



## **OPEN MEETING**

### **REGULAR MEETING OF THE THIRD LAGUNA HILLS MUTUAL RESIDENT POLICY AND COMPLIANCE COMMITTEE**

**Wednesday, July 26, 2023 – 9:30 A.M.  
24351 El Toro Road, Laguna Woods, CA 92637  
Board Room and Virtual with Zoom**

Laguna Woods Village owner/residents are welcome to participate in committee meetings in-person and virtually. To submit comments or questions virtually for committee meetings, please using one of following options:

1. Join the Committee meeting via Zoom at: <https://us06web.zoom.us/j/84903327041> or by dialing 669-900-6833 Access Code: 849 0332 7041
2. Via email to [meeting@vmsinc.org](mailto:meeting@vmsinc.org) any time 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 manor number must be included.

### **NOTICE AND AGENDA**

*This Meeting May Be Recorded*

1. Call Meeting to Order
2. Approval of the Agenda
3. Approval of the Meeting Report for June 27, 2023
4. Remarks of the Chair
5. Member Comments (Items Not in the Agenda)
6. Response to Member Comments
7. Department Head Update
8. Items for Discussion and Consideration:
  - a. Barbecue Rules and Regulations
  - b. Nuisance Policy regarding Noise
  - c. Disciplinary Violations Matrix
  - d. Schedule of Monetary Penalties
9. Future Agenda Items: *All matters listed under Future Agenda Items are items for a future committee meeting. No action will be taken by the committee on these agenda items at this meeting.*
  - a. Financial Qualifications
10. Committee Member Comments
11. Date of Next Meeting – Tuesday, August 22, 2023 at 9:30 a.m.
12. Adjournment

\*A quorum of the Third Board or more may also be present at the meeting.

Mark Laws, Chair  
Blessilda Wright, Staff Officer  
Telephone: 949-597-4254





**REGULAR OPEN MEETING OF THE THIRD LAGUNA HILLS MUTUAL  
RESIDENT POLICY AND COMPLIANCE COMMITTEE**

Tuesday, June 27, 2023 at 9:30 A.M.  
Board Room/Virtual Meeting  
Laguna Woods Village Community Center  
24351 El Toro Road, Laguna Woods, CA 92637

**MEMBERS PRESENT:** Mark Laws - Chair, Nathaniel "Ira" Lewis, Cush Bhada, and Andy Ginnochio (Alternate)

**MEMBER ABSENT:** Jules Zalon

**ADVISORS PRESENT:** Stuart Hack and Theresa Keegan (entered meeting at 9:31 a.m.)

**ADVISORS ABSENT:** None

**STAFF PRESENT:** Blessilda Wright, Ruby Rojas, Pamela Bashline, Jeff Spies and Patty Kurzet

**OTHERS PRESENT:** **Third:** S. K. Park, Cris Prince (listening in via Zoom)

**1. Call to Order**

Mark Laws, Chair, called the meeting to order at 9:30 a.m.

**2. Approval of Agenda**

Director Lewis made a motion to approve the agenda with a correction for the next meeting date Wednesday, July 26, 2023. Director Bhada seconded the motion.

By way of unanimous consent, the motion passed.

**3. Approval of Meeting Report**

Director Lewis made a motion to approve the May 23, 2023 meeting report. Director Ginocchio seconded the motion.

By way of consensus, the motion passed.

**4. Remarks of the Chair**

None.

**5. Members Comments (Items Not on Agenda)**

A member commented on the nuisance policy to address noises during non-quiet hours

## **6. Response to Members Comments**

Director Lewis and Bhada commented on the issue and stated it could be difficult to address but will review the matter.

## **7. Department Head Update**

None.

## **8. Items for Discussion and Consideration**

### **a. Leasing/ Rental Policy**

Ms. Pamela Bashline, Community Services Manager, presented the Guidelines for Financial Qualifications Policy for discussion. The committee discussed the matter and asked questions.

Director Lewis made a motion to forward the matter to the Finance Team for suggestions regarding some possible changes. Director Bhada seconded the motion.

By unanimous consent, the motion passed.

Ms. Bashline, Mr. Spies and Ms. Kurzet exited the meeting at 10:20 a.m.

### **b. Barbecue Grill Rules and Regulations**

Chair Laws, presented the Barbecue Rules and Regulations Policy for discussion. The Committee discussed the matter and asked questions.

Director Lewis made a motion to rescind Resolution 03-21-18 Barbecue Grill Rules and Regulations and reference general Orange County Fire Authority (OCFA) recommendations for fire-safety in the summer fire-safety article. Director Bhada seconded the motion.

By way of vote, 2-2-0 (Director Laws and Director Bhada voted no) the motion failed.

Director Lewis made a motion to postpone and readdress rescinding the Barbecue Grill Rules and Regulations Policy with standard full committee. Director Bhada seconded the motion.

By way of unanimous consent, the motion passed.

### **c. Disciplinary Violations Matrix**

Chair Laws, presented the Disciplinary Violations Matrix for the committee to review for relevance and updating. The Committee discussed the matter and asked questions.

Chair Laws made a motion to table the matter and review at the next meeting.

By consensus, the motion passed.

**d. Schedule of Monetary Penalties**

Chair Laws, presented the Schedule of Monetary Penalties for discussion. The Committee discussed the matter and asked questions.

Chair Laws made a motion to table the matter and review at the next meeting.

By consensus, the motion passed.

**9. Items for Future Agendas**

- a. Noise Nuisance

**10. Committee Member Comments**

None.

**11. Date of Next Meeting**

Wednesday: July 26, 2023 at 9:30 a.m.

**12. Adjournment**

With no further business before the Committee, the meeting was adjourned at 11:26 a.m.

*Mark W. Laws*

Mark W. Laws (Jul 10, 2023 11:30 PDT)

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Mark W. Laws, Chair  
Third Laguna Hills





## STAFF REPORT

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**DATE:** July 26, 2023  
**FOR:** Resident Policy & Compliance Committee  
**SUBJECT:** Barbecue Grill Rules & Regulations

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### **RECOMMENDATION**

Review and provide direction.

### **BACKGROUND**

On December 3, 2020 and February 3, 2021, the Resident Policy and Compliance Committee approved the Barbecue Grill Rules and Regulations information sheet. On March 16, 2021, the information sheet was converted into a policy and approved by the Board (Resolution 03-21-18).

On May 27, 2023, the Committee discussed the policy and tabled the matter for pending review of the Orange County Fire Authority Barbecue Flyers.

In the last six years there have been four fires started by barbecue grills. Only one of the incidents required Third Laguna Hills Mutual (Third) insurance company to be involved. Since 2011, the Compliance Division has mailed eleven (11) disciplinary letters regarding nuisance violations caused by the use of barbecue grills.

On June 27, 2023, the Committee discussed the policy and table the matter for full committee review.

### **DISCUSSION**

The Chair requested review of the policy to allow the use of charcoal grills.

### **FINANCIAL ANALYSIS**

None

**Prepared By:** Blessilda Wright, Compliance Supervisor

**Reviewed By:** Francis Gomez, Operations Manager

### **ATTACHMENT(S)**

Attachment 1: Proposed Barbecue Grill Rules & Regulations

Attachment 2: Orange County Fire Authority Flyers for Barbecue



## Barbecue Rules & Regulations

### Resolution 03-23-XX; Adopted Mmm DD, 2023

#### I. Purpose

The purpose of this document is to define the policies of Third Laguna Hills Mutual (“Third”) regarding the use of Barbecue Grills.

#### II. Definitions

For the purposes of this policy:

- a. Barbecue Grills are devices **made for outdoor use** that cook food by applying heat from below. There are three categories of grills common for residential use:
  - Gas-fueled grills typically use LPG (propane or butane) or natural gas as a fuel source and are known as an “open flame” source.
  - **Charcoal grills typically use charcoal or wood chunks as a fuel source and are known as an “open flame” source. Charcoal grills are prohibited.**
  - Electric grills typically use an electric element to supply a constant heat source with no open flames.
- b. Combustible material includes materials made of or surfaced with wood, plastic compressed paper or other material that will ignite and burn. These materials shall be considered as combustible even though flameproofed, fire-retardant treated.
- c. Common Area means the area which is available for use by more than one person.
- d. Community Rules are defined as the Articles of Incorporation, Bylaws, the recorded Covenants, Conditions, and Restrictions (CC&Rs); and any rules and regulations adopted by Third. 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.
- e. Enclosed Area is defined as an area closed in by roof and contiguous walls or windows, connecting floor to ceiling with appropriate opening for ingress and egress.
- f. Member is defined as any person entitled to membership in Third.
- g. Multi Story-Unit Residential Facility means a building or portion thereof that contains more than one story of dwelling units.
- h. Open Flame grills are defined as those with a visible flame and include but are not limited to those which use gas, LPG, propane, **charcoal, or wood chunks as a fuel source**
- i. Private residence is defined as that portion of any Condominium which is not owned in common with other owners.

#### III. General Rules for all Barbecue

- a. Open flame grills are prohibited in multi-story buildings. Only electric grills are permitted in multi-storied buildings.
- b. Hot Barbecue **grills units** may be left in place where used until cool.
- c. Barbecue **grills units** must be used and stored so as not to block walkways.
- d. Barbecue procedures must not cause excessive smoke or offensive odor or be a nuisance to neighboring residents.

#### IV. Rules specific to “open flame” Barbecue **units grills**



- a. Active open flame ~~grills units~~ must be located at least 10 feet from combustible material as defined above.
- b. Active open flame ~~grills units~~ must not be located ~~on walkways or~~ under ~~or within 10 feet of~~ roof eaves, ~~combustible~~ patio covers or similar overhead coverings.
- c. Active open flame ~~grills units~~ may not be used in an any Enclosed Area.
- d. Any ~~cooking device~~ Barbecue grill's tanks shall contain no more than 15 pounds net weight (often referred to as 5 gallons) of propane.
- e. Charcoal grills should be started only with an electric starter -- lighter fluid and charcoal chimneys are prohibited.
- f. Used charcoal must be cold to the touch before being disposed of.

## V. Safety Tips

- a. Follow the manufacture instructions.
- b. Fasten the propane, or LPG, tank securely to the grill assembly.
- c. Place your grill on a solid and level surface to prevent accidental overturn.
- d. Ignite gas grills with the top open.
- e. If ignition of a gas grill does not occur immediately, or the flame goes out, turn the gas off and wait at least 5 minutes before attempting ignition.
- f. Supervise the grill when in use and keep everyone away, including pets.
- g. Use long-handled tools especially made for cooking on the grill.
- h. Do not wear a loose apron or loose clothing while grilling.
- i. Thoroughly clean grill after each use to help avoid grease fires.
- j. Keep a fire extinguisher nearby.
- k. Always use and store cylinders outdoors in an upright (vertical) position unless the ~~Bar-B-Que~~ Barbecue manufacturer has designed the system otherwise.
- l. Leak test all gas connections with soap solution at least once each year and the tank connection every time a cylinder is replaced.
- m. Close the gas tank valve when finished ~~Bar-B-Q-Barbecuing~~ if so equipped.
- n. Be sure any extension cords used with an electric grill ~~or electric starter~~ are rated for the power (current) stated by the ~~Bar-B-Que-Barbecue~~ manufacturer and rated for outdoor use.
- o. Be sure to locate power cords so as not to be a trip hazard.

## VI. Enforcement

Third is authorized to take disciplinary action against a Member found to be in violation of these Barbecues Rules and Regulations. When a violation occurs, the Board is obligated to evaluate and impose certain appropriate, member-discipline as set forth in the governing documents. The Board of Directors 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 rules, regulations, and policies are followed by anyone they allow into the community. This includes any Co-occupant, lessee, guest, care provider, vendor, invitee or contractor. A complaint may be registered with the Compliance Department by calling 949-268-~~2255CALL~~ or [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or by calling the Security Department at 949-580-1400.

# BBQ SAFETY



*A BBQ that is too close to items that can burn is a fire hazard. Here are a few tips to help you stay safe and avoid a grilling fire.*



*If you smell gas while cooking, immediately get away from the grill and call the fire department. Do not move the grill.*



**Orange County  
Fire Authority**

(714) 573-6200  
ocfa.org



## Grilling Safety Tips

- Propane and charcoal BBQ grills should be used outdoors only.
- Grills should be placed a safe distance from the home, deck railings, tables, overhanging branches, and areas where people gather.
- Keep children and pets at least three feet away from the grill area.
- Keep your grill clean by removing grease or fat buildup from the grates and in the trays below the grill.
- Never leave a heated grill, lighter, or matches unattended.

## Charcoal Grills

- If you use starter fluid, use only charcoal starter fluid. Never add charcoal fluid or any other flammable liquids to the fire while cooking.
- When you are finished grilling, let the coals completely cool (for about 48 hours) before disposing in a metal container.

## Propane Grills

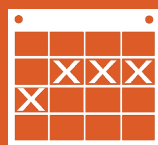
- Check the gas tank hose for leaks before grilling.
- If your grill has a gas leak, get the grill serviced by a professional before using it again. If a leak occurs while grilling, call the fire department.
- If the flame goes out, turn the grill and gas off and wait at least 5 minutes before re-lighting it.

**ON AVERAGE, THERE ARE 10,200 GRILLING FIRES PER YEAR**



**89%**

started by gas grills



**57%**

occur May-Aug



**160**

injuries per year



**\$123 MILLION**

property damage



# Orange County Fire Authority Community Risk Reduction INFORMATIONAL BULLETIN 02-20

## **Subject: Open-flame Cooking Devices on Balconies and Decks**

**Purpose:** This informational bulletin provides clarification regarding regulations pertaining to use of barbeques and other open-flame cooking devices on balconies and decks in multifamily residential structures.

Section 308.1.4 of the 2019 California Fire Code regulating open-flame cooking devices was not adopted by the State Fire Marshal. This provision still appears in the on-line and print versions of the code book, however, it is there as suggested language should individual cities or counties choose to include it as an amendment to the California Fire Code when they adopt the CFC as their local fire code.

In the past, this provision had been adopted as an amendment into the local fire code by some of the jurisdictions served by OCFA. However, when the current version of the fire code was adopted, this provision was not included. As it is currently not a part of the local or state fire code, this provision cannot be enforced by city/county code enforcement officers or OCFA fire inspectors.

It is incumbent upon the person cooking to ensure that the device is being used safely. As with any open flame, reasonable caution and care should be taken to mitigate the potential for the device to be an unintended source of ignition. Follow the manufacturer's recommendations regarding clearance from vegetation, combustible furniture, decks and buildings, and overhangs such as balconies and eaves. Refer to the BBQ Safety flyer on the [ocfa.org](http://ocfa.org) website for additional safety information.

While the fire code may not regulate these devices, some insurance companies may include a restriction on their use in their policies, and HOAs may stipulate certain conditions to enhance safety and mitigate complaints regarding smoke and odors. Please consult with these agencies regarding specific rules that may apply in your community.

Revised 1-1-20





## STAFF REPORT

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**DATE:** July 26, 2023  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Nuisance Policy - Noise

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### **RECOMMENDATION**

Receive and file.

### **BACKGROUND**

The member-discipline process is coordinated by the Compliance Division. Upon notice of an alleged noise violation, staff investigates and should staff identify objective evidence of a violation by a member or their guests, staff will send a courtesy notice to the offending party describing the allegation(s) and the disciplinary action that may ensue if not corrected. staff then monitors the situation and if compliance is not achieved, staff will send a final notice requesting compliance. Additionally, the matter is scheduled for a disciplinary hearing with the Board of Directors to determine if member-discipline is merited. If the alleged violation has been resolved, no further action is required.

The investigation process for noise nuisance may include but not limited to verified Security Department report; the Compliance Division may schedule an informal sound test and use sound meter to determine if the noise is within the guidelines of the Nuisance Policy.

The City of Laguna Woods noise ordinance states for Interior and Exterior noise between the hours of 7:00am – 10:00pm not to exceed 55 decibels. Additionally, quiet hours per the City of Laguna Woods is between 10:00pm – 7:00am.

On April 21, 2020, the Board approved the Nuisance Policy (Resolution 03-20-28).

On January 17, 2023, the Board approved an amended Nuisance Policy (Resolution 03-23-02).

### **DISCUSSION**

The Committee requested review of the Nuisance Policy specifically for noise. Additionally, the Chair provided correspondence from a member to include in the packet.

### **FINANCIAL ANALYSIS**

None.

**Prepared By:** Blessilda Wright, Compliance Supervisor

**Reviewed By:** Francis Gomez, Operations Manager

### **ATTACHMENT(S)**

**Nuisance Policies**

July 26, 2023

Page 2

Attachment 1: Nuisance Policy

Attachment 2: Member Correspondence



**Third Mutual Nuisance Policy**  
**Resolution 03-20-28, Adopted April 21, 2020**  
**Resolution 03-23-02, Amended January 17, 2023**

**I. Purpose**

The purpose of this Nuisance Policy ("Policy") is to set forth guidelines for the treatment and handling of nuisance complaints received by Third Laguna Hills Mutual ("Third"), in accordance with the requirements of Third's Governing Documents, as defined below, and the law. This policy is applicable to all Third members, residents, and their guests.

**II. Definitions**

- a. Community – Laguna Woods Village.
- b. Golden Rain Foundation (GRF) – the Golden Rain Foundation of Laguna Hills, a California nonprofit mutual benefit corporation.
- c. Governing Documents – all of the following, collectively, the Articles of Incorporation; the Bylaws; CC&Rs; 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 Third's development who has been approved for membership in Third 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 Third's development.
- g. Staff - Employees of Village Management Services, Inc. authorized to act on behalf of Third.
- h. Third or the Mutual – the corporate homeowners association that was formed in 1970 and by 1984 had acquired the assets and liabilities by vote of each of the 59 individual mutuals within the larger Leisure World (now Laguna Woods Village), a common interest development, with full authority to "manage, operate, and maintain" them.

**III. Conditions for Nuisance**

**Nuisance in General:** Anything which is injurious to health, indecent or offensive to the senses, causes an unreasonable disturbance or annoyance, 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) To be considered a nuisance, the behavior has to be repeated or continuous; single instances of an action or activity will not be considered a nuisance.

**Public Nuisance:** A public nuisance is a condition or activity that interferes with the health or well-being of the entire community or a considerable number of persons in the neighborhood. (Civ. Code §§ 3479-3480)

**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)

**Governing Documents:** “No Owner or Resident shall permit or suffer anything to be done or kept within the Project which will increase insurance rates on any Building or contents thereof, or which will obstruct or interfere with the rights of other persons in the Project or annoy them by unreasonable noises or otherwise, nor shall any Owner or Resident commit or permit any nuisance or commit or permit any illegal act within the Project. An Owner and each Resident shall comply with the requirements of all governmental authorities. If by reason of any act of any Owner insurance rates should be increased, the Owner shall be personally liable for the additional premium” (CC&Rs Article III, Section 6, Use Restrictions)

Based upon the foregoing provision of the CC&Rs and various statutory provisions, with regard to Third, 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 Third’s Governing Documents:

1. **Noise:** Things that interfere with quiet enjoyment such as improperly installed hardwood floors, residents playing their music or TV 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 smoke odors (cigarettes, cigars, vaping matter/materials and marijuana), strong odors from e-cigarettes or vaping devices, strong cooking odors, smoke from a BBQ grill entering other units, etc. The word strong shall be measured against what a reasonable person in the same or similar circumstance would consider to be strong.
3. **Visual:** Draping articles over balcony rails or patio walls, storing inoperable vehicles in parking spaces, excessive amount of items or clutter in visible areas, etc.
4. **Health/Safety:** Persons who allow unsanitary conditions to exist in and around their unit/manor where the accumulation of household items, belongings and/or materials, that attract insects, pests and rodents or creates strong odors that are recognizable in the common area or another unit/or manor, or residents who wash dog feces and/or urine off their unit/manor balcony onto the property below them.
5. **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. Instances of these law violations should be reported to the OCSD.



#### **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 949-268-2255 or email to [compliance@vmsinc.org](mailto: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, and inspection of the unit(s)/manor(s) in question. Staff may also take the following steps when investigating certain nuisance complaints:

- For hard surface flooring complaints: Staff may perform informal sound tests that include two Staff members in the downstairs unit at the same time that two Staff members are in the upstairs unit, with an attempt to replicate the alleged noise.
- For odor complaints: Staff may perform an informal odor test that includes two Staff members in the unit from which the alleged nuisance odor arose at the same time that two Staff members are in the reporting party's unit, with an attempt to replicate the alleged odors. Staff may also seek assistance from the Maintenance Department to determine if the building structure is a factor that allows for the transmission of the odor that can be remedied.

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**

Third is authorized to take disciplinary action against any Member who may be found in violation of the Governing Documents, or whose unit or Residents, tenants, or guests are found to be in violation of the Governing Documents (CC&R Article XIX; Bylaws Article 4, Section 4.5). 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 Third'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.

In the event there is an ongoing dispute between neighbors over nuisance violations or alleged violations, and the Board ultimately determines that the activity/behavior in question does not rise to the level of a governing document violation, although the Mutual is not obligated to do so, Staff, on behalf of the Mutual, may offer informal mediation performed by the Compliance and Social Services Division to help facilitate a resolution to the dispute. Staff will also recommend, as an alternative for the complainant and the owner against whom the complaint is made, professional mediation services offered by the County of Orange. Notwithstanding the foregoing, nothing in this paragraph or this Policy shall be construed to create a duty on the Board to resolve any dispute between neighbors or an obligation beyond those duties imposed on Third and its Board by the Governing Documents or by law.

\* No return address on envelope.  
6/22/23

Attachment 2

[REDACTED]  
Laguna Woods, CA 92637

To: Resident Policy and Compliance Committee.

I received this note from a concerned and unknown resident...

Your clarification/changes will support the benefits and peace of mind 'retirees' expect and deserve when they invest in the VILLAGE.

Hi,

Saw you speak at the 6/20/23 board meeting. Wasn't clear whether the noisy fountain was on common area (HOA property) or exclusive use common area (their patio or deck).

If it is on the *common* area, then it should be removed, since residents are not permitted to have personal property in the common area. Common area is for HOA use only (to plant, to maintain, etc.)

As for seeking neighbors' permission to have such nuisances, neighbors' input should not matter if the nuisance is on common area. VMS should act promptly to eliminate the item from the common area and cease the nuisance.

If the fountain is on their patio or deck (exclusive use common area), it *still* should be removed if it poses as nuisance as defined by the CC&Rs. Sometimes the definition of a nuisance can be subjective (i.e. the sound of running water or smell of smoke bothers some, but not others), however if it is a nuisance to YOU, your rights to be free of the nuisance supersede their right to have the nuisance (fountain).

Asking neighbors to sign-off on the fountain will likely work against you because when asked to sign approval for something like this, architectural alterations or other things, the person being asked to sign usually feels intimidated into doing so. People often go along to get along and do not want to make enemies.

Other neighbors might also experience the nuisance of the fountain noise but be afraid to complain because even though they might want to complain anonymously, they fear doing so because sometimes management discloses to the violator the identity of the person making the complaint.

Management needs to stand up and support your right to eliminate the nuisance and not defer to neighbors to determine if what is obviously a nuisance should be allowed.

\* M.T.





## STAFF REPORT

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**DATE:** July 26, 2023  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Disciplinary Violations Matrix

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### **RECOMMENDATION**

Review revised disciplinary violations matrix.

### **BACKGROUND**

On July 20, 2004, the Board of Directors established a member-discipline process for the purposes of holding disciplinary hearings in a timely manner and ensuring progressive discipline. The Board of Directors is obligated to evaluate and impose if appropriate, member-discipline under its Bylaws and the California Civil Code.

On April 24, 2018, the Executive Hearings Committee developed a guideline outlining compliance matters that should be immediately scheduled for a disciplinary hearing (“fineable”) as opposed to be given a courtesy notice (“warn-able”). Matters that most adversely impact quality of life and/or public health and safety are categorized as immediately “fine-able” offenses that merit an immediate disciplinary hearing. Clutter on a patio was one example of a “warn-able” matter that would receive a courtesy notice.

The Executive Hearings Committee meets for four (4) hours on a monthly basis for damage restoration and disciplinary hearings. The Committee averages five (5) damage restoration hearings and five (5) disciplinary hearings per monthly meeting.

On June 27, 2023, the Resident Policy and Compliance Committee discussed the matter and tabled for review at next month’s meeting.

### **DISCUSSION**

The Chair provided proposed updates to the Disciplinary Violations Matrix for the Committee’s consideration and review (Attachment 1).

### **FINANCIAL ANALYSIS**

None.

**Prepared By:** Blessilda Wright, Compliance Supervisor

**Reviewed By:** Francis Rangel, Operations Manager

### **ATTACHMENT(S)**

Attachment 1: Disciplinary Violations Matrix

# THIRD MUTUAL DISCIPLINARY VIOLATIONS MATRIX

Attachment 1

| Allegation   | Schedule Hearing Immediately | Follow Expedited Process Flow | Follow Standard Process Flow | Committee's Comments and Questions                |
|--|------------------------------|-------------------------------|------------------------------|---|
| Abandoned Vehicle  |                              |                               | X                            |   |
| <u>Alterations - General Requirements</u>                |                              |                               |                              |   |
| Construction Hours                                       |                              |                               | X                            |   |
| Debris   |                              |                               | X                            |   |
| Expired Permit   |                              |                               | X                            |   |
| Non-Compliance to Variance Request                       | ?                            |                               | ?                            | Is this different from Damage to Mutual Property? |
| Damage to Mutual Property without Approval               | X                            |                               |                              |   |
| Use of Community Trash Bins                              |                              |                               | X                            |   |
| Alterations - Failure to Maintain                        |                              |                               | X                            |   |
| <u>Animal Control</u>                                    |                              |                               |                              |   |
| Breeding Animals for Sale or Commercial Gain             |                              |                               | X                            |   |
| Dog Barking  |                              |                               | X                            |   |
| Injury to Person   | ?                            |                               | ?                            | Document for Third, but call Sheriff for Action   |
| Damage to Property                                       | ?                            |                               | ?                            |   |
| Not Picking Up and Disposing of Feces                    |                              |                               |                              |   |
| Not Under Control (Off Leash / Leash Longer than 6 feet) |                              |                               |                              |   |
| Caregiver Policy   | ?                            |                               | ?                            | What does "Caregiver Policy" mean?                |
| Clutter Violations                                       |                              |                               | X                            |   |
| Illegal Business   |                              |                               | X                            |   |
| Landscape Violations                                     |                              |                               | X                            |   |
| <u>Manor Maintenance and Repair</u>                      |                              |                               |                              |   |
| Major (Fire, Safety, Health Hazard)                      | ?                            |                               | ?                            | Wouldn't Security request immediate resolution?   |
| Minor (Broken Blinds, Visible Repair Needed, etc)        |                              |                               | X                            |   |
| Non-Payment of Assessments                               | ?                            |                               | ?                            | Aren't there other Notifications from Finance?    |
| Non-Payment of Chargeable Services                       | ?                            |                               | ?                            | Aren't there other Notifications from Finance?    |
| <u>Nuisance - Behavior / Disturbance</u>                 |                              |                               |                              |   |
| Assault, Theft   | X                            |                               |                              |   |
| Trespassing  | ?                            |                               | ?                            | Can you share some examples of "Trespassing"?     |
| Yelling  |                              |                               | X                            |   |
| Nuisance - Noise   |                              |                               | X                            |   |
| Nuisance - Odors   |                              |                               | X                            |   |
| Nuisance - Others  | ?                            |                               | ?                            | Need to categorize by specific Nuisance           |
| Nuisance - Violation of Laws                             | X                            |                               |                              |   |
| Nuisance - Visual  |                              |                               | X                            |   |
| Non-Smoking Policy                                       |                              |                               | X                            |   |
| Temporary Container Policy                               | ?                            |                               | ?                            | Wouldn't Security request immediate resolution?   |
| Traffic Rules  |                              |                               | X                            |   |
| Unauthorized Occupancy                                   |                              |                               | X                            |   |
| Vehicle Oil  |                              |                               | X                            |   |

Red signifies requested changes; Blue signifies questions/comments from Committee; Green signifies potential new process for Committee to consider

Agenda Item 8c

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## STAFF REPORT

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**DATE:** July 26, 2023  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Schedule of Monetary Penalty

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### **RECOMMENDATION**

Review and file.

### **BACKGROUND**

The Schedule of Monetary Penalties identifies the violations and potential monetary penalties which may be imposed upon a member following a duly noticed disciplinary hearing. 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. Additionally, per Bylaws, Section 4.5.3, Disciplinary or Suspension Action Authorized, states that the Board is authorized to impose "... a fine for each breach, not to exceed the maximum established in the adopted Schedule of Monetary Penalties."

On January 19, 1993, the Board of Directors approved the Schedule of Monetary Penalties (Resolution M3-93-14). The Schedule of Monetary Penalties was amended in 1995 and 1996 (Resolutions M3-95-70 and M3-96-31).

The member-discipline process is coordinated by the Compliance Division. Upon notice of an alleged violation, staff investigates and should staff identify objective evidence of a violation by a member or their guests, staff will send a courtesy notice to the offending party describing the allegation(s) and the disciplinary action that may ensue if not corrected. Staff will monitor the situation and if compliance is not evident, staff will send a final notice requesting compliance. Additionally, the matter is scheduled for a disciplinary hearing with the Board of Directors to determine if member-discipline is merited. If the alleged violation has been resolved, no further action is required.

If a disciplinary hearing is merited, staff will proceed with noticing the Member for a hearing. During a Member Disciplinary Hearing the member has the right to meet before the Board of Directors in executive session. If the board finds the member to be in violation of the governing documents, the board may impose a fine based on the Schedule of Monetary Penalties, suspend Member privileges, and/or consider legal action.

On June, 27, 2023, the Committee discussed the matter and determined to table till the next meeting.

## **DISCUSSION**

The Committee requested review of the Schedule of Monetary Penalties.

## **FINANCIAL ANALYSIS**

The Board imposes disciplinary monetary penalties as an action for violation of the governing documents. The penalties range from \$25 - \$500 depending on the specifics of the matter. To date for 2023, the Board held twenty-three (23) hearings and imposed monetary penalties in total of \$4,100.

**Prepared By:** Blessilda Wright, Compliance Supervisor

**Reviewed By:** Francis Gomez, Operations Manager

## **ATTACHMENT(S)**

Attachment 1: Schedule of Monetary Penalty





## 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 which may be imposed upon a member. Such penalties may be imposed following a hearing by Third Laguna Hills Mutual (Third) Board of Directors (Board) for a violation of the governing documents and rules and regulations by the member, co-occupant, guest or lessee.

| Type of Violation  | Penalty Ranges |
|--|----------------|
| <b>Alteration</b>  |                |
| Examples: Debris, work without a permit, work beyond the allowed hours, expired permit, noncompliance with approved variance request, use of community trash bins, failure to maintain alteration, etc.          | \$25 - \$500   |
| <b>Clutter Restrictions</b>  |                |
| Examples: Balcony, breezeway, carport, common area, interior, patio, vehicle, etc.   | \$25 - \$500   |
| <b>Landscape Restrictions</b>  |                |
| Examples: Saucers/casters not present, too many plants (refer to landscape maintenance manual), vegetable plants, vines attached to walls, wind chimes, etc.   | \$25 - \$500   |
| <b>Maintenance/Repair</b>  |                |
| Examples: (Major) failure to correct fire, safety, health hazard or other dangerous condition; (minor) broken blinds, etc., violation of the paint program, interior pest policy, moisture intrusion event, etc. | \$50 - \$500   |
| <b>Nonpayment</b>  |                |
| Examples: Nonpayment of assessments, chargeable services, disciplinary penalties, facilities or services use charges, traffic citations, etc.  | \$25 - \$500   |
| <b>Nuisance/Harassment Restrictions</b>  |                |
| Behavior/Disturbances: Assault, theft, trespassing, yelling, etc.  | \$25 - \$500   |
| Noise: Activities that interfere with quiet enjoyment such as improperly installed hardwood floors, neighbors playing music or television too loud, loud conversation, barking dogs, etc.                        | \$25 - \$500   |
| Odors: Strong cooking odors, BBQ smoke entering other units, etc.  | \$25 - \$500   |
| Visual: Draping articles over balcony rails, etc.  | \$25 - \$500   |

|  |              |
|--|--------------|
| Health/Safety: Hoarders who allow unsanitary conditions to exist that attract insects and rodents, or residents who wash dog feces and urine off their balcony onto the property below them, etc.  | \$25 - \$500 |
| Violation of laws: Violations of federal, state or local ordinances. Examples include public nudity or a resident engaged in drug dealing etc.   | \$25 - \$500 |
| <b>Occupancy Restrictions</b>  |              |
| Examples: Caregiver policy, short-term rentals, advertisement of short-term/vacation rentals, lease policy, unapproved occupancy, qualifying resident not in unit, room rentals, guest visitations exceeding 60 calendar days within a 12-month period, etc. | \$25 - \$500 |
| <b>Other</b>   |              |
| Illegal business, nonsmoking policy, portable storage container policy   | \$25 - \$500 |
| <b>Pet Restrictions</b>  |              |
| Examples: Dog not on leash, dog not under control, unreasonable noise (barking), not picking up and disposing of feces, etc.   | \$25 - \$500 |
| Examples: Breeding of animals for sale or commercial gain, injury to persons or damage to property caused by animal, etc.  | \$50 - \$500 |
| <b>Traffic Rules and Regulations</b>   |              |
| Examples: Abandoned vehicle, commercial vehicles, excessive vehicles, vehicle oil, etc.  | \$25 - \$500 |
| Any violation of the governing documents or rules and regulations not specifically identified in this schedule.  | \$25 - \$500 |
| <b>Second or Subsequent Violations of the Same Rule</b>  |              |
| 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 Third, for a period not to exceed 30 days for each breach, and/or any facilities owned, operated or managed by the Golden Rain Foundation (GRF) for a period not to exceed 90 days for each breach.
2. Third may also make an application to a court of competent jurisdiction for legal or equitable relief.

Third 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 at [compliance@vmsinc.org](mailto:compliance@vmsinc.org).