

OPEN MEETING

MEETING OF THE GOLDEN RAIN FOUNDATION
COMPLIANCE AD HOC COMMITTEE

Friday, February 17, 2023 - 9:30 a.m.
24351 El Toro Road, Laguna Woods, California 92637
Community Center – Sycamore Room/Virtual

NOTICE AND AGENDA

1. Call to Order Bunny Carpenter
2. Approval of the Agenda Bunny Carpenter
3. Approval of the Report from January 27, 2023 Bunny Carpenter
4. Chair's Remarks Bunny Carpenter
5. Member Comments Bunny Carpenter
Laguna Woods Village owners/residents are welcome to participate in all open committee meetings and submit comments or questions regarding virtual meetings using one of two options:
 1. Join the committee meeting via a Zoom link <https://us06web.zoom.us/j/89671074866> or by calling 669-900-6833. Access code: 896 7107 4866
 2. Via email to meeting@vmsinc.org anytime before the meeting is scheduled to begin or during the meeting. Please use the name of the committee in the subject line of the email. Name and unit number must be included.
6. Response to Member Comments Bunny Carpenter

Items for Discussion and Consideration:

7. Schedule of Monetary Penalties Blessilda Wright
8. Appeal Policy Blessilda Wright
9. Nuisance Policy Blessilda Wright

Concluding Business:

10. Committee Member Comments
11. Future Agenda Items
 - a. Resolution 90-04-72 Update
 - b. Executive Hearings Resolution and Charter
 - c. Harassment Policy
 - d. Disciplinary Violations Matrix
12. Adjournment
13. Date of Next Meeting: Wednesday, March 8, 2023

Bunny Carpenter, Chair
Blessilda Wright, Staff Officer
(949) 268-2255

*A quorum of the GRF Board or more may also be present at the meeting



OPEN MEETING

**MEETING OF THE GOLDEN RAIN FOUNDATION
COMPLIANCE AD HOC COMMITTEE**

Friday, January 27, 2023 - 9:30 A.M.

Laguna Woods Village Community Center- Sycamore Room/Virtual Meeting
24351 El Toro Road, Laguna Woods, CA 92637

MEMBERS PRESENT: Bunny Carpenter- Chair, Juanita Skillman, Cris Prince, Reza Karimi, Maggie Blackwell and Mark Laws

MEMBERS EXCUSED: Pearl Lee and Joan Milliman

STAFF PRESENT: Blessilda Wright, Jacob Huanosto and Ruby Rojas

CALL TO ORDER

Bunny Carpenter, Chair, called the meeting to order at 9:36 a.m.

APPROVAL OF THE AGENDA

Chair Carpenter made a motion to amend the agenda to include the addition of discussing the Anti-Harassment Hearing Board. Without objection the agenda was approved.

APPROVAL OF THE REPORT FROM NOVEMBER 30, 2022

Chair Carpenter made a motion to approve the report from November 30, 2022 as submitted.

Without objection the report was approved.

CHAIR'S REMARKS

Chair Carpenter stated due to United Laguna Woods Mutual ("United") voting down the Joint Anti-Harassment, Anti-Intimidation, Anti-Abuse Committee. GRF will create their own Anti- Harassment Hearing Board. The Hearing Board will address incidents that occur on GRF property and it will be defined where is GRF property.

MEMBER COMMENTS

None.

RESPONSE TO MEMBER COMMENTS

None.

ITEMS FOR DISCUSSION AND CONSIDERATION

7. Anti-Harassment Hearing Board

Chair Carpenter, discussed GRF creating an Anti-Harassment Hearing Board for GRF matters. The Committee members made comments and asked questions. Staff advised GRF to create a GRF Executive Hearings Committee similar to United and Third Laguna Hills Mutual ("Thirds") Executive Hearings Committee. The GRF Executive Hearings Committee would address all disciplinary matter pertaining to GRF such as but not limited to Garden Center, Equestrian Center, Delinquency and Harassment/Nuisance incidents

that occur on GRF property.

The Committee directed staff to create a Resolution and Charter for a GRF Executive Hearings Committee and to include the following information: as a standing committee but meets as needed, three (3) Directors plus one (1) alternate, state what and where is GRF property. Present a resolution and charter at the next meeting for committee review.

8. Member Disciplinary Policy

Ms. Blessilda Wright, Compliance Supervisor, gave an overview of the Member Disciplinary Process. The Committee members made comments and asked questions.

The Committee directed staff to update Resolution 90-04-72 Disciplinary Process to include the GRF Executive Hearings Committee.

By way of consensus, the motion was approved.

9. Samples of Disciplinary Notices

Ms. Blessilda Wright gave an overview of the Disciplinary notices. The Committee members made comments and asked questions.

The Committee received and filed the Samples Disciplinary Notices

10. Schedule of Monetary Penalties

Ms. Blessilda Wright gave an overview of the Disciplinary notices. The Committee members made comments and asked questions.

The committee directed staff to update the Schedule of Monetary Penalties table to include Behavior/Disturbances: Assault, theft, trespassing, yelling, etc. under Harassment, Abuse/Intimidation Restrictions. Then bring back to the next meeting for review.

CONCLUDING BUSINESS:

Committee Member Comments

None.

Future Agenda Items


- a. Appeal Policy
- b. Nuisance Policy
- c. Harassment Policy
- d. Disciplinary Violations Matrix
- e. Updated Schedule of Monetary Penalties
- f. Executive Hearings Rules and Procedures

Date of Next Meeting

Friday, February 17, 2023 at 9:30 a.m.

Adjournment

With no further business before the Committee, the Chair adjourned the meeting at 11:10 a.m.


Bunny Carpenter (Feb 1, 2023 19:01 PST)

Bunny Carpenter- Chair

STAFF REPORT

DATE: February 17, 2023
FOR: Compliance Ad Hoc Committee
SUBJECT: Schedule of Monetary Penalties

RECOMMENDATION

Staff recommends that the Board approve the updated Schedule of Monetary Penalties and include it as part of the 2023 spring annual mailing.

BACKGROUND

On August 2, 2022, the Board established a Compliance Ad Hoc Committee for the purpose, in part, to review the Schedule of Monetary Penalties to reflect new and updated operating policies (Resolution 90-22-36).

Per California Civil Code, the Member Disciplinary Process and Schedule of Monetary Penalties must be disclosed to the membership yearly. A summary of the process and schedule are included as part of the annual mailing in November.

On November 30, 2022, the Committee directed staff to update the Schedule of Monetary Penalties and separate the Harassment and Nuisance Violations.

On January 27, 2023, the Committee reviewed the updated Monetary Penalties splitting the Harassment and Nuisance Violations. The Committee directed staff to add additional information to the Harassment Violations section.

DISCUSSION

The Schedule of Monetary Penalties Harassment Violation was updated to include a row for behavior/disturbances; Assault, theft, trespassing, yelling, etc.

FINANCIAL ANALYSIS

The Board imposes monetary penalties as a disciplinary action for violation of the governing documents. The penalties range from \$25 - \$500 depending on the specifics of the matter. For 2022, the Board held seven hearings and imposed monetary penalties totaling \$1,600.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Jacob M. Huanosto, Compliance Coordinator

ATTACHMENT(S)

Attachment 1: Schedule of Monetary Penalties



SCHEDULE OF MONETARY PENALTIES

The following notice is provided pursuant to Civil Code Section §5310 and §5850.

The following schedules identify the violations and potential monetary penalties that may be imposed upon a member. Such penalties may be imposed following a hearing by the Golden Rain Foundation (GRF) Board of Directors (Board) for a violation of those governing documents and rules and regulations by the member, co-occupant, guest or lessee.

Type of Violation	Penalty Ranges
Golf Course Restrictions	
Examples: Slow play, failure to rake traps or repair ball marks, improper operation of golf cart, playing holes out of order, practicing on golf course, hitting more than one ball to each green, playing without payment, etc.	\$25 - \$200
Nonpayment	
Examples: Nonpayment of chargeable services, disciplinary penalties, facilities or services use charges, traffic citations, etc.	\$25 - \$500
<u>Harassment/Abuse/Intimidation Restrictions</u>	
<u>Harassment, Abuse, Intimidation: Please see Inter-Board Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy.</u>	<u>\$25 - \$500</u>
<u>Behavior/Disturbances: Assault, theft, trespassing, yelling, etc.</u>	<u>\$25 - \$500</u>
Nuisance Restrictions	
Behavior/Disturbances: Assault, theft, trespassing, yelling, etc.	\$25 - \$500
Noise: Activities that interfere with quiet enjoyment of another person such as playing music or television too loud, loud conversation, etc.	\$25 - \$500
Violation of Laws: Violation of federal, state or local ordinances. An example would be public nudity, resident engaged in drug dealings, etc.	\$25 - \$500
Harassment, Abuse, Intimidation: Please see Inter-Board Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy.	\$25 - \$500
Other	
Illegal business, nonsmoking policy	\$25 - \$500
Pet Restrictions	
Examples: Dog not on leash, dog not under control, unreasonable noise (barking), not picking up and disposing of feces, etc.	\$25 - \$500
Recreation Services and Special Events Policy	
Examples: Operating rules, soliciting without a permit, tree signage, unauthorized advertisement, room reservation, etc.	\$25 - \$500

Traffic Rules and Regulations	
Examples: Abandoned vehicle, commercial vehicles, excessive vehicles, vehicle oil, recreational vehicle policy, etc.	\$25 - \$500
Any violation of the governing documents or rules and regulations not specifically identified in this schedule.	\$25 - \$500
Second or Subsequent Violations of the Same Rule	
Ongoing violation of the same event may result in a daily fine in accordance with current monetary penalty schedule until compliance is achieved and/or double of fines imposed.	

In addition to, or instead of the monetary penalty, the board of directors may impose the following penalties, following a noticed hearing, for a violation of the governing documents or rules and regulations:

1. Suspension of the right to use any facilities owned, operated or managed by GRF for a period not to exceed 90 days for each breach.
2. GRF may also make an application to a court of competent jurisdiction for legal or equitable relief.
3. GRF may recommend that United Laguna Woods Mutual (United) or Third Laguna Hills Mutual (Third) take disciplinary action against a resident member of GRF, to the extent possible under United/Third's governing documents.

GRF bylaws and rules and regulations provide that members/residents who receive a traffic citation may elect to waive their right to a hearing and attend traffic school or forfeit a fine for certain violations and under certain circumstances. (See Schedule of Traffic Monetary Penalties.)

Delinquent regular or special assessments, plus any costs of collection, late charges and interest, shall become a lien on the owner's interest in the common interest development upon recordation of a Notice of Delinquent Assessment in the Official Records of Orange County, California, and said lien may be enforced as provided by Sections 5650-5690 of the California Civil Code and as otherwise permitted by law.

If you have questions regarding the above information, please contact the Compliance Division during regular business hours at 949-268-CALL or via email at compliance@vmsinc.org.

STAFF REPORT

DATE: February 17, 2023
FOR: Compliance Ad Hoc Committee
SUBJECT: Appeal Policy

RECOMMENDATION

Receive and File.

BACKGROUND

On October 7, 2008, the Golden Rain Foundation (GRF) Board of Directors (Board) adopted an Appeal Policy (Resolution 90-08-69) to set forth guidelines for members to appeal the denial of requests made to committees.

On September 01, 2015, the Board amended the Appeal Policy for Resident Members Requests changing #2 in the appeal process from will to shall (Resolution 90-15-47).

Civil Code Section §4765 provides that decisions made by the Board or by a committee having the same composition as the Board relating to a member's architectural and/or landscape request that occur in an Open Session Board meeting in compliance with the requirements of Civil Code §4900 et seq. (the Open Meeting Act) may be final, without the right of a Member to appeal said decision.

The purpose of the Appeal Policy is to set forth guidelines for appeals of certain decisions made by the Board, Committees, or Management on Recreation and Special Events Department matters as well as decisions made regarding Member discipline and reimbursement to GRF by Members for expenses incurred by GRF for which the Member is responsible, including without limitation when applicable, legal fees and costs.

DISCUSSION

The Committee requested review of the Appeal Policy.

FINANCIAL ANALYSIS

None.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Jacob Huanosto, Compliance Coordinator

ATTACHMENT(S)

Attachment 1: Appeal Policy Resolution 90-15-47



**Appeals Process for Resident Members' Requests made to GRF
Resolution 90-15-47, Amend September 1, 2015**

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, September 1, 2015 that the Board of Directors of this Corporation hereby establishes the following appeal process for Resident Members requests made to Golden Rain Foundation Board:

1. Within 30 days of the Board's decision a requesting Member may appeal the Board's decision by requesting another review by the appropriate GRF Committee.
2. Upon receipt and review of the recommendation from the Committee, the Board of Directors will shall make a final decision in the regular course of its business.
3. No further appeals will be granted for a twelve (12) month period from the date of the Board's final decision on the appeal. This twelve-month period shall apply to both the original requesting Resident Member and the subsequent members(s) on the same issue, if any.

RESOLVED FURTHER, Resolution 90-08-69, adopted October 7, 2008 is hereby superseded and cancelled; and

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

STAFF REPORT

DATE: February 17, 2023
FOR: Compliance Ad Hoc Committee
SUBJECT: Nuisance Policy

RECOMMENDATION

Receive and File.

BACKGROUND

On October 1, 2019, the Board of Directors adopted a Harassment and Nuisance Policy (Resolution 90-19-47) to set forth guidelines to address alleged violations of harassment and/or nuisance that occurs in GRF facilities. Previously, language for nuisance violations was included with the Recreation and Special Events Department policies.

On October 5, 2021, the Board of Directors revised the Harassment and Nuisance Policy (Resolution 90-21-36) to reflect changes to state law, introduce concepts of decorum and harassment based on protected classes, and outline the processes for investigation of allegations and Board Member or Committee Member discipline.

On June 7, 2022, the Board of Directors approved an Inter-Board Anti-Harassment, Anti-Abuse, and Anti-Intimidation Policy and Formation of a Joint Hearing Body. The policy and joint hearing body were approved for initial notification and have been postponed 28-days to comply with Civil Code §4360.

The rules enforcement program is coordinated by the Compliance Division under the Security Services Department.

On August 2, 2022, the Board of Directors approved the revised Nuisance Policy (Resolution 90-22-35) to set forth guidelines regarding the handling of nuisance complaints.

DISCUSSION

On January 27, 2023, the Compliance Ad Hoc committee directed staff to provide the Nuisance Policy for review.

FINANCIAL ANALYSIS

None.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Jacob Huanosto, Compliance Coordinator

ATTACHMENT(S)

Attachment 1: Nuisance Policy (Resolution 90-22-35)



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

I. Purpose

The purpose of this Nuisance Policy ("Policy") is to set forth guidelines for the treatment and handling of nuisance complaints received by the Golden Rain Foundation ("GRF"), 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 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. Member – any person who is an owner of a Unit in United Laguna Woods Mutual ("United") or Third Laguna Hills Mutual ("Third") who has been approved for membership in accordance with the Governing Documents.
- e. Nuisance – see details under Conditions.
- f. 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's development.
- g. 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 his/her/their/they manor, 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, biting 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 smoke odors (cigarettes, cigars, vaping matter/materials and marijuana), strong odors from e-cigarettes or vaping devices, etc. 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 or state laws or local ordinances, including, without limitation, such violations as public nudity, brandishing weapons which are registered or unregistered at or in the presence of another resident, the resident's guest and invitees and/or a staff member or a Resident, the resident's guest and invitees engaged in drug dealing (selling drugs for money or in exchange for some other form of remuneration) or prostitution.

IV. Nuisance Complaints and Investigation

A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division by calling 949-268-CALL or email to 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 who may be found in violation of the Governing Documents, or Residents, tenants, or guests are 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 or such Member's unit/manor 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.