



OPEN MEETING

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

**Wednesday, September 27, 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 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 August 22, 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. Disciplinary Violations Matrix – updated version attached
 - b. Nuisance / Harassment Policy – Continued Reporting of Events after Issue Resolution
 - c. Barbecue Policy
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 for Purchasing in Third Mutual
10. Committee Member Comments
11. Date of Next Meeting – Tuesday, October 24, 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, August 22, 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, Cris Prince and Jules Zalon

MEMBER ABSENT: None

ADVISORS PRESENT: Theresa Keegan

ADVISORS ABSENT: Stuart Hack

STAFF PRESENT: Blessilda Wright, Ruby Rojas and Justin "Jay" Allen

OTHERS PRESENT: **Third Directors:** S. K. Park and Andy Ginocchio

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. Director Prince seconded the motion. By unanimous consent, the motion passed.

3. Approval of Meeting Report

Director Prince made a motion to approve the July 26, 2023 meeting report. Director Lewis seconded the motion. By unanimous consent, the motion passed.

4. Remarks of the Chair

None.

5. Members Comments (Items Not on Agenda)

A member commented on a United Mutual legal matter considering it a Civil Rights Violation and requesting that Harassment and Nuisance policies be reconsidered and added to future agenda items.

6. Response to Members Comments

The committee acknowledged the members comments.

7. Department Head Update

None.

8. Items for Discussion and Consideration

a. Disciplinary Violations Matrix

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

The committee directed staff to update the Disciplinary Violations Matrix with minor changes identifying when "pre-hearings" would be considered and bring back to the next meeting for review.

b. Vehicles, Traffic and Parking Rules – Rules for Parking, Washing

Chair Laws, presented the Vehicles, Traffic and Parking Rules for the committee to review for discussion. The Committee discussed the matter and asked questions.

A member commented the need to maintain the no car washing rule in Third.

A member commented the board may consider implementing a car washing coupon program.

Director Prince made a motion to amend the vehicle washing rule to allow vehicle washing on Wednesday and Sunday using a hose with nozzle. Director Lewis seconded the motion.

By a vote of 1-4-0 (Director Laws, Lewis, Bhada and Zalon voted No), the motion failed.

Mr. Jay Allen entered the meeting at 10:11 a.m.

c. Administrative Fee for Damage Reimbursements

Mr. Jay Allen, Damage Restoration Manger, presented the Administrative Fee for Damage Reimbursements Policy for discussion. The Committee discussed the matter and asked questions.

Chair Laws made a motion to revise the Administrative Fee for Damage Reimbursements to include a minimum of \$20 or 10% whichever is greater and apply to all cases. Director Prince seconded the motion.

By a vote of 4-1-0 (Director Zalon voted No), the motion passed.

Mr. Allen left the meeting at 10:39 a.m.

9. Items for Future Agendas

- a. Financial Qualifications to Own in the Village
- b. Nuisance Policy – Reporting Parties

10. Committee Member Comments

None.

11. Date of Next Meeting

Wednesday: September 27, 2023 at 9:30 a.m.

12. Adjournment

With no further business before the Committee, the meeting was adjourned at 10:54 a.m.



Mark W. Laws, Chair
Third Laguna Hills



STAFF REPORT

DATE: September 27, 2023
FOR: Resident Policy and Compliance Committee
SUBJECT: Disciplinary Violations Matrix

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.

On July 26, 2023, the Resident Policy and Compliance Committee discussed the matter and came to a consensus to give the Compliance Division discretion on addressing allegations within Third’s rules and regulations. Staff advised the matrix allows for the board and staff to be on the same page when addressing allegations. The Committee directed staff to review the matrix and provide feedback. The matter was tabled for the next month’s meeting.

On August 22, 2023, the Resident Policy and Compliance Committee discussed the matter and directed staff to include cases that would require a Pre-Hearing Staff Report for the Executive Members Committee. The matter was tabled for the next month’s meeting.

DISCUSSION

Per the Committee’s directive the proposed Disciplinary Violations Matrix was reviewed. (Attachment 1). Staff reviewed the Disciplinary Violations Matrix and indicated with XXX which allegations fall under a Pre-Hearing Staff Report to the Executive Members Hearing Committee.

FINANCIAL ANALYSIS

None.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Francis Rangel, Operations Manager

ATTACHMENT(S)

Attachment 1: Disciplinary Violations Matrix



Disciplinary Violations Matrix

Allegation	Schedule Hearing Immediately	Follow Normal Hearing Process
Abandoned Vehicle		X
Alterations - General Requirements		
Construction Hours		X
Debris		X
Expired Permit		X
Non-Compliance to Variance Request	X	
Damage to Mutual Property without Approval	X	
Use of Community Trash Bins		X
Alterations - Failure to Maintain		X
Animal Control		
Breeding Animals		X
Dog Barking		X
Injury to Person		XXX
Damage to Property		X
Not Picking Up and Disposing of Feces		X
Not Under Control (Off Leash / Leash Longer than 6 feet)		X
Caregiver Policy		X
Clutter Violations		X
Balcony		X
Breezeway		X
Carport		X
Common Area		X
Interior		X
Patio		X
Illegal Business		X
Landscape Violations		X
Manor Maintenance and Repair		
Major (Fire, Safety, Health Hazard)	X	
Minor (Broken Blinds, Visible Repair Needed, etc)		X
Non-Payment of Assessments		X
Non-Payment of Chargeable Services		X
Nuisance - Behavior / Disturbance		
Assault, Theft		XXX
Trespassing	X	
Yelling		XXX
Nuisance - Noise		X
Nuisance - Odors		X
Nuisance - Others		XXX
Nuisance - Visual		X
Non-Smoking Policy		X
Temporary Container Policy		X
Traffic Rules		X
Unauthorized Occupancy		X
Vehicle Oil		X

XXX - Executive Hearings Committee Prehearing Report

Agenda Item 8a



STAFF REPORT

DATE: September 27, 2023
FOR: Resident Policy and Compliance Committee
SUBJECT: Continued Reporting of Events after Issue Resolution

RECOMMENDATION

Receive and file.

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 (Attachment 1, Resolution 03-04-12). The Board of Directors is obligated to evaluate and impose if appropriate, member-discipline under its Bylaws and California Civil Code.

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.

Alleged violations are received from residents, staff and City of Laguna Woods Code Enforcement. On average, the Compliance Division handles 427 disciplinary cases a month. At present, 81% of disciplinary cases are resolved after the first disciplinary notice.

DISCUSSION

The Resident Policy and Compliance Committee requested review of the governing documents as it pertains to excessive reporting by an individual and how it is handled. The Nuisance Policy states: "...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..." The Harassment Policy states: "...California Law: California defines "harassment" as 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. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. (Code Civ. §527.6(b)(3).)..."

Although residents are encouraged to report alleged violations, it is very rare that an individual has abused this and excessively reported on a single violation. On this rare occasion, staff has sought direction from the Board. In each instance, the Board has reviewed the alleged violations and determined that the matter at hand is not a violation of the governing documents. As such, the Board has taken the following action: classified the matter as a neighbor to neighbor dispute; direct staff to cease responding to the specific allegation unless new information is received; and/or bring forth legal action. Furthermore, the receiving party that is being reported on can request that the Security Services Department cease contacting them if the alleged violation is not confirmed during the investigation.

FINANCIAL ANALYSIS

None

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Francis Gomez, Operations Manager

ATTACHMENT(S)

Attachment 1: Nuisance Policy

Attachment 2: Harassment Policy



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. 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.



Harassment Policy
Resolution 03-20-27, Adopted April 21, 2020

I. Purpose

The purpose of this Harassment Policy (“Policy”) is to set forth guidelines for harassment complaints received by Third Laguna Hills Mutual (“Third”) in accordance with the requirements of Third’s Governing Documents, defined below, and the law.

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; the 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. Harassment – see details under Conditions.
- e. Member – is defined as 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.
- f. Resident - is defined as 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 mutuels 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 Harassment

Below are various definitions and descriptions of harassment under both Federal and California law. While the Association is a private corporation and is not responsible for enforcing the law, these definitions act as guidelines for Third’s Board and Staff in determining whether alleged conduct rises to the level of harassment, and should thus be treated as a violation of Third’s Governing Documents pursuant to, without limitation, the restrictions against nuisances as set forth in the CC&Rs.

- **Federal Law:** Under federal law, "harassment" is defined to mean "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).)
- **California Law:** California defines "harassment" as 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. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. (Code Civ. §527.6(b)(3).)
- "Course of Conduct" is defined as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including, without limitation, following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or computer email. (Code Civ. §527.6(b)(1).)
- "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his/her/they/their safety, or the safety of his/her/they/their immediate family, and that serves no legitimate purpose. (Code Civ. §527.6(b)(2).)

Department of Housing and Urban Development (HUD) "Final Rule": Notwithstanding the foregoing and that fact that Third has no obligation to enforce the law, recent Federal regulations/guidelines enacted by the Department of Housing and Urban Development (HUD), do impose certain obligations on Third 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, such as Third, are considered housing providers, and as such 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 Third is required to investigate all reported claims of potential harassment of Members or Residents and, as appropriate, take all action permitted under the Governing Documents to address such harassing behavior. (24 CFR 100.600.)

Governing Documents: While Third's Governing Documents do not directly address "harassment", those actions which constitute harassment based on the above laws and guidelines would fall under the general prohibition against nuisances found in Article III, Section 6 of Third's CC&Rs, and, further, any acts of harassment that constitute a violation of law are expressly considered a nuisance in violation of the Governing Documents. According to Article III, Section 6, Members and Residents are not to permit or suffer anything to be done or kept in or about the dwelling unit or otherwise within Third's development which will increase the rate of insurance on any building or other property of Third or on the contents thereof, or which will obstruct or interfere with the rights of other Members or Residents or annoy them by unreasonable noises or otherwise. Members and Residents are also restricted from permitting any nuisance in or about the dwelling unit or otherwise within Third's development or committing or suffering any immoral or illegal act to be committed thereon. Members and Residents are obligated to comply with all of the requirements of governmental authorities with respect to the dwelling unit and all other premises of Third. (CC&Rs Article III, Section 6, Use Restrictions.)

IV. Harassment 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 reported harassment. Staff may also inform the reporting parties to call the Orange County Sheriff's Department if and when the behavior occurs.

Investigating Alleged Harassment: to determine whether or not harassment is taking place in violation of the Governing Documents, Staff evaluates the nature of the unwelcome conduct, the context in which the incidents occur, the severity, scope, frequency, duration, and location of the conduct, and the relationships of the people involved.

Any complaint received of harassment of a Staff member by any Member or Resident of Third will be investigated by the Board and Third's Legal Counsel. No harassing or inappropriate behavior toward Staff will be tolerated. Village Management Services may also perform its own investigation into such allegations and determine whether legal action against a Member or Resident is necessary to protect Staff and its interests. Third may coordinate its investigation with Village Management Services, and, in the Board's discretion, may review and adopt the evidence and findings of any investigation by Village Management Services as its own and take appropriate enforcement action based upon same.

In the event that the alleged harassment involves acts or behavior by a Staff member against a Member or Resident, a complaint may be made directly to the

Third's Executive Committee by phone to 1-877-888-0002. Third will report such conduct directly to Village Management Services to conduct an internal investigation into the conduct in question by the Staff member who is a Village Management Services employee, and to take appropriate action with regard to said employee. Staff members are employees of Village Management Services, which is the managing agent for Third, and are not employees of Third over which Third has direct authority or control. Notwithstanding the foregoing, Third and its Board may address and discuss any complaints regarding Staff members and the handling of same with Village Management Services, as may be appropriate, in the Board's discretion.

Except as otherwise indicated above, reports of harassment will be evaluated by Staff (except in the event Staff is involved in such complaint) and Third's Legal Counsel to ensure that the Board complies with its obligations under the Governing Documents and as required by law, including, without limitation the HUD guidelines on harassment. The Board will address the harassment to the extent such acts constitute a violation of Third's Governing Documents and to the extent required by law.

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 after a duly noticed disciplinary hearing in accordance with the requirements of statute and Third's Governing Documents.

If a Member or Resident, or a guest of either, is found to have engaged in acts constituting harassment in violation of the law and/or constituting a nuisance or otherwise in violation of the Governing Documents, 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.

If a non-owner Resident is found to have engaged in behavior constituting harassment, Third may, in addition to any disciplinary action taken against the responsible Member, exercise such rights and remedies directly against such Resident as authorized by the Governing Documents and law, which include, without limitation, legal action for a protective order against such Resident to

protect the interests of the Association and Staff. If such Resident is subject to a lease with Lease Authorization from Third, Third may also revoke the Lease Authorization and approval for occupancy of such person in Third, and seek removal of such Resident through an unlawful detainer action, in accordance with Third's Lease Policy.

Notwithstanding the foregoing, and regardless of whether disciplinary action is taken, any Member of Third or resident of the Community who serves in any capacity as an officer of Third, a committee member, or otherwise as an advisor to Third or Staff may be removed by the Board from such position and have any appurtenant privileges revoked. Any person holding such officer, committee, or advisor position serves at the pleasure of the Board, and may be removed by the Board in its discretion if the Board believe it is in the best interests of the Third to do so, even if it is ultimately determined upon investigation that no harassment took place (see Bylaws, Sections 7.1 and 9.3).



STAFF REPORT

DATE: September 27, 2023
FOR: Resident Policy & Compliance Committee
SUBJECT: Barbecue Grill Rules & Regulations

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.

On July 26, 2023, the Committee discussed the changes to the policy and voted to rescind the Barbecue Rules and Regulations.

On September 19, 2023, the Board of Directors voted to rescind the Barbecue Rules and Regulations. The Board requested the Resident Policy and Compliance Committee consider creating new Barbecue Rules and Regulations specific to multi story buildings.

DISCUSSION

The Chair requested to discuss the outline for the new Barbecue Rules and Regulations.

FINANCIAL ANALYSIS

None

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Francis Gomez, Operations Manager

ATTACHMENT(S)

Attachment 1: Orange County Fire Authority Barbecue Flyers



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 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

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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

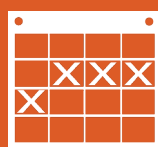
- Check the gas tank hose for leaks before grilling.
- If your grill has a gas leak, get the grill serviced by a professional before using it again. If a leak occurs while grilling, call the fire department.
- If the flame goes out, turn the grill and gas off and wait at least 5 minutes before re-lighting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