laguna Hills Mutual (Third) or The Towers Mutual No. Fifty (Mutual 50).
- i. Resident - An approved occupant of a residence in Laguna Woods Village.
- j. Respondent - Member, resident, board member, advisor, member's or resident's guest, or employee who is the subject of harassment, abuse and/or intimidation claim.
- k. Staff - Employees of VMS.

III. Conditions for Harassment

Below are various definitions and descriptions of harassment under both federal and California law:

- a. Federal law: "harassment" "a serious act or a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose" (18 U.S.C.A. §1514[d][1][B]).
- b. California law: "harassment" unlawful violence, a credible threat of violence or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys or harasses that person, and that serves no legitimate purpose (Code of Civil Procedure §527.6[b][3]).
- c. Department of Housing and Urban Development (HUD) "Final Rule": Recent federal regulations/guidelines enacted by the Department of Housing and Urban Development (HUD) impose certain obligations on GRF with regard to the investigation and treatment of reported harassment. The new guidelines, adopted in August 2016, were enacted in an effort to further define and address housing discrimination in the form of harassment. In that regard, HUD's new guidelines now deem any form of harassment in housing or within housing developments a form of illegal discrimination. Based on HUD's guidelines, homeowners' associations, including GRF are required to evaluate alleged harassment to investigate whether a resident is being subjected to harassment to the extent that it may amount to illegal housing discrimination. Pursuant to the guidelines, GRF is required to investigate all reported claims of potential harassment of residents and, as appropriate, take all action permitted under the governing documents to address such harassing behavior (24 CFR 100.600).

IV. Conditions for Abuse

Below are various definitions and descriptions of abuse under both federal and California law:

- a. Federal law: "abuse" is defined to mean "the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm" (42 USC §1397[j]).
- b. California law: "abuse" includes, but is not limited to, intentionally or recklessly

causing or attempting to cause bodily injury, sexual assault and placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another. Abuse is not limited to the actual infliction of physical injury or assault (Family Code §6203). For purposes of this Policy, “abuse” also includes conduct that creates a hostile work environment as defined under California law.

V. Conditions for Intimidation

Below are various definitions and descriptions of intimidation under both federal and California law:

- a. Federal law: “intimidation” is defined to mean “a serious act or course of conduct directed at a specific person that (i) causes fear or apprehension in such person; and (ii) serves no legitimate purpose” (18 USC §1514[d][1]).
- b. California law: “intimidation” was noted “to make timid or fearful; to inspire or affect with fear; to make fearful; to frighten ... to deter, as by threats. ...” (In re Bell, 19 Cal. 2d 488, 122 P.2d 22 [1942][dissent]).

VI. Examples of Harassment, Abuse and/or Intimidation

Examples of harassment, abuse and/or intimidation in community, subject to review and interpretation by committee, may include:

- a. Physical intimidation;
- b. Threatening bodily harm or to harm one’s property;
- c. Discriminatory shouting and yelling;
- d. Stalking, such as following someone around to intimidate or “make a point”;
- e. Disrupting organized activities in progress, including board and committee meetings;
- f. Entering the second floor of the community center without escort or pass with intent to disrupt operations;
- g. Interfering, instructing or otherwise disrupting the work of vendors or staff;
- h. Unreasonable, and/or hostile telephone calls and/or emails without a legitimate purpose to a resident, vendor or staff;
- i. Disparaging someone;
- j. Humiliating someone; and/or
- k. Other behavior that the ordinary person would find unreasonable and/or threatening.

VII. Reporting Harassment, Abuse and/or Intimidation Claims

To report a claim: members, residents, GRF, directors, advisors, and guest’s, and/or invitees may contact:

- a. Security Department
 - i. Telephone: 949-580-1400
- b. Compliance Division
 - i. Telephone: 949-268-2255; or
 - ii. Email: compliance@vmsinc.org

Staff may inform the claimant to call the Security Department for documentation of the reported harassment, abuse and/or intimidation. Staff may also inform the

claimant to call the Orange County Sheriff's Department (OCSD) if harassment, abuse and/or intimidation occur.

VIII. Enforcement

A. General

1. GRF is authorized to take disciplinary action against a GRF Member if they or their Resident, co-occupant, tenant, guest or invitee violates the Governing Documents. GRF may take any lawful action against anyone it determines has committed Harassment within the Community and while using the amenities.
2. The Board has the discretion to determine which actions are violations of this Policy and which actions do not require further action by GRF.
3. This Policy does not apply to activities within the areas governed by the Housing Mutuals and GRF will not pursue such issues within those areas.
4. The Board may, after a hearing, impose monetary fines, suspend the GRF Member(s) privileges and/or initiate legal action. GRF Member(s) are entirely responsible for ensuring that the Governing Documents are followed by anyone they allow into the community. This includes any co-occupant, tenant, guest or other invitee.

B. Board Member or Committee Member Discipline

1. The Board may take disciplinary actions against a GRF Director or Committee member who violates this Policy. Prior to taking any disciplinary action, the Board's officers and legal counsel shall review the evidence and investigate the alleged violation.
2. If it is determined that this Policy has been violated, legal counsel will notify the Director or Committee member in writing and copy the Compliance Division of the violation and instruct the Compliance Division to provide a 10- day Notice of Hearing to the Director or Committee member. Following the hearing by the Board, the Director or Committee Member will be notified of the Board's decision regarding any disciplinary action.
3. Such disciplinary action may include removal of the Director or Committee Member from all Committees. If the disciplined Committee Member was appointed to the Committee(s) by a Housing Mutual pursuant to Section 7.3 of the Bylaws, the Board may request that the President of the Housing Mutual immediately remove the Committee Member from all Committees. Failure of the President of the Housing Mutual to remove the Committee Member upon request may result in a demand to the Housing Mutual's board of directors that such Committee Member be removed from all Committees.
4. If the conduct of the Director or Committee Member also violates GRF's Code of Ethics Policy, additional disciplinary action may be taken against that Director or Committee Member in accordance with the Code of Ethics Policy.

C. Neighbor-to-Neighbor Dispute

1. Resolution 90-04-72, adopted October 5, 2004, by the Board established a member discipline process for the purpose of holding disciplinary hearings in a timely manner and ensuring progressive discipline. The Board is obligated to evaluate and impose if appropriate, member discipline under its Bylaws and §5855 of the Davis-Stirling Act.
2. The GRF Member disciplinary process is coordinated by the Compliance Division. A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division at 949-268-CALL or via email at compliance@vmsinc.org.

D. Third-Party Dispute

1. By way of the initial investigation, should Staff identify objective evidence of a violation by a GRF Member or their Resident or guests, Staff will send a letter to the offending party describing the allegation(s) and the disciplinary action that may ensue if not corrected.

IX. VMS Harassment by Board Member, Committee Member or Advisor

VMS has a legal obligation to provide its Employees with a workplace free from any type of inappropriate conduct by Directors, Committee Members and/or advisors. Complaints of a violation of this policy toward Employees may be submitted in writing to VMS' Director of Human Resources and the Board President. If the situation is an emergency requiring intervention, call the Security Department.

Staff will report the violation to the Board President and the Compliance Division for further action.