



**OPEN SESSION**

**REGULAR OPEN MEETING OF THE THIRD LAGUNA HILLS MUTUAL BOARD OF DIRECTORS A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION**

**Tuesday, April 21, 2020 - 9:30 a.m.  
Laguna Woods Village Virtual Meeting  
24351 El Toro Road  
Laguna Woods, California**

**NOTICE OF MEETING AND AGENDA**

- 1. Call meeting to order / Establish Quorum – President Parsons**
- 2. Pledge of Allegiance**
- 3. Acknowledge Media**
- 4. Approval of Agenda**
- 5. Approval of Minutes**
  - a. February 18, 2020 – Regular Open Meeting
- 6. Report of the Chair**
- 7. Open Forum (Three Minutes per Speaker) - *At this time Members only may address the Board of Directors regarding items not on the agenda and within the jurisdiction of this Board of Directors. The Board reserves the right to limit the total amount of time allotted for the Open Forum. Member should call (949) 268-2020 or email [meeting@vmsinc.org](mailto:meeting@vmsinc.org) to request to speak***
- 8. Responses to Open Forum Speakers**
- 9. CEO/COO Report**
- 10. Consent Calendar - *All matters listed under the Consent Calendar are recommended for action by committees and will be enacted by the Board by one motion. In the event that an item is removed from the Consent Calendar by members of the Board, such item(s) shall be the subject of further discussion and action by the Board.***

Please silence your cell phones.

a. **Architectural Control and Standards Committee Recommendations:**

- (1) Recommendation to Approve: 3288-B (El Doble, SB703A, P46) – Request to Replace Existing 5' Gate/Fence with 7' Gate/Fence

b. **Landscape Committee Recommendations:**

- (1) Recommend to Approve Tree Removal Request: 2272-B Via Mariposa East (Baskin) – One Star Pine tree as it meets guidelines established in Resolution 03-11-149
- (2) Recommend to Approve Tree Removal Request: 3166-A Alta Vista (Katz) – One Indian Laurel Fig as it meets guidelines established in Resolution 03-11-149

c. **Finance Committee Recommendations:**

- (1) Ratify a Decision to Award a Contract to Association Reserves, Inc. for the 2021 Reserve Study Update
- (2) Approval of Resolution to Record Lien against Member ID#931-350-34
- (3) Approval of Resolution to Record Lien against Member ID#932-210-23
- (4) Approval of Resolution to Record Lien against Member ID#932-310-40

- d. Consistent with its statutory obligations the Board members individually reviewed Third Laguna Hills Mutual preliminary financials for the month of February 2020, and by this vote ratify that such review be confirmed in this month's Board Member Open Session Meeting minutes per Civil Code §5501.

- e. Termination of Third Laguna Hills Mutual Participation on Village Energy Task Force and Replacement with Energy Research Group

- f. Resolution to Revise the Third/GRF Committee Assignments

**11. Unfinished Business**

- a. Entertain a Motion to Adopt a Resolution for a Lease Cap and Lease Waiting List Policy (**FEBRUARY Initial Notification – 28-day notification for member review and comment to comply with Civil Code §4360 has been satisfied**)
- b. Entertain a Motion to Adopt a Resolution for a Harassment Policy (**FEBRUARY Initial Notification – 28-day notification for member review and comment to comply with Civil Code §4360 has been satisfied**)
- c. Entertain a Motion to Adopt a Resolution for a Nuisance Policy (**FEBRUARY Initial Notification – 28-day notification for member review and comment to comply with Civil Code §4360 has been satisfied**)
- d. Entertain a Motion to Adopt a Resolution for a Good Standing Policy (**FEBRUARY Initial Notification – 28-day notification for member review and comment to comply with Civil Code §4360 has been satisfied**)

- e. Entertain a Motion to Adopt a Resolution for Election Rules (**FEBRUARY Initial Notification – Must postpone 28-days for member review and comment to comply with Civil Code §4360**)

## **12. New Business**

- a. Entertain a Motion to Accept the 2019 Audit Report
- b. **Landscape Committee Recommendation**  
Entertain a Motion to Deny Tree Removal Request: 5381-A Avenida Sosiega (Williams) – One American Sweet Gum tree - as it does not meet the guidelines established in Resolution 03-11-149

## **13. Committee Reports**

- a. Report of the Finance Committee / Financial Report – Director Pearlstone. The Committee met on April 7, 2020; next meeting May 5, 2020, at 1:30 p.m. in the Board Room
  - (1) Treasurer's Report
  - (2) Third Finance Committee Report
  - (3) Resales/Leasing Reports
- b. Report of the Architectural Controls and Standards Committee – Director Parsons. The Committee met on February 24, 2020; next meeting TBA.
- c. Report of the Communications Committee – Director McCary. The Committee met on October 9, 2019; next meeting TBA.
- d. Report of the Maintenance and Construction Committee – Directors Bhada and Mutchnick. The Committee met on March 2, 2020; next meeting July 6, 2020, at 1:30 p.m. in the Board Room.
  - (1) Report of the Parking and Golf Cart Task Force – President Parsons. The Task Force met on January 6, 2019; next meeting TBA.
  - (2) Garden Villa Rec. Room Sub-Committee – Director Jarrett. The Committee met February 10, 2020; next meeting June 10, 2020.
- e. Report of the Landscape Committee – Director Jarrett. The Committee met on March 5, 2020; next meeting May 7, 2020, at 9:30 a.m. in the Board Room.
- f. Report of the Water Subcommittee – Director Karimi. The subcommittee met on October 9, 2019; next meeting TBA.
- g. Report of the Resident Policy and Compliance Committee – Director Jarrett. The Task Force met on January 15, 2020; next meeting TBA

- h. Energy Research Group – Director Frankel. The next meeting is TBA.

**14. GRF Committee Highlights**

- a. Community Activities Committee – Director McCary. The Committee met on March 12, 2020; next meeting May 14, 2020, at 1:30 p.m. in the Board Room.
- b. GRF Finance Committee – Director Pearlstone. The Committee met on February 19, 2019; next meeting April 22, 2020, at 1:30 p.m. as a virtual meeting.
- c. GRF Landscape Committee – Director Jarrett. The Committee met on February 12, 2019; next meeting May 13, 2020, at 1:30p.m. in the Board Room.
- d. GRF Maintenance & Construction Committee – Director Bhada – The Committee met in closed session on April 8, 2020; next meeting June 10, 2020, at 9:30 a.m. in the Board Room
  - (1) PAC Renovation Ad Hoc Committee – Director Pearlstone. The Committee met on December 12, 2019.
- e. Media and Communications Committee – Director McCary. The Committee met on April 20, 2020 as a virtual meeting; next meeting May 18, 2020, at 9:30 a.m. in the Board Room
- f. Mobility and Vehicles Committee – Director Frankel – The Committee met on February 5, 2020; next meeting June 3, 2020, at 1:30 p.m. in the Board Room
- g. Security and Community Access Committee – Director Mutchnick. The Committee met on February 24, 2020; next meeting TBA.
  - (1) Disaster Preparedness Task Force – Director Engdahl. The Task Force met on January 28, 2020; next meeting May 26, 2020, 9:30 a.m. in the Board Room
- h. Report of the Laguna Woods Village Traffic Hearings – Director Mutchnick. Next meeting TBA.

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

- a. Parking Report
- b. Alternative Heat Source Policy (August initial notification—September postponed)

- c. Resident Suggestion Program
- d. Businesses Owning Property within Laguna Woods Village
- e. Resolution to Designate a Building as Non-Smoking (FEBRUARY referred back to Committee for revisions)
- f. Alterations Review
- g. Orange County Mosquito and Vector Control District Presentation

**16. Director's Comments**

- 17. Recess** - *At this time the Meeting will recess for lunch and reconvene to Executive Session to discuss the following matters per California Civil Code §4935.*

**Closed Session Agenda**

*Approval of Agenda*

*Approval of the Following Meeting Minutes;*

- (a) February 4, 2020—Special Closed Session*
- (b) February 7, 2020—Special Closed Session*
- (c) February 18, 2020—Regular Closed Session*
- (d) March 3, 2020—Special Closed Session*
- (e) March 5, 2020—Special Closed Session*
- (f) March 6, 2020—Special Closed Session*

*Discuss and Consider Member Matters*

*Discuss Personnel Matters*

*Discuss and Consider Contractual Matters*

*Discuss and Consider Litigation Matters*

**19. Adjourn**

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**MINUTES OF THE REGULAR OPEN MEETING OF THE THIRD LAGUNA HILLS  
MUTUAL BOARD OF DIRECTORS, A CALIFORNIA NON-PROFIT MUTUAL  
BENEFIT CORPORATION**

**Tuesday, February 18, 2020 - 9:30 a.m.  
Laguna Woods Village Community Center Board Room 24351 El Toro Road,  
Laguna Woods, California**

Directors Present: Steve Parsons, Annie McCary, Lynn Jarrett, Jon Pearlstone, John Frankel, Reza Karimi, Robert Mutchnick, Craig Wayne, and Doug Gibson

Directors Absent: Cush Bhada and Ralph Engdahl

Staff Present: Jeff Parker CEO, Siobhan Foster, Eileen Paulin, and Grant Schultz

Others Present: VMS Board: Wei-Ming Tao  
GRF Board: Annette Sabol Soule

**1. Call meeting to order / Establish Quorum**

Steve Parsons, President of the Corporation, chaired and opened the meeting stating it was a Regular Meeting held pursuant to notice duly given. A quorum was established, and the meeting was called to order at 9:30 a.m.

**2. Pledge of Allegiance**

President Parsons led the Membership in the Pledge of Allegiance.

**3. Acknowledge Media**

President Parsons acknowledged the presence of the media.

**4. Approval of Agenda**

Director Mutchnick made a motion to approve the agenda as presented. Director Karimi seconded the motion.

Director Frankel requested to remove Agenda Item 12c. Nuisance Policy. The motion failed for lack of a second.

President Parsons called for the vote on the agenda as presented and the motion passed unanimously.

## **5. Approval of Minutes**

### **a. January 21, 2020—Regular Open Meeting Minutes**

Director Mutchnick made a motion to approve the January 21, 2020, Regular Open Meeting minutes as presented. Director Jarrett seconded the motion.

President Parsons called for the vote, and the motion passed unanimously.

## **6. Report of the Chair**

President Parsons asked residents to watch Village Television where he recently talked about the manor alteration moratorium and aggressive animal behavior attacks.

## **7. Open Forum**

Several Members spoke about various issues:

- A Resident commented on an issue with washing machines that leak;
- A Member asked about the tree removal of a silk oak tree near his manor to create more parking and asked if the tree removal could be rescinded;
- A Member commented about an old resolution that has not been corrected.

## **8. Responses to Open Forum Speakers**

Board Members responded to the Members' concerns and requests.

- Director Jarrett responded about the washing machine issue. There are 86 washing machines that will not be replaced. The Board will have staff look into the leaky washing machine;
- Director Pearlstone responded about any possible corrections that need to be made with the minutes pertaining to resolutions.
- CEO Parker responded about the scrivener errors in the minutes and resolutions;
- COO Foster will look into the tree removal issue.

## **9. CEO Report**

Jeff Parker, CEO, and Siobhan Foster, COO, reported on the following subjects:

- Announced that, after several interviews, the new Chief of Security will be Carlos Rojas replacing Tim Moy who is retiring;
- Village Breeze Magazine is ready to be sent out to every resident by the end of the month;
- Eileen Paulin commented about the advertising in the Village Breeze Magazine and answered questions from the Board;
- Wei-Ming Tao commented that the VMS Board is contributing articles to the magazine;
- Primary election new voting procedures: Mail-in ballots should have been



received by every resident by now. One of the voting centers will be located at City Hall. Check OC Vote.com for a list of voting centers;

- 2020 Census will be happening soon and information about how to respond is available on our website. You can respond online or by mail.
- Effective Saturday, February 15, the Community Fitness Center will be open Monday through Friday 5:30 a.m. to 8 p.m. and Saturday and Sunday from 7 a.m. to 2 p.m.
- General Services will start carport cleaning soon. The schedule is available on the website.
- On Wednesday, February 12, at 10 a.m. in the Clubhouse 1 Main Lounge, VMS CEO Jeff Parker will meet with residents to discuss Village operations and current community topics.

## **10. Consent Calendar**

### **10a. Architectural Control and Standards Committee Recommendations:**

- (1) Recommend to Approve: 5575-A (Casa Siena, RC11) – Request to Construct a Room Extension on their Original Exclusive Use Common Area Courtyard

#### **RESOLUTION 03-20-09** **VARIANCE REQUEST**

**WHEREAS**, Mr. and Mrs. KC and Sue Hung of 5575-A Luz del Sol, a Casa Siena style unit, is requesting Board approval of a variance to construct a room extension on their original exclusive use common area courtyard,

**WHEREAS**, a Neighborhood Awareness Notice was sent to Owners of affected units on January 16, 2020 notifying them that an application to make an alteration to a neighboring unit had been made and that comments or objections could be made in writing to the Architectural Controls and Standards Committee or in person at the Architectural Controls and Standards Committee Meeting on January 27, 2020.

**NOW THEREFORE BE IT RESOLVED**, on February 18, 2020, the Board of Directors hereby approves the request to construct a room extension on their original exclusive use common area courtyard;

**RESOLVED FURTHER**, all costs for maintenance, repair, renovation, replacement or removal of the improvement, present and future, are the responsibility of the Property's Member Owner at 5575-A and all future Mutual members at 5575-A;

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

**10b. Landscape Committee Recommendations:**

- (1) Recommend to Approve Tree Removal Request: 3330-O Bahia Blanca E. (Levier) – Two Weeping Fig Trees

**RESOLUTION 03-20-10**  
**APPROVE THE REQUEST FOR REMOVAL OF**  
**OF TWO WEEPING FIG TREES – 3330-O BAHIA BLANCA EAST**

**WHEREAS,** September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.
- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS,** on February 6, 2020, the Landscape Committee reviewed a request for removal of two Weeping Fig trees. The request was received from the Member at 3330-O who cited the reasons as structural damage, view obstruction, overgrown, and litter/debris;

**WHEREAS,** the Committee determined that the tree meets the guidelines established in Resolution 03-11-149 and recommends approving the request for the removal of two Weeping Fig trees located at 3330-O Bahia Blanca East.

**NOW THEREFORE BE IT RESOLVED,** February 18, 2020, the Board of Directors approves the request for the removal of two Weeping Fig trees located at 3330-O;

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

- (2) Recommend to Approve Tree Removal Request: 3371-1D Punta Alta (Lemmon) – One Cajuput Tree

**RESOLUTION 03-20-11**  
**APPROVE THE REQUEST FOR REMOVAL OF**  
**ONE CAJEPUT TREE – 3371-1D PUNTA ALTA**

**WHEREAS**, September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.
- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS**, on February 6, 2020, the Landscape Committee reviewed a request for removal of one Cajuput tree. The request was received from the Member at 3371-1D who cited the reasons as structural damage and poor condition. Ms. Lemmon also states a limb had previously fallen and nearly struck her and;

**WHEREAS**, the Committee determined that the tree meets the guidelines established in Resolution 03-11-149 and recommends approving the request for the removal of one Cajuput tree located at 3371-1D Punta Alta.

**NOW THEREFORE BE IT RESOLVED**, February 18, 2020, the Board of Directors approves the request for the removal of one Cajuput tree located at 3371-1D;

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

- (3) Recommend to Approve Tree Removal Request: 5277 (Woodruff) – Two Weeping Fig Trees

**RESOLUTION 03-20-12**  
**APPROVE THE REQUEST FOR REMOVAL OF**  
**TWO WEeping FIG TREES – 5277 PINA**

**WHEREAS**, September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.
- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS**, on February 6, 2020, the Landscape Committee reviewed a request for removal of two Weeping Fig trees. The request was received from the Member at 5277 who cited the reason as structural damage and;

**WHEREAS**, the Committee determined that the tree meets the guidelines established in Resolution 03-11-149 and recommends approving the request for the removal of two Weeping Fig trees located at 5277 Pina.

**NOW THEREFORE BE IT RESOLVED**, February 18, 2020, the Board of Directors approves the request for the removal of two Weeping Fig trees located at 5277;

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

- (4) Recommend to Approve Tree Removal Request: 5343-A Bahia Blanca (Irving/Miller)

**RESOLUTION 03-20-13**  
**APPROVE THE REQUEST FOR LANDSCAPE REVISION**  
**5343-A BAHIA BLANCA**

**WHEREAS**, on February 6, 2020, the Landscape Committee reviewed a request for installing artificial turf adjacent to Manor 5343-A and;

**WHEREAS**, the Committee determined that since the existing turf, which is approximately 100 square feet and encompasses the Common Area adjacent to their front door, does not grow due to lack of direct sunlight, they recommend approving the request at 5343-A Bahia Blanca and;

**WHEREAS**, the following conditions must be met:

1. All costs for design, construction, and maintenance of the improvement are the responsibility of the Property's Member Owner at 5343-A.
2. The requesting Members understand that the area will remain Common Area subject to the use and passage of all members of Third Mutual.

**NOW THEREFORE BE IT RESOLVED**, February 18, 2020, the Board of Directors approves the request for installing artificial turf adjacent to Manor 5343-A;

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

- (5) Recommend to Approve Tree Removal Request: 5381-A Avenida Sosiega (Williams) – One Sycamore Tree

**RESOLUTION 03-20-14**  
**APPROVE THE REQUEST FOR REMOVAL OF**  
**ONE SYCAMORE TREE – 5381-A AVENIDA SOSIEGA**

**WHEREAS**, September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.
- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS**, on February 6, 2020, the Landscape Committee reviewed a request for removal of one Sycamore tree. The request was received from the Member at

5381-A who cited the reasons as litter/debris and leaves constantly clogging the drains and gutters and;

**WHEREAS**, the Committee determined that the tree meets the guidelines established in Resolution 03-11-149 and recommends approving the request for the removal of one Sycamore tree located at 5381-A Avenida Sosiega.

**NOW THEREFORE BE IT RESOLVED**, February 18, 2020, the Board of Directors approves the request for the removal of one Sycamore tree located at 5381-A;

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

**10c. Finance Committee Recommendations:**

Consistent with its statutory obligations the Board members individually reviewed Third Laguna Hills Mutual financials for the month of December 2019, and by this vote ratify that such review be confirmed in this month's Board Member Open Session Meeting minutes per Civil Code §5501.

**10d. Revisions to the Resolution of Third/GRF Committee Assignments**

**RESOLUTION 03-20-15**  
**Third Mutual Committee Appointments**

**RESOLVED**, February 18, 2020, that the following persons are hereby appointed to serve on the committees and services of this Corporation;

**RESOLVED FURTHER**, that each committee chair in consultation with the vice chair may appoint additional members and advisors with interim approval by the President subject to the approval of the Board of Directors:

**Architectural Standards and Control Committee**

Steve Parsons, Chair

John Frankel

Lynn Jarrett

Ralph Engdahl

Robert Mutchnick

Craig Wayne, Alternate

~~Annie McCary, Alternate~~

Voting Advisors: Mike Butler and Mike Plean

Staff Advisor: Siobhan Foster

**Communications Committee**

Annie McCary, Chair  
Lynn Jarrett  
Reza Karimi  
Doug Gibson  
Steve Parsons, Alternate  
Robert Mutchnick  
Craig Wayne

**Executive Hearing Committee**

Annie McCary, Chair  
Ralph Engdahl, Co-Chair  
Robert Mutchnick  
Doug Gibson  
Steve Parsons, Alternate  
John Frankel, Alternate  
Cush Bhada  
Craig Wayne  
Reza Karimi

**Finance (Committee of the Whole)**

Jon Pearlstone, Chair  
Steve Parsons, Co-Chair  
Craig Wayne  
Non-Voting Advisors: John Hess, Wei-Ming Tao

**Investment Task Force**

Jon Pearlstone  
Wei-Ming Tao  
Craig Wayne, Alternate

**Garden Villa Recreation Room Subcommittee (Quarterly)**

Lynn Jarrett, Chair  
Jon Pearlstone  
Doug Gibson  
Craig Wayne, Alternate  
Cush Bhada  
Voting Advisors: Sharon Molineri, Stuart Hack, Randy Scott

**Landscape Committee**

Lynn Jarrett, Chair  
Jon Pearlstone, Co-Chair  
Cush Bhada  
Reza Karimi  
Annie McCary

Ralph Engdahl, Alternate  
~~John Frankel, Alternate~~  
Advisors: Cindy Baker

**Maintenance and Construction Committee**

Cush Bhada, Chair  
Steve Parsons, Co-Chair  
John Frankel  
Jon Pearlstone  
Craig Wayne  
Reza Karimi, Alternate  
Ralph Engdahl, Alternate

**New Resident Orientation**

Per Rotation List

**Water Conservation Committee (Quarterly)**

Reza Karimi, Chair  
Lynn Jarrett  
Robert Mutchnick  
John Frankel  
Ralph Engdahl  
Doug Gibson, Alternate  
~~Cush Bhada~~  
~~Craig Wayne~~  
Advisor: Katheryn Freshley

**Parking & Golf Cart Task Force**

Steve Parsons, Chair  
Lynn Jarrett  
John Frankel  
Ralph Engdahl  
Craig Wayne, Alternate  
Advisors: Hal Horne

**Resident Policy and Compliance Task Force**

Lynn Jarrett, Chair  
Reza Karimi, Co-Chair  
Steve Parsons  
Robert Mutchnick  
Ralph Engdahl  
Cush Bhada, Alternate  
Voting Advisors: Stuart Hack



**Energy Task Force**

Cush Bhada  
John Frankel  
Ralph Engdahl  
Reza Karimi, Alternate  
Craig Wayne  
Advisors: Sue Stephens, Bill Walsh

**RESOLVED FURTHER**, that Resolution 03-19-129, adopted December 17, 2019, is hereby superseded and canceled; and,

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

**RESOLUTION 03-20-16**  
**GRF Committee Appointments**

**RESOLVED**, February 18, 2020, that in compliance with Article 7, Section 7.3 of the Golden Rain Foundation Bylaws, the following persons are hereby appointed to serve on the committees of the Golden Rain Foundation:

**Business Planning Committee**

Steve Parsons  
Jon Pearlstone  
Lynn Jarrett, Alternate

**Community Activities Committee**

Annie McCary  
Cush Bhada  
Jon Pearlstone, Alternate  
Doug Gibson, Alternate  
Craig Wayne

**GRF Finance Committee**

Jon Pearlstone  
Steve Parsons  
Robert Mutchnick, Alternate  
Reza Karimi, Alternate

**Purchasing Ad Hoc Committee (new)**

Steve Parsons  
Jon Pearlstone  
Cush Bhada, Alternate  
~~Robert Mutchnick, Alternate~~

**GRF Landscape Committee**

Lynn Jarrett  
Reza Karimi  
Ralph Engdahl, Alternate

**GRF Maintenance and Construction Committee**

Cush Bhada  
John Frankel  
Jon Pearlstone, Alternate  
Doug Gibson, Alternate  
~~Craig Wayne, Alternate~~  
~~Robert Mutchnick, Alternate~~

**PAC Task Force**

Jon Pearlstone  
Cush Bhada  
John Frankel, Alternate  
~~Steve Parsons, Alternate~~

**Media and Communication Committee**

Annie McCary  
Lynn Jarrett  
Craig Wayne, Alternate  
Doug Gibson, Alternate

**Mobility and Vehicles Committee**

Craig Wayne  
John Frankel  
Cush Bhada, Alternate  
~~Jon Pearlstone, Alternate~~

**Security and Community Access Committee**

Robert Mutchnick  
Ralph Engdahl  
Reza Karimi, Alternate  
~~Steve Parsons, Alternate~~

**Disaster Preparedness**

Annie McCary  
John Frankel  
Ralph Engdahl  
Doug Gibson, Alternate  
Craig Wayne, Alternate

**Laguna Woods Village Traffic Hearings**

Robert Mutchnick  
John Frankel  
Ralph Engdahl, Alternate  
Craig Wayne  
Annie McCary, Alternate

**RESOLVED FURTHER**, that Resolution 03-19-130, adopted December 15, 2019, is hereby superseded and canceled; and

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

Director Frankel made a motion to approve the consent calendar as presented. Director Karimi seconded the motion and the motion passed unanimously.

**11. Unfinished Business--none**

**12. New Business**

**12a. Architectural Control and Standards Committee Recommendation**

Entertain a Motion to Deny the Request: 5123 (Villa Reposa, C11A\_1) Request for a Non-Standard Solar Panel Installation

Director Jarrett presented a summary of the following Resolution:

**RESOLUTION 03-20-17**  
**VARIANCE REQUEST**

**WHEREAS**, Ms. Patricia Poggi of 5123 Brazo, a Villa Reposa style unit, is requesting Board approval of a variance for non-standard solar panel installation; and,

**WHEREAS**, a Neighborhood Awareness Notice was sent to Owners of affected units on January 16, 2020 notifying them that an application to make an alteration to a neighboring unit had been made and that comments or objections could be made

in writing to the Architectural Controls and Standards Committee or in person at the Architectural Controls and Standards Committee Meeting on January 27, 2020.

**NOW THEREFORE BE IT RESOLVED**, on February 18, 2020, the Board of Directors hereby denies the request for non-standard solar panel installation;

**RESOLVED FURTHER**, all costs for maintenance, repair, renovation, replacement or removal of the improvement, present and future, are the responsibility of the Property's Member Owner at 5123 and all future Mutual members at 5123;

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

Director Jarrett made a motion deny the request for a non-standard solar panel installation (5123 Villa Reposa). Director Mutchnick seconded the motion.

Discussion ensued among the Directors.

President Parsons called for the vote, and the motion passed unanimously.

**12b. Landscape Committee Recommendation**

Entertain a Motion to Deny Tree Removal Request: 5377-A Avenida Sosiega (Wang) – One Fern Pine Tree

Director Jarrett presented a summary of the following Resolution:

**RESOLUTION 03-20-18  
DENY THE REQUEST FOR REMOVAL OF  
ONE FERN PINE TREE – 5377-A AVENIDA SOSIEGA**

**WHEREAS**, September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.

- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS**, on February 6, 2020, the Landscape Committee reviewed a request for removal of one Fern Pine tree. The request was received from the Member at 5377-A who cited the reasons as structural damage, stating that the tree is lifting the cement patio and;

**WHEREAS**, the Committee determined that the tree does not meet the guidelines established in Resolution 03-11-149 and recommends to deny the request for the removal of one Fern Pine tree located at 5377-A Avenida Sosiega.

**NOW THEREFORE BE IT RESOLVED**, February 18, 2020, the Board of Directors denies the request for the removal of one Fern Pine tree located at 5377-A;

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

Director Jarrett made a motion deny the request for tree removal of one Fern Pine Tree (5377-A Avenida Sosiega-Wang). Director McCary seconded the motion.

Discussion ensued among the Directors.

President Parsons called for the vote, and the motion passed unanimously.

**12c. Entertain a Motion to Introduce a Resolution for a Lease Cap and Lease Waiting List Policy**

Director Jarrett presented a summary of the following Resolution:

**RESOLUTION 03-20-XX**  
**LEASING CAP AND LEASE WAITING LIST POLICY**

**WHEREAS**, the Board of Directors (the "Board") of Third Laguna Hills Mutual ("Third") held a meeting on [DATE], 2020, at which a quorum of the Board was present;

**WHEREAS**, the Board is obligated to enforce the provisions set forth in Third's governing documents, including without limitation, the Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, and Operating Rules (collectively, the "Governing Documents"); and

**WHEREAS**, on October 21, 2008, the Board adopted Resolution M3-08-106, which required that a minimum of seventy percent (70%) of the

manors in Third be owner occupied at all times and that a maximum of thirty percent (30%) of the manors may be leased at any given time (the "Leasing Cap"), effective as of December 1, 2008;

**WHEREAS**, since the time the Leasing Cap was implemented by the Board and became effective as an operating rule of Third, the number of manors leased has remained below the Leasing Cap, however the number of leased manors has steadily risen and will soon reach the Leasing Cap;

**WHEREAS**, while the Leasing Cap has been in effect since December 2008, specific procedures relating to the monitoring of the Leasing Cap, the implementation of a waiting list for leasing, and the process for leasing a manor once the Leasing Cap has been met have not been adopted by Third;

**WHEREAS**, given the approach of the number of leased manors to the Leasing Cap, the Board has determined that it would be in the best interests of Third to adopt procedures regarding leasing once the Leasing Cap has been met to be added to Third's Operating Rules;

**NOW, THEREFORE BE IT RESOLVED**, [DATE], 2020 that the Board of Third hereby approves and adopts the below Leasing Cap and Lease Waiting List Policy, which provides Third's policy and procedures with regard to the leasing of manors once the Leasing Cap has been met, and incorporates same into the Third's Operating Rules as a part of Third's Governing Documents; and

**RESOLVED FURTHER**; that the officers and agents of Third are hereby authorized on behalf of Third to carry out this Resolution.

**FEBRUARY Initial Notification – Must postpone 28-days for member review and comment to comply with Civil Code §4360**

Director Mutchnick made a motion introduce a resolution for a lease cap and lease waiting list policy for 28-day review. President Parsons seconded the motion.

Discussion ensued among the Directors.

A Member spoke against this resolution because it does not allow for hardship exceptions.

By consensus, the lease cap and lease waiting list policy was introduced for 28-day review.

**12d. Entertain a Motion to Introduce a Resolution for a Harassment Policy**

Director Jarrett presented a summary of the following Resolution:

**RESOLUTION 03-20-xx**  
**HARASSMENT POLICY**

**WHEREAS**, the Resident Policy and Compliance Committee has recognized the need to adopt a Harassment Policy to set forth guidelines for harassment complaints received by the Board;

**NOW THEREFORE BE IT RESOLVED**, [DATE], 2020, that the Board of Directors of this Corporation hereby adopts the Harassment Policy, as attached to the official minutes of this meeting; and

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

**FEBRUARY Initial Notification – Must postpone 28-days for member review and comment to comply with Civil Code §4360**

Director Jarrett introduced a resolution for a harassment policy for 28-day review.

Discussion ensued among the Directors.

A Member asked about the policy of staff harassing residents.

By consensus, the resolution for a harassment policy was introduced for 28-day review.

**12e. Entertain a Motion to Introduce a Resolution for a Nuisance Policy**

Director Jarrett presented a summary of the following Resolution:

**RESOLUTION 03-20-xx**  
**NUISANCE POLICY**

**WHEREAS**, the Resident Policy and Compliance Committee has recognized the need to adopt a Nuisance Policy to set forth guidelines for nuisance complaints received by the Board;

**NOW THEREFORE BE IT RESOLVED**, March [DATE], 2020, that the Board of Directors of this Corporation hereby adopts the Nuisance Policy, as attached to the official minutes of this meeting; and

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

**FEBRUARY Initial Notification – Must postpone 28-days for member review and comment to comply with Civil Code §4360**

Director Jarrett introduced a resolution for a nuisance policy for 28-day review.

Discussion ensued among the Directors.

By consensus, the nuisance policy was introduced for 28-day review.

**12f. Entertain a Motion to Introduce a Resolution for a Good Standing Policy**

Director Jarrett presented a summary of the following Resolution:

**RESOLUTION 03-20-XX**  
**GOOD STANDING POLICY**

**WHEREAS**, the Board of Directors (the “Board”) of Third Laguna Hills Mutual (“Mutual”) held a meeting on February 18, 2020, at which a quorum of the Board was present;

**WHEREAS**, the Board is obligated to enforce the provisions set forth in the Mutual’s governing documents, including without limitation, the Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, and Operating Rules (collectively, the “Governing Documents”); and

**WHEREAS**, the Board must comply with SB 323 pertaining to common interest developments elections that goes into effect on January 1, 2020; and

**WHEREAS**, Mutual members/owners, or the units they own, as may be applicable, that have engaged in or are actively and currently in violation of the Governing Documents may be subject to certain disciplinary action and/or limitation in their rights and privileges, including, without limitation, in the use of the common area amenities, limits on the authority to rent his/her manor and/or refusal to approve architectural requests as described in the Governing Documents; and

**WHEREAS**, a member more than 30 days delinquent on the payment of any sums due to the mutual including assessments, late fees or cost of collection relating to the same, chargeable service or other required fee, or



fine imposed by the mutual in excess of \$100 as of the date of the distribution of ballots for voting on any matter involved in a Non-Subject Election shall be ineligible to vote in such an election and may be subject to collection, legal action or other disciplinary action. This member will also not be eligible to be a candidate for election to the Board of Directors or to serve as a director on the Board of Directors; and

**WHEREAS**, any currently serving Board Member who becomes ineligible to serve pursuant to this Policy, other Governing Documents, or applicable statute may be removed by the remainder of the Board from such director position; and

**WHEREAS**, the term *good standing* has been used colloquially by the Mutual and the Board in reference to Mutual members who are not in violation of the Governing Documents, and the lack of *good standing* to denote that such members have committed a violation or are currently in violation of the Governing Documents and thus limited in their membership privileges; and

**WHEREAS**, despite the general use of the term *good standing*, and references made to same in various rules, policies, and elsewhere in the Governing Documents, there is no formal, comprehensive definition of *good standing* or accompanying description of the consequences of a lack of good standing by a Mutual member; and

**WHEREAS**, the Board has determined that it would be in the best interests of the Mutual to adopt a formal definition of the term *good standing* to be added to the Mutual's Operating Rules, which will provide clear guidance on the term and the implications for Mutual Members identified as not being in *good standing*;

**NOW, THEREFORE BE IT RESOLVED**, [DATE], 2020, that the Board of the Mutual hereby approves and adopts the below Good Standing Policy, which provides the definition of *good standing* and the implications of a lack of same, and incorporates such definition into the Mutual's Operating Rules as a part of the Mutual's Governing Documents; and

**RESOLVED FURTHER**; that the officers and agents of the Mutual are hereby authorized on behalf of the Mutual to carry out this Resolution.

**FEBRUARY Initial Notification – Must postpone 28-days for member review and comment to comply with Civil Code §4360**

Director Jarrett introduced a resolution for a good standing policy for 28-day review.

Discussion ensued among the Directors.

By consensus, the resolution for a good standing policy was introduced for 28-day review.

**12g. Entertain a Motion to Introduce a Resolution for Election Rules**

Director Jarrett presented a summary of the following Resolution:

**RESOLUTION 03-20-XX**  
**ELECTION RULES**

**WHEREAS**, Senate Bill 323 also known as the new election laws has amended sections of California Civil Code §5100, 5110, 5115, 5125, 5145 and 5200 and added section 5910.1 relating to common interest developments; and

**WHEREAS**, the Board recognized that need to amend the Election Rules to align with the current California Civil Code;

**NOW THEREFORE BE IT RESOLVED**; March [DATE], 2020, that the Board of Directors of this Corporation hereby approves the amended Election Rules, as attached to the official minutes of this meeting; and

**RESOLVED FURTHER**, that Resolution 03-14-03 adopted January 21, 2014 is hereby superseded in its entirety and cancelled;

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

**FEBRUARY Initial Notification – Must postpone 28-days for member review and comment to comply with Civil Code §4360**

Director Jarrett introduced a resolution for election rules for 28-day review.

Discussion ensued among the Directors.

By consensus, the resolution for election rules was introduced for 28-day review.

**13. Committee Reports**

**13a.** Report of the Finance Committee / Financial Report – Director Pearlstone gave a presentation on the Treasurer's report, Resale/Leasing report and the last Third Finance Committee report. The Committee met on February 4, 2020; next meeting March 3, 2020, at 1:30 p.m. in the Board Room.

- (1) Treasurer's Report
- (2) Third Finance Committee Report
- (3) Resales/Leasing Reports

- 13b.** Report of the Architectural Controls and Standards Committee – Director Mutchnick reported from the last Committee Meeting. The Committee is addressing the conversion of common area patios to rooms and the placement of solar units on manors. The Committee met on January 27, 2020; next meeting February 24, 2020, at 9:30 a.m. in the Board Room.
- 13c.** Report of the Communications Committee – Director McCary reported the Committee met on October 9, 2019; next meeting TBA.
- 13d.** Report of the Maintenance and Construction Committee – President Parsons reported on the last Committee Meeting. The Committee will be addressing timers for carport lights and dryer timer reset costs. The Committee met on January 6, 2020; next meeting March 2, 2020, at 1:30 p.m. in the Board Room.
- (1) Report of the Parking and Golf Cart Task Force – President Parsons reported about new golf cart parking in the “wedding cake” area. The Task Force met on January 6, 2019; next meeting TBA.
- (2) Garden Villa Rec. Room Sub-Committee – Director Jarrett reported on the last Sub-Committee Meeting. The Sub-Committee is working on replacement of mirrors and other maintenance needs of the Garden Villa Recreation Rooms. The Sub-Committee met on February 10, 2020; the next meeting will be June 10, 2020.
- 13e.** Report of the Landscape Committee – Director Pearlstone reported on the last Landscape Committee meeting. The Committee is working on removal of seven street, slope maintenance, new tree contract, lawn aeration, landscape modernization, gate 14 drought tolerant project and overgrowth in fire risk areas. The landscape schedule and landscape manual are posted on the website. The Committee met on February 6, 2020; next meeting March 5, 2020, at 9:30 a.m. in the Board Room.
- 13f.** Report of the Water Subcommittee – Director Karimi reported on the recent water bills and asked residents to help conserve water. Wei-Ming Tao asked how residents can report water violations. Two members spoke about water violations. The subcommittee met on October 9, 2019; next meeting TBA.
- 13g.** Report of the Resident Policy and Compliance Committee – Director Jarrett reported the Committee worked on a lease cap and waiting list, harassment policy, nuisance policy and election rules. The Task Force met on January 15, 2020; next meeting TBA.

- 13h.** Report of the Village Energy Task Force – Director Frankel reported the Committee discussed vehicle charging stations and street light status. The Task Force met on January 10, 2020; next meeting March 4, 2020 at 1:00 p.m.
- 14. GRF Committee Highlights**
- 14a.** Community Activities Committee – Director McCary. The Committee met on January 9, 2020; next meeting March 12, 2020, at 1:30 p.m. in the Board Room.
- 14b.** Finance Committee – Director Pearlstone. The Committee met on December 18, 2019; next meeting February 19, 2020, at 1:30 p.m. in the Board Room.
- 14c.** Landscape Committee – Director McCary reported that the Committee is working on Aliso Creek landscape problems, planting crews and a nursery for plants that can be used. The Committee met on February 12, 2020; next meeting May 13, 2020, at 1:30p.m. in the Board Room.
- 14d.** Maintenance & Construction Committee – Director Frankel reported the Committee is working on renovations for Clubhouse 1. The Committee met on February 12, 2020; next meeting April 8, 2020, at 9:30 a.m. in the Board Room.
- (1) PAC Renovation Ad Hoc Committee – Director Pearlstone reported that the Committee is working on phase 1 of the renovations. The Committee met on December 12, 2019.
- 14e.** Media and Communications Committee – Director McCary reported the Committee is working on the new Village Breeze Magazine and discussed Broadband services. The Committee met on January 22, 2020; next meeting February 19, 2020, at 9:30 a.m. in the Board Room.
- 14f.** Mobility and Vehicles Committee – Director Frankel reported the Committee is working on the Boost Program for the use of Lift Vehicles in the Committee. The Committee met on February 5, 2020; next meeting April 1, 2020, at 1:30 p.m. in the Board Room.
- 14g.** Security and Community Access Committee – Director Mutchnick. The Committee met on January 20, 2020; next meeting February 24, 2020, at 1:30 p.m. in the Board Room.
- (1) Disaster Preparedness Task Force – Director McCary announced the Disaster Preparedness Office has moved to the Globe Office. There is a need of more Good Neighbor Captains. The Task Force met on January 28, 2020; next meeting March 31, 2020, 9:30 a.m. in the Board Room.

**14h.** Report of the Laguna Woods Village Traffic Hearings – Director Mutchnick. The hearings were held on January 15, 2019; next hearings February 19, 2020, at 9:00 a.m. in the Board Room and 1:00 p.m. in the Sycamore Room.

**15. Future Agenda Items** – *All matters listed under Future Agenda Items are items for a future Board Meetings. The Board will take action on these items at a future Board Meeting.*

**15a.** Parking Report

**15b.** Alternative Heat Source Policy (August initial notification—September postponed)

**15c.** Resident Suggestion Program

**15d.** Businesses Owning Property within Laguna Woods Village

**15e.** Resolution to Designate a Building as Non-Smoking (FEBRUARY referred back to Committee for revisions)

**15f.** Alterations Review

**16. Director's Comments**

- Director Karimi encouraged resident to conserve water;
- Director McCary encouraged residents to vote;

**17. Recess**

The Board recessed at 11:11 a.m. and reconvened in Closed Session at 11:45 a.m.

**Summary of Previous Closed Session Meetings per Civil Code Section §4935**

*During the January 21, 2020 Regular Closed Session, the Board:*

*Approved the Agenda*

*Approved the Meeting Minutes of;*

*(a) December 17, 2019 – Regular Closed Session*

*Discussed and Considered Member Matters*

*Discussed and Considered Legal and Litigation Matters*

*Discussed and Considered Contractual Issues*

*During the February 7, 2020, Special Closed Session, the Board:*

*Approval of the Agenda*

*Award of Contract to Leaf Landscape, Inc. for Landscape Maintenance Services*

*Discuss Legal Matters*

**18. Adjourn**

With no further business to come before the Board of Directors, the meeting was adjourned at 3:20 p.m.



Lynn Jarrett, Secretary of the Board  
Third Laguna Hills Mutual

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## STAFF REPORT

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**DATE:** April 21, 2020  
**FOR:** Board of Directors  
**SUBJECT:** Variance Request  
Ms. Diane Landers of 3288-B (El Doble, SB703A, P46)  
Request to Replace Existing 5' Gate/Fence with 7' Gate/Fence

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### **RECOMMENDATION**

Approve the request to replace the existing gate/fence with the conditions in Appendix A.

### **BACKGROUND**

Ms. Landers of 3288-B San Amadeo, a La Princesa style unit, requests Board approval of a variance to install a white vinyl fence around her previously extended rear patio.

The first alteration gate/fence was installed in 1973 via Mutual Consent 3530a. It spans the width of the entryway to the unit (approx. 13'-10"), and measures 5' tall. The existing alteration is of wrought iron and meets existing Mutual Standards for Fences and Gates.

Due to the current Third Mutual Standard 13: Fences, Wrought Iron Section 2.1 stating 'No fence shall be over 5'-0" in height, inclusive of wall and fence, nor under 12" in height.' staff require Board approval to issue a Mutual Consent for a 7' tall fence with gate.

There is no land use agreement on file.

Variance request has been submitted for review (Attachment 1).

The cost of the proposed alteration would be borne by the Member.

### **DISCUSSION**

Ms. Landers proposes to remove the existing 5' tall gate/fence and replace with a 7' tall wrought iron fence with gate. The location at the entry between unit B's room addition and unit C's garage would remain the same, as well as using the same wrought iron materials (see Attachment 1).

Existing Wrought Iron Fencing Mutual Standards will ensure fence fixtures and posts are sufficient for the project.

Staff recommends approval of this request in conjunction with current Third Mutual's Common Area Use Policy (RESOLUTION 03-18-146) '**BE IT RESOLVED FURTHER**, that no further alteration may be approved or constructed on any previously approved or "grandfathered"

alteration that encroaches upon common area, other than like for like, that augments, enlarges, or changes the construction, purpose, or use of the previously approved or grandfathered alteration;'

Staff believes the proposed alteration falls within the like-for-like replacement and has no perceived negative effects on neighboring units.

There are no previous variances for similar requests on file.

Currently, there are no open Mutual Consent for Unit 5341-A.

A Neighbor Awareness Notice was sent to Units 3286-A, 3286-B, 3287-A, 3287-B, 3288-A and 3288-C on November 25, 2019, due to line of sight and/or effects of construction noise/debris within 150' of the alteration.

At the time of writing the report, there has been no response to the Neighbor Awareness Notices.

All future costs and maintenance associated with the subject alterations are the responsibility of the Mutual member(s) at 3288-B. Per the request of the Architectural Control and Standard Committee, staff has included photos and a site map as Attachments 2 and 3.

**Prepared By:** Gavin Fogg, Inspections Supervisor

**Reviewed By:** Brett Crane, Permits, Inspections & Restoration Manager

Alisa Rocha, Alterations Coordinator

Ernesto Munoz, Maintenance & Construction Director

## **ATTACHMENT(S)**

Appendix A: Conditions of Approval

Appendix B: Condo Plan

Attachment 1: Variance Request

Attachment 2: Photos

Attachment 3: Site Map

Attachment 4: Resolution 03-20-XX



## APPENDIX A – CONDITIONS OF APPROVAL

Conditions of approval would be as follows:

1. Alteration must be in conjunction with Mutual Standards: 13 – Fences Wrought Iron and 17 - Gates.
2. No improvement shall be installed, constructed, modified or altered at unit **3288-B**, (“Property”) within the Third Laguna Hills Mutual (“Mutual”) unless and until a Mutual Consent for Alterations application for the improvement has been made to, and approved, in writing, by, the Village Management Services, Inc. (“VMS, Inc.”), Alterations Division (“Division”), or, in the event of a Variance from the Mutual’s Alteration Standards, the Architectural Control and Standards Committee (“ACSC”). In the event written permission is given for the installation, construction, modification or alteration of any improvement(s) upon the Property, the Member Owner or Owners (“Member Owner”) agrees to comply with the Mutual’s Governing Documents and any specific terms or conditions imposed, and that the installation, construction, modification or alteration shall be in strict compliance with the terms of the approval.
3. A Variance for Unit Alterations has been granted at **3288-B** for **Gate and Fence Replacement at Entry**, subject to the attached plans stamped approved and is subject to the final inspection by the Division. Any variations to the approved attached plans are not allowed and could result in a stop work notice and/or severe fines to the Member.
4. All costs for maintenance, repair, renovation, replacement or removal of the improvement, present and future, are the responsibility of the Property’s Member Owner at **3288-B** and all future Mutual members at **3288-B**.
5. Parking of contractors or other invitees’ vehicles is prohibited in covered resident parking, open resident spaces, handicapped spaces or fire lanes. Contractors or other invitees must park on the street. To the extent possible contractors’ or other invitees’ vehicles should be limited in number.
6. Member Owner(s) of the Property must sign and submit to the Mutual, c/o VMS, Inc., at the Division office located in the Laguna Woods Village Community Center, an executed and notarized “Covenant to Run with the Land” for a proposed improvement that would utilize any portion of the Mutual’s Common Area. Prior to the issuance of a Mutual Consent for Unit Alterations, that “Recordable Common Area Agreement” must be filed with the Orange County Clerk/Recorder.
7. Prior to the issuance of a Mutual Consent for Unit Alterations, the Member Owner shall request a Landscape Department inspection in order to assure all landscape, irrigation, and drainage modifications associated with the improvements are identified and completed by the Landscape Department at the expense of the Member Owner. All gutter drainage shall be directed away from structures, free standing walls, foundations, and pedestrian walkways.
8. Prior to the issuance of a Mutual Consent for Unit Alterations, any altered exterior surface should match the Building color; vinyl fence/gate will be either white or taupe, tubular steel or wrought iron fence/gate will be black or white; the approved colors and materials are

identified as "Third Laguna Hill Mutual Color Selections" at Resident Services, located at the Community Center first floor.

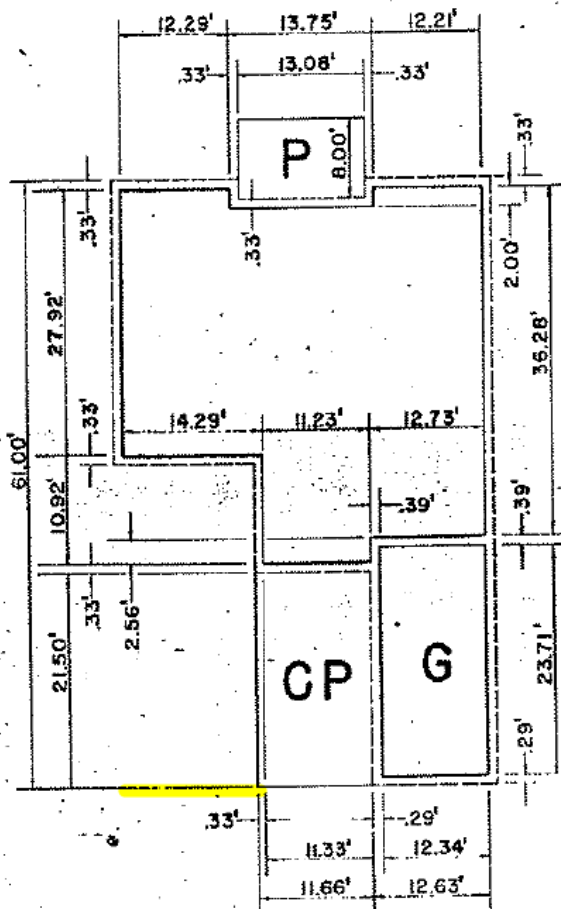
9. Member Owner shall be responsible for all activity by contractors, subcontractors, material suppliers and their employees and agents and any others who perform work on the Property, including any violation of the Mutual's Governing Documents, including, but not limited to, traffic and parking violations, maintenance of a clean job site at all times, and use of Mutual property for storage of equipment or materials without prior approval. Member Owner acknowledges and agrees that all such persons are his/her invitees. Member Owner shall be responsible for informing all his/her invitees of the Mutual's Rules and Regulations.
10. Member Owner hereby consents to and grants to the Mutual and the Division, and their representatives, a right of entry upon the Property at any time to be used to inspect the Property and the improvements thereon and for the Mutual and the Division, and their representatives and contractors to remedy any violation upon the Property, including, but not limited to, removing trash, removing any improvement installed without approval or modifying an improvement to bring the same into compliance with the terms of the approval.
11. Member Owner shall be liable for any violation of the Mutual's Governing Documents by any invitee, including any fine, assessment, traffic or other charge levied in connection therewith.
12. Member is responsible for following the gate clearance process in place to admit contractors and other invitees.
13. Prior to the Issuance of a Mutual Consent for Unit Alterations, the Member shall post a Conformance Deposit in the amount of \$250 for all improvements exceeding a total of \$500. The Conformance Deposit will be held until Final City Building Permit Issuance if required, to assure no damages to Mutual property occurs during construction, including, but not limited to, internet/TV, landscaping, or exterior walls/roof.
14. The Conformance Deposit shall be held by the Mutual and applied, at the Mutual's sole discretion, to any fine levied against the Member Owner or the Property, to cover and/or recoup any costs whatsoever, including, but not be limited to, administrative and legal costs, incurred by the Mutual or VMS, Inc., in connection with the Property, or to any unpaid charges or assessments on the Mutual's account for the Property. For example, the Mutual could apply all or a portion of the Conformance Deposit to cover the following: fines levied against any invitee of Member Owner; fines levied for construction violations; costs incurred by the Mutual in repairing damage to Mutual property caused by Member Owner's contractor or other invitee; costs incurred by the Mutual in curing a violation on the Property; costs incurred in removing or altering an improvement upon the Property; or to an unpaid assessment, special assessment, late charge, interest or collection costs posted to the Mutual's account for the Property. The foregoing list is illustrative only and in no way represents the only situations where the Mutual could apply all or a portion of the Conformance Deposit.
15. If at any time the amount of the Conformance Deposit falls below 3/4ths of the amount originally required to be posted, Member Owner agrees to immediately deposit additional sums with the Mutual in an amount sufficient to return the Conformance Deposit to the

originally required level. Until the Conformance Deposit is so replenished, an automatic stop work order shall be in effect.

16. Any remaining Conformance Deposit is refundable if the Member Owner notifies the Division, in writing, that the improvement(s) for which the Conformance Deposit was posted have been completed in accordance with the approval, and the Division agrees with the same. The Mutual will mail the unused portion of the Conformance Deposit, if any, to the Member Owner's address of record with the Mutual. Under no circumstances shall Member Owner be entitled to any interest on any portion of the Conformance Deposit. If no written request for return of a Conformance Deposit is made by Member Owner within two years from the date when the Conformance Deposit is posted with the Mutual, the Conformance Deposit will be deemed forfeited to the Mutual.
17. All improvements must be installed in accordance with the California State Building Code, and the published Mutual Architectural Alterations Standards, Policies and Guidelines. See <http://www.lagunawoodsvillage.com>.
18. During construction, work hours established by the Mutual and the Noise Ordinance set forth in the City of Laguna Woods Municipal Code must be adhered to at all times.
19. During construction, both the Mutual Consent for Unit Alterations and the City Building Permit must be on display for public view at all times in a location approved by the Division.
20. It is mandatory that no waste or materials associated with the construction be dumped in the Village trash bins; such waste or materials associated with the construction must be disposed of offsite by the contractor.
21. A dumpster is approved for placement at the location identified by Security Staff by calling 949-580-1400. All dumpsters must conform to the Policy for Temporary Containers. Dumpsters must be ordered from the approved City of Laguna Woods waste hauler and must be maintained at all times.
22. A portable bathroom is approved for placement at the location identified by Security Staff by calling 949-580-1400.
23. The Mutual Consent for Unit Alterations expires six months after the date of approval, unless an application is submitted with fees and approved by the Division for an extension. Only one extension for a maximum of an additional six months may be granted.
24. Violations of the forgoing conditions or the Mutual's Governing Documents (See <http://www.lagunawoodsvillage.com>), including, but not limited to, work outside the approved plans, excessive noise, illegal dumping, or working after hours, will result in disciplinary action, which could result in a stop work notice, loss of privileges and/or severe fines to the Owner Member. Such fines left unpaid will result in forfeiture of a portion or all of the Conformance Deposit required above or other legal remedy.
25. Mutual member shall indemnify, defend and hold harmless Third and its officers, directors, committee members and agents from and against any and all claims, demands, costs, fines, judgments, settlements and any other costs, expenses, amounts and liabilities arising from Mutual member's improvements and installation, construction, design and maintenance of same.



**(Reverse Plan)**



# ATTACHMENT 1 -Variance Request



Laguna Woods Village

MANOR # 3288-B

☐ ULWM

☒ TLHM

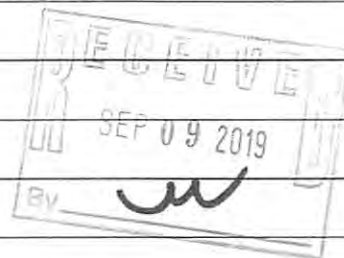
## Variance Request Form

SA \_\_\_\_\_

Model: <u>EL DOBLE</u>	Plan: <u>46</u>	Date: <u>9-6-19</u>
Member Name: <u>DIANE LANDERS</u>	Signature <u>Diane Landers</u>	
Phone: [REDACTED]	E-mail: [REDACTED]	
Contractor Name/Co: <u>EXTREME IRON WORK</u>	[REDACTED]	
Owner Mailing Address: (to be used for official correspondence)	[REDACTED]	

### Description of Proposed Variance Request ONLY:

wrought iron gate & fence  
replace current gate-fence with new  
7 feet high gate & fence  
WIDTH 19 FEET



### Dimensions of Proposed Variance Alterations ONLY:

7 feet high

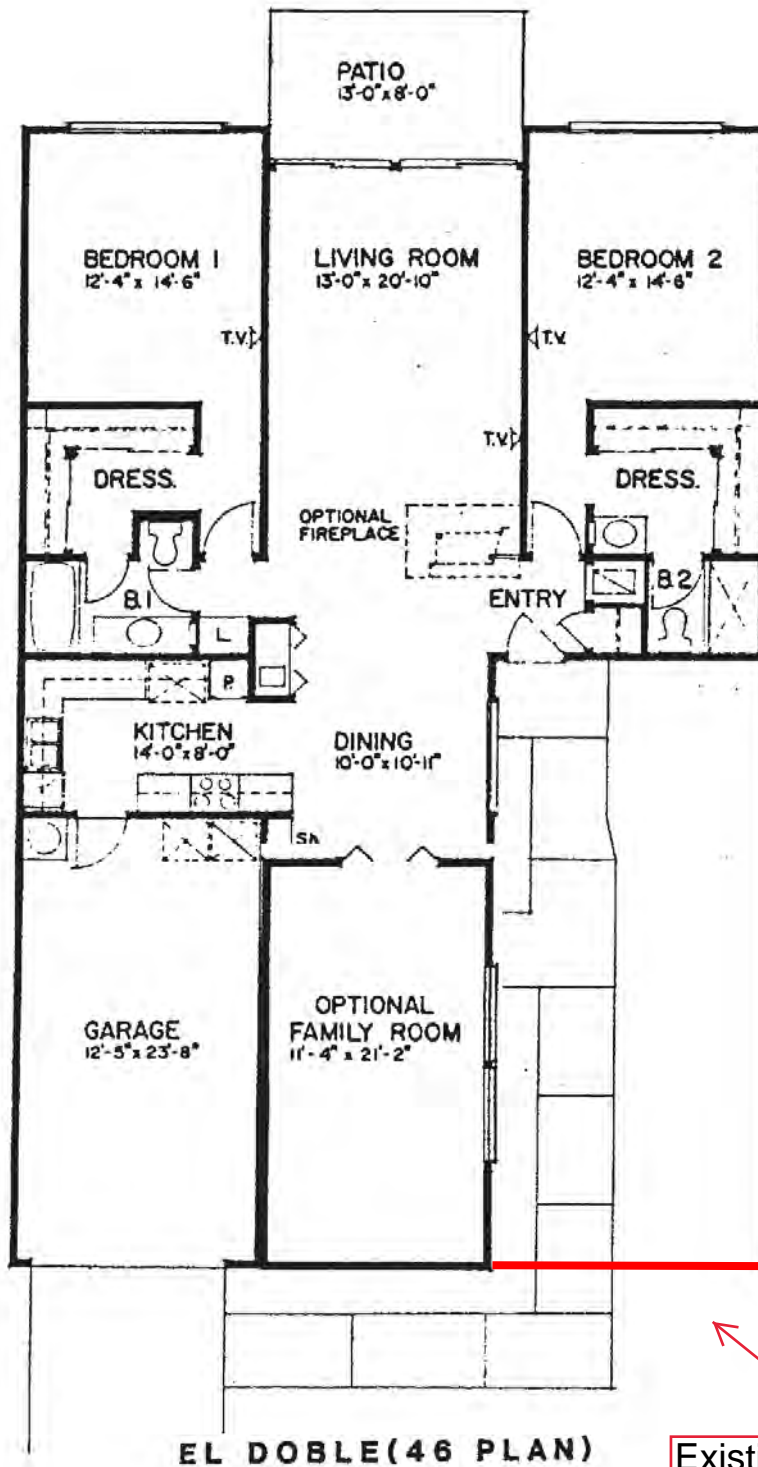
### FOR OFFICE USE ONLY

RECEIVED BY: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_ Check# \_\_\_\_\_ BY: \_\_\_\_\_

<b>Alteration Variance Request</b>  Check Items Received: <input type="checkbox"/> Drawing of Existing Floor Plan <input type="checkbox"/> Drawing of Proposed Variance <input type="checkbox"/> Dimensions of Proposed Variance <input type="checkbox"/> Before and After Pictures <input type="checkbox"/> Other: _____	<b>Complete Submittal Cut Off Date:</b> <u>9/20/19</u>  <b>Meetings Scheduled:</b> Third AC&S Committee (TACSC): <u>10/21/19</u> United M&C Committee: _____ Board Meeting: <u>11/19/19</u> <b>*</b> <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Tabled <input type="checkbox"/> Other _____
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# ATTACHMENT 1 - Variance Request (continued)

**3288-B**



Unit C

Existing and  
proposed  
location of Gate  
and Fence  
replacement





# ATTACHMENT 1 - Variance Request (continued)

“Trust is just one of  
the things we build well”

DATE: 8/20/19 0632  
BID # : \_\_\_\_\_  
PREPARED BY : \_\_\_\_\_  
CUSTOMER'S NAME : \_\_\_\_\_  
COMPANY NAME : \_\_\_\_\_  
PHONE : \_\_\_\_\_ EMAIL : \_\_\_\_\_

## JOB PROPOSAL

CUSTOMER'S NAME

DIANE LANDERS

ADDRESS:

3288 SAN AMADEO UNIT B

TEL:

TYPE OF WORK:

Luis

- ☐ Entry Doors
- ☐ Driveway Gates
- ☐ Interior Railing
- ☐ Exterior Railing
- ☐ Single & Double Gates
- ☐ Custom Iron work
- ☐ Furniture
- ☐ Home Décor
- ☐ Pool Fence
- ☐ Window Guards
- ☐ Fireplace Screens
- ☐ Hand Rail
- ☐ Balcony Railing
- ☐ Miscellaneous
- ☐ Staircases
- ☒ Repair & Replacement
- ☐ Fence

### Gates

- ☐ Folding ☐ Sliding
- ☒ Double ☐ Single
- ☐ Electric

- ☐ Whole Knuckles
- ☐ Half Knuckles
- ☐ Baskets
- ☐ Shoes, Bases and collars
- ☐ Access Controls
- ☐ Hardware

- ☐ Spears, Finial and Post Caps
- ☐ Rosettes
- ☒ Aluminum Casting
- ☐ Forged Steel Prefabricated
- ☐ Hand Made Forged
- ☒ Pickets 5/8
- ☐ Forged Steel Panels
- ☐ Molded Cap Rail
- ☐ Gate Operators
- ☐ Balcony Elements
- ☐ Forged Post
- ☐ Decorative Panels
- ☐ Cast Steel Elements / Floral
- ☐ Stamped Floral Elements
- ☐ Pressed Sheet Metal Elements
- ☐ Hand Made Metal Elements
- ☐ Bushing & Cast Iron Collars
- ☐ Integrate Wood
- ☐ Plasma Cut Designs
- ☐ Forged Steel Balusters
- ☐ Forged Steel Panels and Scroll works
- ☐ Forged Steel Hand Rail Brackets
- ☐ Weld Tabs
- ☐ Base Plates
- ☐ Mounting Brackets
- ☐ Terminations

### Screening Material

- ☐ Mesh ☐ Expanded Metal ☐ Sheet Metal
- Locks**
- ☐ Latch ☐ Hinge
- Lock Boxes**
- ☐ Single Hole ☒ Double Hole

### MATERIAL

- ☒ Steel ☐ Aluminum ☐ Brass
- ☐ Stainless Steel ☐ Galvanized
- ☐ Other \_\_\_\_\_

SIZE THICKNESS

- ☒ Square Tubing 1 1/2 14 g
- ☐ Round Tubing \_\_\_\_\_
- ☐ Rectangular Tubing \_\_\_\_\_
- ☐ Flat Bar \_\_\_\_\_
- ☐ Pipe \_\_\_\_\_
- ☐ Square Bar \_\_\_\_\_
- ☐ Round Bar \_\_\_\_\_
- ☐ Angle \_\_\_\_\_
- ☐ Hammered \_\_\_\_\_
- ☐ Twisted \_\_\_\_\_
- ☐ Other \_\_\_\_\_
- ☐ Channel \_\_\_\_\_

### COLOR

- ☒ Powder Coated
- ☐ Primer
- ☐ Sandblasting
- ☐ Metalized
- ☐ Custom Paint
- ☐ Black
- ☐ White
- ☐ Other \_\_\_\_\_

### FINISH

- ☐ Flat
- ☒ Semi Gloss
- ☐ Gloss

### MEASUREMENTS

Height 9 FT' IN"  
Width 19  
Depth \_\_\_\_\_

Any alteration or deviation from the above specifications, including but not limited to any such alterations of deviation involving additional material and/or labor costs, will be executed only upon written order for same, signed by Owner and Contractor, and if there is any charge for such alteration or deviation, the additional charge will be added to the contract price of this contract. If payment is not made when due, Contractor may suspend work on the job until such time as all payments due have been made. A failure to make payments for a period in excess of days \_\_\_\_\_ from the due date of the payment shall be deemed a material breach of this contract.

In addition, the following general provisions apply:

1. All work shall be completed in a workman-like manner.
2. Contractor warrants it is adequately insured for injury to its employees and others incurring loss or injury as a result of the acts of Contractor or its employee.
3. In the event Owner shall fail to pay payment due hereunder, Contractor may cease work without breach pending payment or resolution of any dispute.
4. All disputes hereunder shall be resolved by binding arbitration in accordance with rules of the American Arbitration Association.
5. Contractor shall not be liable for any delay due to circumstances beyond its control including strikes, casualty or general unavailability of materials.
6. Contractor warrants all work for a period of 6 months following completion and is not liable for any damages to property, any individuals or work itself.

Client's Name:

DIANE LANDERS

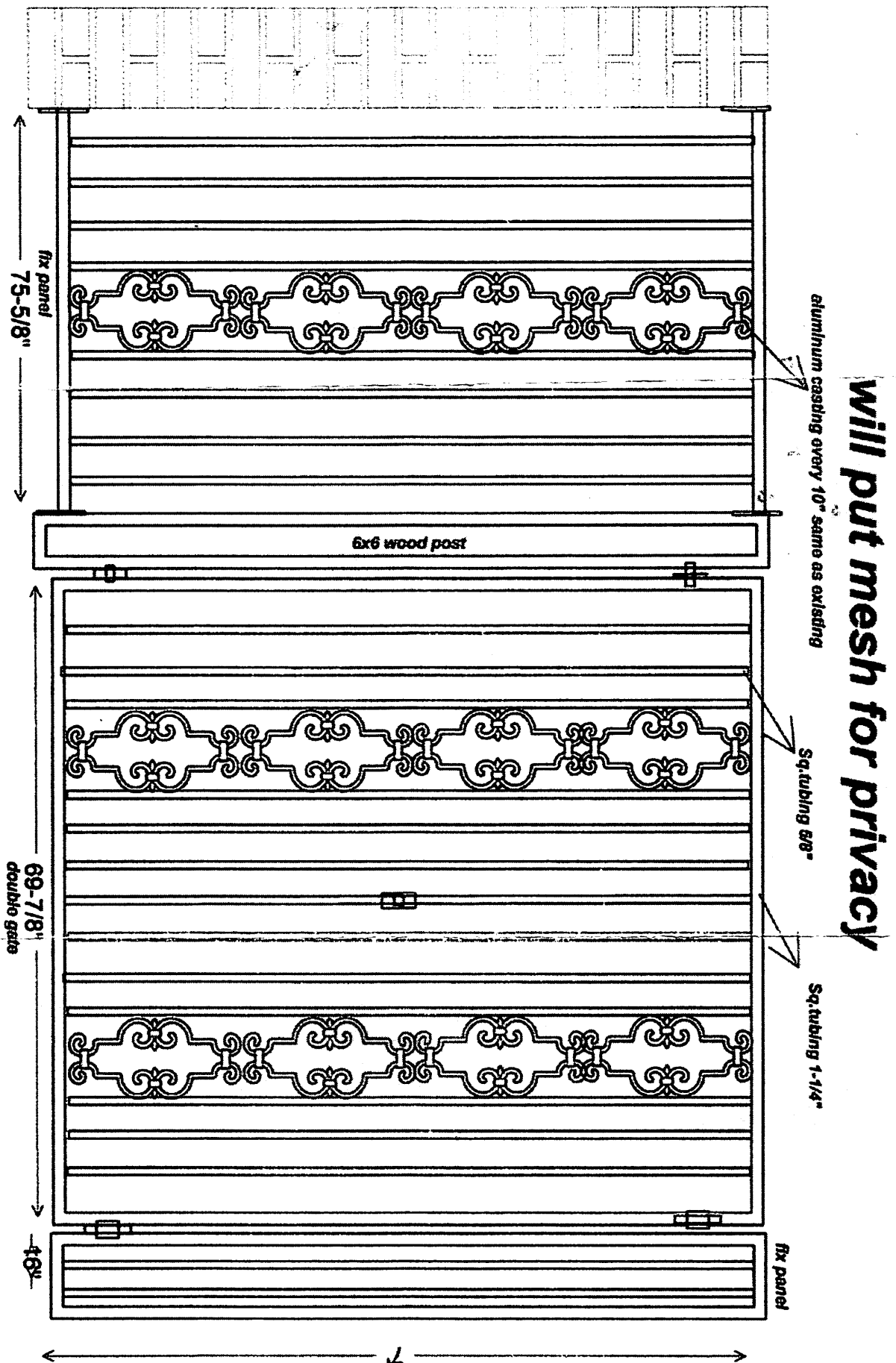
Signature:

[Signature]

Date:

8-20-19

# ATTACHMENT 1 - Variance Request (continued)



*will put mesh for privacy*



ATTACHMENT 1 - Variance Request (continued)

3288-B





## ATTACHMENT 2 - Photos





## ATTACHMENT 2 - Photos (continued)

Street View



Street View





# ATTACHMENT 3 - Site Map



# ATTACHMENT 4 - Resolution 03-20-XX

## **RESOLUTION 03-20-XX**

### **Variance Request**

**WHEREAS**, Ms. Diane Landers of 3288-B San Amadeo, a La Princesa style unit, is requesting Board approval of a variance to replace existing 5' gate/fence with 7' gate/fence; and,

**WHEREAS**, a Neighborhood Awareness Notice was sent to Owners of affected units on November 25, 2019, notifying them that an application to make an alteration to a neighboring unit had been made and that comments or objections could be made in writing to the Architectural Controls and Standards Committee or in person at the Architectural Controls and Standards Committee Meeting on February 24, 2020.

**NOW THEREFORE BE IT RESOLVED**, on April 21, 2020, the Board of Directors hereby approves the request to replace existing 5' gate/fence with 7' gate/fence;

**RESOLVED FURTHER**, all costs for maintenance, repair, renovation, replacement or removal of the improvement, present and future, are the responsibility of the Property's Member Owner at 3288-B and all future Mutual members at 3288-B

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

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## **RESOLUTION 03-20-XX**

### **Approve the Request for Removal of of One Star Pine Tree – 2272-B Via Mariposa East**

**WHEREAS**, September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.
- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS**, on March 5, 2020, the Landscape Committee reviewed a request for removal of one Star Pine tree. The request was received from the Member at 2272-B who cited the reasons as litter/debris, poor condition, and large branches continue to fall on the sidewalk and;

**WHEREAS**, the Committee determined that the tree meets the guidelines established in Resolution 03-11-149 and recommends approving the request for the removal of on Star Pine tree located at 2272-B Via Mariposa E.

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, the Board of Directors approves the request for the removal of one Star Pine tree located at 2272-B;

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

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## **RESOLUTION 03-20-XX**

### **Approve the Request for Removal of of One Indian Laurel Fig Tree – 3166-A Alta Vista**

**WHEREAS**, September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.
- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS**, on March 5, 2020, the Landscape Committee reviewed a request for removal of one Indian Laurel Fig tree. The request was received from the Member at 3166-A who cited the reasons as overgrown, the dropping of numerous berries, and roots growing close to the manor and;

**WHEREAS**, the Committee determined that the tree meets the guidelines established in Resolution 03-11-149 and recommends approving the request for the removal of one Indian Laurel Fig tree located at 3166-A Alta Vista.

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, the Board of Directors approves the request for the removal of one Indian Laurel Fig tree located at 3166-A;

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

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## STAFF REPORT

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**DATE:** March 3, 2020  
**FOR:** Finance Committee  
**SUBJECT:** 2021 Reserve Study

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### **RECOMMENDATION**

Award a single-sourced contract in the amount of \$5,000 to Association Reserves, Inc. and approve a supplemental appropriation, to be funded from the Replacement Fund, to perform a Reserve Study Update – No Site Visit for use in the 2021 Business Plan.

### **BACKGROUND**

A Reserve Study is a budget planning tool which identifies the components that Third Mutual is responsible to maintain or replace. The study is updated annually by onsite staff and relies on a collection of field observations and financial reports that combine into a stable and equitable 30-Year Funding Plan that provides for the timely execution of the association's major repair and replacement expenses. Following is a brief discussion of reserve plan methods and how they are incorporated into the Third Mutual Reserve Plan.

#### Component Method:

The Component Method of calculating reserves is prescribed by Civil Code §5565, using formulas similar to straight-line depreciation to estimate how much money should be put in reserve over the estimated life of an asset. A component schedule relies primarily on historical data with a focus on the cost and age of each asset. However, many programs in Third Mutual do not have historical replacement data to draw from such as epoxy waste line remediation, while other programs are emergent in nature and difficult to predict such as major dry rot repair work. Additionally, some replacements are required to meet statutory requirements such as low-flow toilets, regardless of the age of an asset. In these cases, reserve calculations require a forecast or the use of a "Replacement Factor" to help quantify an estimate for future expenditures.

This component method is used to calculate the percent funded figure that is disclosed to Third members. The community association industry considers "fully funded" to be the ideal reserve funding level, which means members are contributing enough each year to accumulate the full replacement cost by the time a component reaches the end of its useful life.

#### Threshold Method:

A directed cash flow method is an alternative and generally accepted method of calculating reserve requirements, commonly referred to as the Threshold Method. This is a less conservative way to calculate necessary reserves and has been used in Laguna Woods Village since 2006 due to the size of the Community and substantial reserve balances that would be recommended under the component method.

Under the Threshold Method, the Board “looks forward” by focusing on planned expenditures over the next 30 years. For the budget action year (i.e. 2020), staff includes the budgets submitted by various areas of the operation, primarily Maintenance and Landscape. For the future years, assumptions are used including the component calculation that is similar to straight line depreciation (i.e. 10 asset year life = 1/10th replacements planned per year). However, most projections are estimated by management to reflect current service levels, directives from standing committees, and field observations by subject matter experts, and culminate into a plan for future needs.

Funding for this reserve plan is determined by reviewing projected reserve inflows and outflows over the timeframe of 30 years and testing different assessment amounts until a financial plan is established that maintains a net reserve balance above a specific threshold, first established at \$2 Million in 2006 and currently set at \$8.3 Million in the 2020 Reserves Plan. This method provides for collective funding of all components.

In June 2019, the Third Board approved a contract with Association Reserves Inc. to provide a Reserve Study Update – No Site Visit for the purpose of calculating percent funding levels. The vendor’s proprietary software uses an annual allowance figure for certain components, a less conservative method which prevents an overstatement of required reserve levels.

#### **DISCUSSION**

Association Reserves Inc. has submitted reserve study proposals for 2021, with the lowest cost being \$5,000 to provide a similar annual update for a Reserve Study Update – No Site Visit. With this option, staff will provide revised component data to reflect 2019 expenditures, to be used by Association Reserves, Inc. in updating the reserve plan and offering funding alternatives. This low-cost option requires a 12-week lead time, making the final study available in Mid-June for consideration during the 2021 business planning meetings.

#### **FINANCIAL ANALYSIS**

A reserve study measures the financial health of an association and a contracted reserve study may indicate the need for additional contributions to reserves over the next 30 years.

**Prepared By:** Betty Parker, CFO



### **RESOLUTION 03-20-XX**

#### **Recording of a Lien**

**WHEREAS**, Member ID 931-350-34; is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-530-34 and;

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

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### **RESOLUTION 03-20-XX**

#### **Recording of a Lien**

**WHEREAS**, Member ID 932-210-23; is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, that the Board of Directors hereby approves the recording of a Lien for Member ID 932-210-23 and;

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

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### **RESOLUTION 03-20-XX**

#### **Recording of a Lien**

**WHEREAS**, Member ID 932-310-40; is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, that the Board of Directors hereby approves the recording of a Lien for Member ID 932-310-40 and;

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

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## **STAFF REPORT**

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**DATE:** April 21, 2020  
**FOR:** Board of Directors  
**SUBJECT:** Termination of Third Laguna Hills Mutual Participation on Village Energy Task Force and Replacement with Energy Research Group

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### **RECOMMENDATION**

Approve the termination of Third Laguna Hills Mutual participation in the Village Energy Task Force following the March 4, 2020, task force meeting.

### **BACKGROUND**

On August 21, 2018 the United Laguna Woods Mutual board of directors approved the charter for the creation of a Village Energy Task Force. On August 7, 2018 the Golden Rain Foundation (GRF) board of directors approved the charter and on August 14, 2018, the United Laguna Woods Mutual board of directors approved the same. The mission of the task force is to identify and recommend to all boards, investments in energy technologies that will address economic, environmental and aesthetic issues of the three corporations with the common goal to enhance the wellbeing of residents.

### **DISCUSSION**

To comply with the requirements of Section 7.1 of the GRF Bylaws governing the composition of standing committees and other committees, on March 3, 2020, the GRF board of directors voted 6 to 3 to terminate its participation in the Village Energy Task Force after the March 4, 2020 meeting. On March, 10, 2020, the United Laguna Woods Mutual board of directors voted unanimously to terminate its participation in the Village Energy Task Force

With the proposed end to Third Mutual's participation on the task force and the importance of continuing to reduce costs, increase revenues, implement operational efficiencies and enhance environmental stewardship in the area of energy technologies, the housing mutuals and GRF will be using a "research group" to identify emerging trends, technologies and best management practices in this and other areas impacting Laguna Woods Village. Under the "research group" concept, groups would be sponsored solely by the housing mutuals and open to qualified resident volunteers with an emphasis on research, identifying trends and consulting with subject matter experts inside and outside the Village. United Mutual is sponsoring the energy "research group."

### **FINANCIAL ANALYSIS**

None.

**Prepared By:** Siobhan Foster, COO

**Reviewed By:** Jeffrey C. Parker, CEO



**RESOLUTION 03-20-xx**  
**Third Mutual Committee Appointments**

**RESOLVED**, April 21, 2020 that the following persons are hereby appointed to serve on the committees and services of this Corporation;

**RESOLVED FURTHER**, that each committee chair in consultation with the vice chair may appoint additional members and advisors with interim approval by the President subject to the approval of the Board of Directors:

**Architectural Standards and Control Committee**

Steve Parsons, Chair  
John Frankel  
Lynn Jarrett  
Ralph Engdahl  
Robert Mutchnick  
Craig Wayne, Alternate  
Voting Advisors: Mike Butler and Mike Plean  
Staff Advisor: Siobhan Foster

**Communications Committee**

Annie McCary, Chair  
Lynn Jarrett  
Reza Karimi  
Doug Gibson  
Steve Parsons, Alternate

**Executive Hearing Committee**

Annie McCary, Chair  
Ralph Engdahl, Co-Chair  
Robert Mutchnick  
Doug Gibson  
Steve Parsons, Alternate  
John Frankel, Alternate

**Finance (Committee of the Whole)**

Jon Pearlstone, Chair  
Steve Parsons, Co-Chair  
Craig Wayne  
Non-Voting Advisors: John Hess, Wei-Ming Tao

**Investment Task Force**

Jon Pearlstone  
Wei-Ming Tao  
Craig Wayne, Alternate

**Garden Villa Recreation Room Subcommittee (Quarterly)**

Lynn Jarrett, Chair  
Jon Pearlstone  
Doug Gibson  
Craig Wayne, Alternate  
Voting Advisors: Sharon Molineri, Stuart Hack, Randy Scott

**Landscape Committee**

Lynn Jarrett, Chair  
Jon Pearlstone, Co-Chair  
Cush Bhada  
Reza Karimi  
Annie McCary  
Ralph Engdahl, Alternate  
Advisors: Cindy Baker

**Maintenance and Construction Committee**

Cush Bhada, Chair  
Robert Mutchnick, Co-Chair  
~~Steve Parsons~~  
John Frankel  
Jon Pearlstone  
Craig Wayne  
Reza Karimi, Alternate  
Ralph Engdahl, Alternate

**New Resident Orientation**

Per Rotation List

**Water Conservation Committee (Quarterly)**

Reza Karimi, Chair  
Lynn Jarrett  
Robert Mutchnick  
John Frankel  
Ralph Engdahl  
Doug Gibson, Alternate  
Advisor: Katheryn Freshley, Kay Havens

**Parking & Golf Cart Task Force**

Steve Parsons, Chair  
Lynn Jarrett  
John Frankel  
Ralph Engdahl  
Craig Wayne, Alternate  
Advisors: Hal Horne

**Resident Policy and Compliance Task Force**

Lynn Jarrett, Chair  
Reza Karimi, Co-Chair  
Steve Parsons  
Robert Mutchnick  
Ralph Engdahl  
Cush Bhada, Alternate  
Voting Advisors: Stuart Hack

**Energy Research Group**

Cush Bhada  
John Frankel  
Ralph Engdahl  
Reza Karimi, Alternate  
Advisors: Sue Stephens, Bill Walsh

**RESOLVED FURTHER**, that Resolution 03-20-15, adopted February 18, 2020, is hereby superseded and canceled; and,

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

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**RESOLUTION 03-20-xx**  
**GRF Committee Appointments**

**RESOLVED**, April 21, 2020 that in compliance with Article 7, Section 7.3 of the Golden Rain Foundation Bylaws, the following persons are hereby appointed to serve on the committees of the Golden Rain Foundation:

**Business Planning Committee**

Steve Parsons  
Jon Pearlstone  
Lynn Jarrett, Alternate

**Community Activities Committee**

Annie McCary  
Cush Bhada  
Jon Pearlstone, Alternate  
Doug Gibson, Alternate

**Equestrian Center Ad Hoc Committee**

Cush Bhada (Third)  
Annie McCary (Third)

**GRF Finance Committee**

Jon Pearlstone  
Steve Parsons  
Robert Mutchnick, Alternate

**Purchasing Ad Hoc Committee (new)**

Steve Parsons  
Jon Pearlstone  
Cush Bhada, Alternate

**GRF Landscape Committee**

Lynn Jarrett  
Reza Karimi  
Ralph Engdahl, Alternate

**GRF Maintenance and Construction Committee**

Cush Bhada  
John Frankel  
Jon Pearlstone, Alternate  
Doug Gibson, Alternate

**Clubhouse 1 Renovation Ad Hoc Committee**

Jon Pearlstone  
Robert Mutchnick

**PAC Renovation Ad Hoc Committee**

Jon Pearlstone  
Cush Bhada  
John Frankel, Alternate

**Media and Communication Committee**

Annie McCary  
Lynn Jarrett  
Craig Wayne, Alternate  
Doug Gibson, Alternate

**Mobility and Vehicles Committee**

Craig Wayne  
John Frankel  
Cush Bhada, Alternate

**Security and Community Access Committee**

Robert Mutchnick  
Ralph Engdahl  
Reza Karimi, Alternate

**Disaster Preparedness**

Annie McCary  
John Frankel  
Ralph Engdahl  
Doug Gibson, Alternate

**Laguna Woods Village Traffic Hearings**

Robert Mutchnick  
John Frankel  
Ralph Engdahl, Alternate

**Strategic Planning Committee**

Jon Pearlstone  
Robert Mutchnick  
Steve Parsons, Alternate

**RESOLVED FURTHER**, that Resolution 03-20-16, adopted February 18, 2020, is hereby superseded and canceled; and

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



## STAFF REPORT

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**DATE:** April 21, 2020  
**FOR:** Resident Policies and Compliance Committee  
**SUBJECT:** Leasing Cap and Lease Waiting List Policy

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### **RECOMMENDATION**

Approve the creation of a wait list to fairly and uniformly manage a wait list when the number of approved leases reaches the 30 percent cap (1,830 units leased).

### **BACKGROUND**

Third Mutual established a 30 percent cap on leases by way of Resolution 03-08-106, which became effective December 1, 2008. The cap on active leases enables owners and prospective owners to obtain more favorable rates for home loans, maintains a positive owner-tenant ratio within the community and stabilizes the pool of resident owners who are eligible to assist with the governance of Third Mutual.

The annual lease rate in Third has trended at 27 percent for many years. However, in January 2017, the leasing rate in Third Mutual rose to 27.5 percent and then dropped back to 27 percent before spiking to 28 percent in October 2018 through December 2018. The rate remained at 28 percent for nine months in 2019. The current rate is 28 percent.

Planning forward, it is recommended that a procedure to manage a wait list for excess lease requests, beyond 30 percent, be established.

### **DISCUSSION**

To manage owner expectations as well as establish a wait list, it is recommended that an extra step be implemented before the submittal of a lease authorization application. An owner would initially submit a request for eligibility to lease. If the leasing cap is not met, the owner may submit a lease authorization application in accordance with the Lease Policy. If the leasing cap is met, the owner would be added to a wait list that would be prioritized on a first come first serve basis.

At such time as the number of leases is reduced below the 30 percent cap, or 1,830 leased units, the owner at the beginning of the wait list would be notified of his eligibility to lease and given a period of time, 90 days or another set time established by the Board, to submit a complete lease authorization application. If the eligible owner fails to submit a complete lease authorization application within the specified time period, he would lose eligibility and have to resubmit for eligibility and go to the end of the wait list. The next owner on the wait list would then have the opportunity to complete a lease authorization application and so on.

Ninety days is utilized as the eligibility period throughout proposed policy since this is a reasonable time for an owner to find a prospective tenant and prepare and submit the required lease authorization application.

Having an owner confirm he is eligible to lease his unit seeks to prevent the upset that would result from completing the entire lease application including the proposed lease and tenant verification along with fees, only to then be told he cannot lease because the leasing cap is exceeded. Additionally, the proposed eligibility verification step leaves the existing lease application process intact without requiring it to be amended once again.

An owner who is currently leasing his unit would continue to be eligible to lease his unit for 90 days after the expiration (or termination) of the current lease authorization. If a lease authorization for an approved lease of the owner's unit expires and the owner does not submit a new, complete lease authorization application for a new lease for his unit within 90 days of the expiration of the prior lease authorization, the owner's eligibility to lease his unit would expire.

Furthermore, counsel recommends that language be incorporated into the proposed policy that would allow for exceptions to the leasing cap for hardship. Doing so would allow the Board, in its sole discretion, to consider extraordinary circumstances and make the policy more reasonable and better able to withstand legal/judicial scrutiny if an owner objects to the policy and tries to challenge its enforcement.

### **FINANCIAL ANALYSIS**

None.

**Prepared By:** Pamela Bashline, Community Services Manager

**Reviewed By:** Siobhan Foster, COO

### **ATTACHMENT(S)**

ATT 1 – Leasing Cap and Lease Waiting List Policy

ATT 2 – Resolution 03-20-XX

## **ENDORSEMENT (to Board)**

### **Discuss & Consider the Leasing Cap and Lease Waiting List Policy**

Third Mutual established a 30 percent cap on leases by way of Resolution 03-08-106, which became effective December 1, 2008. The cap on active leases enables owners and prospective owners to obtain more favorable rates for home loans, maintains a positive owner-tenant ratio within the community and stabilizes the pool of resident owners who are eligible to assist with the governance of Third Mutual.

The annual lease rate in Third has trended at 27 percent for many years. However, in January 2017, the leasing rate in Third Mutual rose to 27.5 percent and then dropped back to 27 percent before spiking to 28 percent in October 2018 through December 2018. The rate remained at 28 percent for nine months in 2019. The current rate is 28 percent.

Planning forward, it is recommended that a procedure to manage a wait list for excess lease requests, beyond 30 percent, be established.

Director Parsons made a motion to approve the Lease Cap and Lease Waiting List Policy. Director Engdahl seconded the motion.

By unanimous vote, the motion carried.

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**Leasing Cap and Lease Waiting List Policy**  
**Resolution 03-20-XX; Adopted \_\_\_\_\_ XX, 2020**

**I. Purpose**

Third Laguna Hills Mutual (“Third”) authorizes Members, as defined in the CC&Rs, to lease their manors, subject to the restrictions and procedures in Third’s Governing Documents, including without limitation, the Operating Rules and any policy duly adopted by the Board. The current procedures relating to Lease Authorization are contained in Third’s Lease Policy, as may be amended from time to time. Notwithstanding the right of Members to lease their manors, Third has in place a limit on the total number of manors that may be leased at any given time, which is thirty percent (30%) of the total number of manors in Third (the “Leasing Cap”).

The purpose of this document is to set for the Leasing Cap and Waiting List Policy (the “Policy”), which supplements the Lease Policy by providing additional procedures relating to eligibility of Members to lease their manors once the Leasing Cap is reached.

**II. Restriction on Number of Units Leased; Leasing Eligibility**

Pursuant to the Leasing Cap, no more than thirty percent (30%) of the manors in Third shall be leased at any given time.

A Member desiring to lease his or her manor must submit to Third a written lease eligibility request for approval of eligibility of the Member to lease his or her manor based on the total number of manors currently leased in Third. No Member will be eligible to lease his or her manor or to submit a Lease Authorization Application prior to receiving written notice of eligibility to lease from Third through an authorized VMS staff member.

Third will respond to any Member’s written request for eligibility to lease the Member’s manor within ten (10) business days of the written submittal of such request to Third.

Third will deny a Member’s request for eligibility to lease the Member’s manor if the number of currently leased manors, plus the number of manors for which other Members have received approval to lease but which are not yet leased, plus the Member’s manor (the “Leased Unit Calculation”) exceeds thirty percent (30%) of the manors in Third. In such event, the Member will be notified in writing of such denial and placed on the lease waiting list, as further described below.

If the Leased Unit Calculation does not exceed thirty percent (30%) of the manors in Third, Third will notify the Member that his or her manor is eligible to lease, and that the Member has ninety (90) days to submit a complete Lease Authorization Application in accordance with the Lease Policy. After ninety (90) days from the notice of eligibility to lease, the Member's eligibility to lease will expire, and the Member must submit a new written request for eligibility.

### **III. Waiting List**

In the event a Member's request for approval to lease is denied because the Leased Unit Calculation exceeds thirty percent (30%), the Member shall be placed on a waiting list maintained by Third, and the Member shall be given an opportunity to submit a Lease Authorization Application to lease his or her manor when such Member's name is first on the waiting list and the Leased Unit Calculation no longer exceeds thirty percent (30%) of the manors in Third. The Member will be contacted by Third in writing when such Member is eligible to lease his or her manor.

If a Member has received notice that such Member is eligible to lease his or her manor, that Member must submit a complete Lease Authorization Application in accordance with the Lease Policy within ninety (90) days of the notice of eligibility to lease. If the Member fails to submit a complete Application within ninety (90) days of the date of notice of lease eligibility, the Member's eligibility to lease shall expire. In such event, the Member shall be required to submit a new written request for eligibility to lease his or her manor in accordance with the foregoing provisions; and, if there is a waiting list, the Member will be placed at the end of such waiting list.

Members who are currently leasing their manors will continue to be eligible to lease their manor for ninety (90) days after the expiration or termination of the current Lease Authorization. If a Lease Authorization for an approved lease of a Member's manor expires or terminates and the Member does not submit a new, complete Lease Authorization Application (in accordance with the requirements of the Lease Policy) for a new lease for the Member's manor within ninety (90) days of the expiration or termination of the prior Lease Authorization, the Member's eligibility to lease his or her manor shall expire. In such event, the Member shall be required to submit a new written request for eligibility to lease his or her manor in accordance with the foregoing provisions of this Policy. Notwithstanding the foregoing, in the event a Member eligible to lease their manor following termination of a lease wishes to make alterations to the Member's manor in accordance with Third's Governing Documents which may inhibit their ability to lease the manor within ninety (90) days, the Member may make a written request for an extension of their ninety (90) day eligibility period; provided, however, that such request must be based on the necessary permits having already been granted by the City and Third. The Board may grant such Member's request in its sole and reasonable discretion.



#### **IV. Exemptions; Enforcement**

Upon written request by a Member for eligibility to lease his or her Unit, the Board shall be authorized and empowered, in its sole and reasonable discretion, to grant a hardship exemption for the Member with respect to the Leasing Cap. For purposes of this Policy, a "hardship" shall be defined as the need of a Member to lease his or her manor as a result of an unforeseeable event and/or because enforcement of the Leasing Cap against the Member could reasonably subject the Member to suffer a severe financial difficulty.

If a Member submits a Lease Authorization Application in accordance with the Lease Policy without first requesting and receiving written approval for eligibility to lease, the Application will be rejected and the fee returned, with instructions for the Member to first obtain written approval of eligibility to lease.

If a Member leases his or her manor without approval from the Board, or is otherwise in violation of the provisions of this Policy or the Lease Policy, the Member shall be subject to disciplinary measures, including, but not limited to: (A) a monetary penalty in an amount to be determined by the Board; (B) other disciplinary measures; and/or (C) a reimbursement assessment in an amount equal to the costs incurred by Third related to addressing such violation, including, without limitation, attorneys' fees and costs, irrespective of whether Third is able to obtain a court order to evict the tenant or otherwise effectuate the legal eviction of the non-compliant tenant from the Member's manor.

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## **RESOLUTION 03-19-XX**

### **Leasing Cap and Lease Waiting List Policy**

**WHEREAS**, the Board of Directors (the “Board”) of Third Laguna Hills Mutual (“Third”) held a meeting on April 21, 2020, at which a quorum of the Board was present;

**WHEREAS**, the Board is obligated to enforce the provisions set forth in Third’s governing documents, including without limitation, the Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, and Operating Rules (collectively, the “Governing Documents”); and

**WHEREAS**, on October 21, 2008, the Board adopted Resolution M3-08-106, which required that a minimum of seventy percent (70%) of the manors in Third be owner occupied at all times and that a maximum of thirty percent (30%) of the manors may be leased at any given time (the “Leasing Cap”), effective as of December 1, 2008;

**WHEREAS**, since the time the Leasing Cap was implemented by the Board and became effective as an operating rule of Third, the number of manors leased has remained below the Leasing Cap, however the number of leased manors has steadily risen and will soon reach the Leasing Cap;

**WHEREAS**, while the Leasing Cap has been in effect since December 2008, specific procedures relating to the monitoring of the Leasing Cap, the implementation of a waiting list for leasing, and the process for leasing a manor once the Leasing Cap has been met have not been adopted by Third;

**WHEREAS**, given the approach of the number of leased manors to the Leasing Cap, the Board has determined that it would be in the best interests of Third to adopt procedures regarding leasing once the Leasing Cap has been met to be added to Third’s Operating Rules;

**NOW, THEREFORE BE IT RESOLVED**, April 21, 2020 that the Board of Third hereby approves and adopts the below Leasing Cap and Lease Waiting List Policy, which provides Third’s policy and procedures with regard to the leasing of manors once the Leasing Cap has been met, and incorporates same into the Third’s Operating Rules as a part of Third’s Governing Documents; and

**RESOLVED FURTHER**, that the officers and agents of Third are hereby authorized on behalf of Third to carry out this Resolution.

FEBRUARY Initial Notification

28-day notification for Member review and comment to comply with Civil Code §4360 has been satisfied.

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## **STAFF REPORT**

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**DATE:** April 21, 2020  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Harassment Policy

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### **RECOMMENDATION**

Staff recommends adoption of the Harassment Policy.

### **BACKGROUND**

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 then monitors the situation and if compliance is not achieved, 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 necessary, staff will notice the member for a hearing 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 Monetary Fee Schedule, suspend member privileges, and/or consider legal action.

Violations may include but not be limited to behavior/disturbance, noise, odors and neighbor disputes.

On December 2, 2019, the Resident Policy and Compliance Committee approved adoption of the Harassment Policy.

On December 17, 2019, the Board requested that the Committee review the Harassment Policy with Legal Counsel's updates. On January 15, 2020, the Resident Policy and Compliance Committee approved the adoption of the Harassment Policy with Legal Counsel's updates.

### **DISCUSSION**

The purpose of the Harassment Policy (Attachment 1) is to set forth guidelines to address alleged violations of harassment behavior that occurs in Third Mutual.

### **FINANCIAL ANALYSIS**

None.

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

**Harassment Policy**

April 21, 2020

Page 2

**Reviewed By:** Francis Gomez, Operations Manager  
Tim Moy, Chief of Security

**ATTACHMENT(S)**

Attachment 1: Harassment Policy

Attachment 2: Resolution

## **ENDORSEMENT (to Board)**

### **Discuss & Consider the Harassment Policy**

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 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.

If a disciplinary hearing is necessary, staff will notice the member for a hearing 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 Monetary Fee Schedule, suspend member privileges, and/or consider legal action.

Director Parsons made a motion to approve the Harassment Policy. Director Engdahl seconded the motion.

By unanimous vote, the motion carried.

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## **Harassment Policy**

### **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 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 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](mailto: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).

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## **Resolution 03-20-XX**

### **Harassment Policy**

**WHEREAS**, the Resident Policy and Compliance Committee has recognized the need to adopt a Harassment Policy to set forth guidelines for harassment complaints received by the Board;

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, that the Board of Directors of this Corporation hereby adopts the Harassment Policy, as attached to the official minutes of this meeting; and

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

FEBRUARY Initial Notification

28-day notification for Member review and comment to comply with Civil Code §4360 has been satisfied.

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## STAFF REPORT

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**DATE:** April 21, 2020  
**FOR:** Resident Policy and Compliance Committee  
**SUBJECT:** Nuisance Policy

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### **RECOMMENDATION**

Staff recommends adoption of the Nuisance Policy.

### **BACKGROUND**

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 then monitors the situation and if compliance is not achieved, 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 necessary, staff will notice the member for a hearing 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 Monetary Fee Schedule, suspend member privileges, and/or consider legal action.

Violations may include but not be limited to behavior/disturbance, noise, odors and neighbor disputes.

On December 2, 2019, the Resident Policy and Compliance Committee approved adoption of the Nuisance Policy. On December 17, 2019, the Board requested that the Committee review the Nuisance Policy with Legal Counsel's updates. On January 15, 2020, the Resident Policy and Compliance Committee approved adoption of the Nuisance Policy with Legal Counsel's updates.

### **DISCUSSION**

The purpose of the Nuisance Policy (Attachment 1) is to set forth guidelines to address alleged violations of nuisance behavior that occurs in Third Mutual.

### **FINANCIAL ANALYSIS**

None.

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

**Reviewed By:** Francis Gomez, Operations Manager  
Tim Moy, Chief of Security

**ATTACHMENT(S)**

Attachment 1: Nuisance Policy

Attachment 2: Resolution

## **ENDORSEMENT (to Board)**

### **Discuss & Consider the Nuisance Policy**

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 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.

If a disciplinary hearing is necessary, staff will notice the member for a hearing 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 Monetary Fee Schedule, suspend member privileges, and/or consider legal action.

Director Parsons made a motion to approve the Nuisance Policy with changes. Director Engdahl seconded the motion.

By unanimous vote, the motion carried.

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## **Nuisance Policy**

### **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.

### **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)

**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.

#### **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](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 complaining 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.





## **Resolution 03-20-XX**

### **Nuisance Policy**

**WHEREAS**, the Resident Policy and Compliance Committee has recognized the need to adopt a Nuisance Policy to set forth guidelines for nuisance complaints received by the Board;

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, that the Board of Directors of this Corporation hereby adopts the Nuisance Policy, as attached to the official minutes of this meeting; and

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

FEBRUARY Initial Notification

28-day notification for Member review and comment to comply with Civil Code §4360 has been satisfied.

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## STAFF REPORT

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**DATE:** April 21, 2020  
**FOR:** Third Laguna Hills Mutual Board of Directors  
**SUBJECT:** Good Standing Policy

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### **RECOMMENDATION**

Entertain a motion to approve a Good Standing Policy that provides the definition of good standing and implications of a lack of the same.

### **BACKGROUND**

The board is obligated to enforce the provisions set forth in the mutual's governing documents, including, without limitation, the declaration of covenants, conditions and restrictions (CC&Rs); bylaws and operating rules (collectively governing documents). Mutual members/owners, or the units they own, as may be applicable, that have engaged in or are actively and currently in violation of the governing documents may be subject to certain disciplinary action and/or limitation in their rights and privileges, including, without limitation, suspension of voting rights and ineligibility for serving on the board, as described in the governing documents.

The term "good standing" has been used colloquially by the mutual and the board in reference to members who are not in violation of the governing documents. The lack of good standing has been used to denote that such members have committed a violation or are currently in violation of the governing documents and thus limited in their membership privileges. Despite the general use of this term and references made to same in the governing documents, there is no formal, comprehensive definition of good standing or accompanying description of the consequences of a lack of good standing by a member.

On September 17, 2019, the Board introduced a resolution for a Good Standing Policy and placed the resolution on 28-day review. Subsequently on October 12, 2019, Governor Newsome signed SB 323 pertaining to common interest developments elections into law. SB 323, which goes into effect on January 1, 2020, imposes new burdens on the election process both with regard to qualifications of candidates and the procedures to be followed when electing directors. As a result, the proposed Good Standing Policy has been updated to reflect the new legislation.

### **DISCUSSION**

The board has determined that it would be in the best interests of the mutual to adopt a formal definition of good standing to be added to the operating rules to provide clear guidance on the term and the implications for members identified as not in good standing.

The proposed Good Standing Policy provides the definition of good standing and the implications of a lack of same, and would incorporate such definition into the operating rules as a part of the governing documents. The term good standing shall mean that a member is:

- Not delinquent in payment of any assessment of related charge to the mutual (including regular monthly assessments, special assessments or reimbursement assessments);
- Not currently in violation of the provisions of the governing documents; and
- Not currently subject to disciplinary action imposed by the board of directors (or a committee thereof) after a duly noticed hearing in accordance with disciplinary procedures for a violation of the governing documents including any suspension of membership privileges as may be permitted by law (such as amenity use), or ongoing unpaid fines.

A member who is not in good standing due to a failure to meet any of the above-described criteria may be subject to certain restrictions, such as without limitation, in the use of the common area amenities, limits on the authority to rent his/her manor and/or refusal to approve architectural requests, in accordance with the provisions of the governing documents.

In accordance with SB 323, the mutual may not suspend a member's voting rights for any election/vote subject to Civil Code Section 5100 and the mutual's Election Rules (a "Subject Election"), as a disciplinary measure or otherwise restrict a member from voting in any Subject Election unless the member was not a member at the time the voting ballots were distributed. Matters that must be considered in a Subject Election include the election and removal of directors, special assessments over 5% or regular assessments over 20%, amendments to the governing documents, and grant of exclusive use of common area property.

A member more than 30 days delinquent on the payment of any sums due to the mutual including assessments, late fees or cost of collection relating to the same, chargeable service or other required fee, or fine imposed by the mutual in excess of \$100 as of the date of the distribution of ballots for voting on any matter involved in a Non-Subject Election shall be ineligible to vote in such an election. According to Section 4.5.3 of the Bylaws, any suspension period shall not exceed one year for any individual violation. A member delinquent in payment may also be subject to collection, legal action or other disciplinary action.

Further, no member who is more than 30 days delinquent on the payment of any sums due to the mutual including assessments, late fees or cost of collection relating to the same, chargeable service or other required fee, or fine imposed by the mutual will not be eligible to be a candidate for election to the Board of Directors or to serve as a director on the Board of Directors. Notwithstanding the foregoing, a candidate or Board Member shall not be disqualified to serve for failure to remain current in the payment of regular or special assessments if the member has paid the amounts under protest or entered into a payment plan with the mutual.

A member who is ineligible to serve as a candidate for election to the Board will have his/her nomination rejected by the Mutual, and the member's name and candidate information will not appear in the election ballot package. If it is determined that the candidate is not eligible after the distribution of the ballots, any votes for such candidate will not be counted. Any currently serving Board Member who becomes ineligible to serve pursuant to this Policy, other

Governing Documents, or applicable statute may be removed by the remainder of the Board from such director position.

**FINANCIAL ANALYSIS**

None.

**Prepared By:** Siobhan Foster, COO

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

**ATTACHMENT(S)**

Attachment 1: Good Standing Policy

Attachment 2: Resolution 03-19-xx

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## **ENDORSEMENT (to Board)**

### **Discuss & Consider the Good Standing Policy**

The Board is obligated to enforce the provisions set forth in the Mutual's Governing Documents, including, without limitation, the Declaration of Covenants, Conditions and Restrictions (CC&Rs); Bylaws and Operating Rules (collectively governing documents). Mutual members/owners, or the units they own, as may be applicable, that have engaged in or are actively and currently in violation of the Governing Documents may be subject to certain disciplinary action as described in the governing documents.

The term "good standing" has been used colloquially by the Mutual and the Board in reference to members who are not in violation of the governing documents. The lack of good standing has been used to denote that such members have committed a violation or are currently in violation of the governing documents and thus limited in their membership privileges. Despite the general use of this term and references made to same in the governing documents, there is no formal, comprehensive definition of good standing or accompanying description of the consequences of a lack of good standing by a member.

Director Parsons made a motion to approve the Good Standing Policy. Director Engdahl seconded the motion.

By unanimous vote, the motion carried.

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**Good Standing Policy**  
**Resolution 03-20-XX; Adopted April XX, 2020**

**I. Definition**

For the purposes of the enforcement of the Mutual's Governing Documents, and the exercise by Mutual members of the rights and privileges appurtenant to such membership as further described in the Governing Documents, including without limitation, the Mutual's CC&Rs, Bylaws, and Operating Rules and other rules or policies that may be adopted by the Mutual from time to time, the term “**good standing**” shall mean that the member (or the member's unit(s), as may be applicable) is:

- Not delinquent in the payment of any assessment or related charge to the Mutual (including regular monthly assessments, special assessments, or reimbursement assessments) or other any other amounts owed to the Association, including, without limitation, payment of chargeable services, fees or costs required to be paid, or fines imposed against the member as a disciplinary measure for violation of the Governing Documents.
- Not currently in violation of the provisions of the Mutual's Governing Documents, including without limitation, in violation of any architectural or landscaping rules, policies or procedures, leasing or occupancy rules and requirements, vehicle registration requirements, or other similar ongoing-type obligations of members and their units.
- Not currently subject to disciplinary action imposed by the Mutual's Board of Directors (or a committee thereof) after a duly noticed hearing in accordance with the Mutual's hearing enforcement procedures for a violation of the Mutual's Governing Documents, including any suspension of membership privileges as may be permitted by law (such as amenity use), or ongoing or unpaid fines.
  - If a one-time fine is levied against a Mutual member for one or more violations without additional ongoing disciplinary action such as suspension of membership privileges, the member shall be restored to good standing upon receipt of payment of the fines by the Mutual.

**II. Effect of Lack of Good Standing**

A member who is not in good standing, due to a failure to meet any of the above-described criteria may be subject to certain restrictions, such as without limitation, in the use of the common area amenities, restrictions in the authority to rent their manor

and/or refusal to approve architectural requests, in accordance with the provisions of the Governing Documents.

**a. Eligibility to Vote**

In accordance with a new statute adopted pursuant to California Senate Bill 323, effective January 1, 2020, notwithstanding any provisions to the contrary within the Mutual's Governing Documents, including without limitation any provisions in the CC&Rs, the Bylaws and the Rules and Regulations, the Mutual may not suspend a member's voting rights for any election/vote subject to Civil Code Section 5100 et seq. and subject to the Mutual's Election Rules (a "**Subject Election**") as a disciplinary measure or otherwise restrict a member from voting in any such election for any reason other than that such member was not a member at the time the voting ballots were distributed.

Notwithstanding the foregoing, in accordance with the Mutual's Bylaws, any member who is more than thirty (30) days delinquent on the payment of any sums due to the Mutual (including, without limitation, any assessment, late fee, or cost of collection relating to same; chargeable service or other required fee, or fine imposed by the Mutual against the member) in excess of one hundred dollars (\$100) as of the date of the distribution of ballots for voting on any matter that is not a Subject Election, shall be ineligible to vote in such election.

In addition, any member who has had his/her/its voting privileges for non-Subject Elections suspended as a disciplinary measure for violation of the Governing Documents after a noticed hearing before the Board in accordance with the Mutual's hearing and enforcement procedures as of the prescribed record date for voting on the matter before the membership or Board election, as may be applicable, shall be ineligible to vote in such election; *provided, however, that such voting rights suspension shall only apply to any non-Subject Election.* According to Section 4.5.3 of the Mutual's Bylaws, any such suspension period shall not exceed one (1) year for any individual violation.

Any vote cast by an ineligible member in a non-Subject Election due to either the lack of good standing from unpaid sums owed to the Association or due to such member having his/her/its voting rights suspended as a disciplinary measure, shall be deemed void and shall not be tabulated or counted toward quorum.

**b. Collection and Legal Action**

A member who is delinquent in the payment of any sums owed to the Mutual, in addition to being ineligible to vote in non-Subject Elections and subject to other disciplinary measures that may be imposed by the Mutual after a noticed disciplinary hearing before the Board (or a committee thereof), shall also be subject to the Mutual's procedures for the collection of delinquent sums owed as described in the Governing Documents, including without limitation the Collection and Lien Enforcement Policy, which may include the exercise by the Association

of its lien rights, foreclosure action, and/or other legal action against the member to collect the amounts owed to the Mutual.

**c. Other Disciplinary Measures**

In addition to the foregoing disciplinary and enforcement procedures, a Mutual member (or such member's unit(s)) determined to be in violation or to have committed a violation of the Mutual's Governing Documents after a duly noticed disciplinary hearing before the Board (or a committee thereof) may also be subject to other disciplinary measures in accordance with the Mutual's enforcement procedures, including, without limitation the imposition of fines in accordance with the Mutual's Schedule of Monetary Penalties, the suspension of the member's (or the member's guests, residents, and invitees) privilege to use amenities controlled by the Mutual for a period not to exceed ninety (90) days for each violation, a referral to GRF for potential suspension of the use of GRF operated facilities, and the suspension of the member's right to lease his/her/its unit for a specified period.

**III. Good Standing and Eligibility to Serve on the Board**

In addition to the foregoing actions and disciplinary measures to which a member not in good standing is subject, due to violations by a member, the member's unit, or the member's guests, residents, and invitees, a member's lack of good standing may also impact such member's eligibility to be a candidate for election to the Board.

In accordance with Section 6.2.4 of the Mutual's Bylaws and Civil Code Section 5105, no Mutual member will be eligible to be a candidate for election to the Board of Directors or to serve as a director on the Board of Directors who is more than thirty (30) days delinquent in the payment of any regular or special assessment sums due to the Mutual (this does **not** apply for any late fees, interest or costs of collection relating to same; chargeable service or other required fee, fines, or reimbursement assessment which was recharacterized as a fine, imposed by the Mutual against the member) as of the prescribed record date for voting for the election of the Board. Notwithstanding the foregoing, a candidate or Board Members shall not be disqualified to serve for failure to remain current in the payment of regular or special assessments if such member has paid said amounts under protest or entered into a payment plan with the Mutual for the repayment of such amounts.

Any member who is ineligible to serve as a candidate for election to the Board will have their nomination rejected by the Mutual, and such member's name and candidate information will not appear in the election ballot package. In the event it is determined that a candidate is not eligible after the distribution of the ballots, any votes for such candidate will not be counted thereby invalidating a member's ability to be seated for same. Any currently serving Board Member who becomes ineligible to serve pursuant to this Policy, the Mutual's other Governing Documents, or applicable statute may be removed by the remainder of the Board from such director position.

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**RESOLUTION 03-20-XX**  
**Good Standing Policy**

**WHEREAS**, the Board of Directors (the “Board”) of Third Laguna Hills Mutual (“Mutual”) held a meeting on April 21, 2020, at which a quorum of the Board was present;

**WHEREAS**, the Board is obligated to enforce the provisions set forth in the Mutual’s governing documents, including without limitation, the Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, and Operating Rules (collectively, the “Governing Documents”); and

**WHEREAS**, the Mutual must comply with SB 323 pertaining to elections in common interest developments and related topics such as candidate and voter eligibility, which went into effect and became law as of January 1, 2020; and

**WHEREAS**, the term *good standing* has been used colloquially by the Mutual and the Board in reference to Mutual members who are not in violation of the Governing Documents, and the lack of *good standing* to denote that such members have committed a violation or are currently in violation of the Governing Documents and thus limited in their membership privileges; and

**WHEREAS**, despite the general use of the term *good standing*, and references made to same in various rules, policies, and elsewhere in the Governing Documents, there is no formal, comprehensive definition of *good standing* or accompanying description of the consequences of a lack of good standing by a Mutual member; and

**WHEREAS**, the Board has determined that it would be in the best interests of the Mutual to adopt a formal definition of the term *good standing* to be added to the Mutual’s Operating Rules, which will provide clear guidance on the term and the implications for Mutual members identified as not being in *good standing*; and

**WHEREAS**, the Good Standing Policy proposed to formalize the definition of *good standing* would also provide clarification on the respective rights and obligations of the Mutual and Members regarding elections, candidacy, and voting based on the requirements of SB 323; and

**WHEREAS**, pursuant to the Good Standing Policy, Mutual members, or the units they own, as may be applicable, that have engaged in or are actively and currently in violation of the Governing Documents may be subject to certain disciplinary action and/or limitation in their rights and privileges, including, without limitation, suspension of the use of the common area amenities, limits on the ability to rent such member’s manor, and/or denial of requests for review of architectural applications, as described in the Governing Documents; and

**WHEREAS**, pursuant to the Good Standing Policy, a member more than thirty (30) days delinquent on the payment of any sums due to the Mutual including assessments, late fees or cost of collection relating to the same, chargeable service or other required fee, or fine imposed by the Mutual in excess of \$100 may be subject to restriction of voting rights, but only for those elections not subject to the Mutual's Election Rules and the secret ballot voting requirements of Civil Code Section 5100 et seq., and may also be subject to collection, legal action or other disciplinary action; and

**WHEREAS**, pursuant to the Good Standing Policy, any currently serving Board Member who becomes ineligible to serve pursuant to such policy, other Mutual governing documents, or applicable statute may be removed by the remainder of the Board from such director position;

**NOW, THEREFORE BE IT RESOLVED**, April 21, 2020, that the Board of the Mutual hereby approves and adopts the below Good Standing Policy, which provides the definition of *good standing* and the implications of a lack of same, and incorporates such definition into the Mutual's Operating Rules as a part of the Mutual's Governing Documents; and

**RESOLVED FURTHER**, that the officers and agents of the Mutual are hereby authorized on behalf of the Mutual to carry out this Resolution.

FEBRUARY Initial Notification

28-day notification for Member review and comment to comply with Civil Code §4360 has been satisfied.



## STAFF REPORT

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**DATE:** April 21, 2020  
**FOR:** Resident Policy and Compliance Task Force  
**SUBJECT:** Election Rules

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### **RECOMMENDATION**

Approve revised Election Rules to align with Senate Bill 323.

### **BACKGROUND**

On May 16, 2006, the Board established Election Rules to align with changes in California Civil Code. The new Civil Code required procedures for appointment of inspectors of elections; voting by secret ballot and proxy; ballot instructions; publication of election results; retention of ballots; and deadline for mailing of ballots (Resolution 03-06-25).

Since the adoption, the Election Rules has been revised and approved by the Board one other occasion to comport with the current Civil Code requirements at the time (Resolutions 03-14-03).

On January 15, 2020, the Resident Policy and Compliance Committee approved adoption of the Election Rules with clarification from Legal Counsel. Legal Counsel advised Section III. Qualification for Candidates and Directors (V) 'declared of unsound mind' is a legal terminology having to do with mental capacity to make legal decisions to enter into contracts, etc.

### **DISCUSSION**

In October 2019, new California State Legislation changes to election requirements for common interest developments passed. The legislation bill known as Senate Bill 323 will become effective on January 1, 2020 and require changes to the current election procedures.

These updates include, but not limited to: allowing all members the opportunity to vote even if they have a delinquent account, allowing a general power of attorney to vote; and inspector of election must send follow notice requirements and include specific language to the notices sent to the membership.

### **FINANCIAL ANALYSIS**

None.

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

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

Third Laguna Hills Mutual

**Election Rules**

April 21, 2020

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**ATTACHMENT(S)**

Attachment 1: Election Rules

Attachment 2: Resolution



## **ENDORSEMENT (to Board)**

### **Discuss & Consider the Election Rules**

On May 16, 2006, the Board established Election Rules to align with changes in California Civil Code. The new Civil Code required procedures for appointment of inspectors of elections; voting by secret ballot and proxy; ballot instructions; publication of election results; retention of ballots; and deadline for mailing of ballots (Resolution 03-06-25).

Since the adoption, the Election Rules has been revised and approved by the Board one other occasion to comport with the current Civil Code requirements at the time (Resolutions 03-14-03).

On January 15, 2020, the Resident Policy and Compliance Committee approved adoption of the Election Rules with clarification from Legal Counsel. Legal Counsel advised Section III. Qualification for Candidates and Directors (V) 'declared of unsound mind' is a legal terminology having to do with mental capacity to make legal decisions to enter into contracts, etc.

Director Parsons made a motion to approve the Election Rules and directed staff to seek clarifying language from Legal Counsel. Director Engdahl seconded the motion.

By unanimous vote, the motion carried.

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## **Election Rules**

Resolution 03-20-XX; April 21, 2020

### **I. Purpose**

These Election Rules (“Rules”) are intended to comply with California statute as well as the Bylaws of Third Laguna Hills Mutual (the “Mutual”). In addition, these Rules are intended to enhance the fairness and professionalism of Mutual membership voting. Where applicable, authority from the Bylaws is shown in parentheses.

### **II. Definitions**

- a. Ballot Materials - Ballot, Secret Ballot Envelopes, Pre-addressed Return Envelopes, and any other material sent to all Members with the Ballots.
- b. Board or Board of Directors - the board of directors of the Mutual.
- c. Bylaws – the bylaws of the Mutual, as may be amended from time to time, applicable to Members in the Mutual.
- d. Candidate - a qualified candidate for election to the Mutual’s Board of Directors, including both incumbents and non-incumbents.
- e. CC&Rs - any Amended and Restated Declaration of Covenants, Conditions and Restrictions (as may be amended from time to time, the “CC&Rs”), applicable to Members in the Mutual.
- f. Director - a person who serves on the Board of Directors.
- g. Election Records - tabulated ballots, voided ballots, voided Pre-addressed Return Envelopes, signed voter exterior envelopes, the voter list of names, parcel numbers, and voters to whom Ballot Materials were sent, proxies, and the Candidate registration list(s), Eligible Voter List(s), inspector of election (defined below) tally sheets, ballot packages returned from the post office as undelivered, ballots received, after the election deadline, and any other used and/or voided ballots.
- h. General Delivery or General Notice - the delivery of a document to a Member, which can be effectuated by posting the document, pursuant to the requirements of California Civil Code Section 4045.
- i. Governing Documents - the governing documents of the Mutual, including, without limitation, (1) the Bylaws, (2) applicable CC&Rs, (3) Condo Plans and (3) any rules, regulations and policies adopted by the Board from time to time that apply generally to the conduct of the business and affairs of the Mutual.
- j. Individual Delivery or Individual Notice - the delivery of a document to a Member pursuant to the requirements of California Civil Code Section 4040
- k. Inspector or Inspector of Elections - an independent third party acting as the inspector of elections in any Mutual election conducted by Secret

Ballot. The term “independent” means not subject to a current contract with the Association and in no event shall it be the Association’s managing agent or an employee thereof.

- l. Inspection Firm - business hired by the Mutual to conduct the election and assist the Inspector. If there is no Inspection Firm hired by the Mutual, those duties will be fulfilled by the Inspector. The Inspection Firm may also act as the Inspector, if so approved, in advance, by the Board.
- m. Member – An owner of a Unit in Third Laguna Hills Mutual
- n. Rules – Consist of, without limitation, these Election Rules of Third Laguna Hills Mutual.
- o. Secret Ballot - a ballot used in a Mutual election which is subject to the secret ballot voting requirements of the California Civil Code or an election on any topic that is expressly identified in the Governing Documents as required to be held by secret ballot.
- p. Secretary - an elected member of the Board of Directors who has been elected or appointed as Secretary by the Board.
- q. Assistant Secretary - Staff member of the Mutual’s managing agent who has been appointed by the Board of Directors.

### **III. Qualifications for Candidates and Directors**

- a. An individual shall not qualify as a Candidate if the individual is not a Member at the time of nomination. (6.2)
  - i. If title to a separate interest parcel is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person to be a Member.
- b. In addition to being a Member, in order to qualify as a Candidate (or serve as a Director, as applicable), the following qualifications or requirements shall be applicable:
  - i. A Candidate or Director must be current in the payment of regular and special assessments, which are consumer debts subject to validation. This requirement shall not apply to the nonpayment of fines, fines renamed as assessments, collection charges, late charges, costs levied by a third party, or other chargeable services permitted pursuant to the Governing Documents. Further, the Member candidate shall not be disqualified for failure to be current in payment of regular and special assessments if either of the following circumstances is true:
    - 1. The person has paid the regular or special assessment under protest pursuant to Section 5658 of the California Civil Code; or
    - 2. The person has entered into a written payment plan with the Mutual pursuant to Section 5665 of the California Civil Code
  - ii. A Candidate or Director may not serve on the Board if the person, if elected, would be serving on the Board at the same time as another person who holds a joint ownership interest in the same separate interest parcel as the person and the other person is either properly

- nominated for the current election or an incumbent Director
  - iii. A Candidate or Director may not serve on the Board unless that person has been a Member for at least one (1) year prior to the nomination date.
  - iv. A Candidate or Director may not serve on the Board if that person discloses, or if the Association is aware of or becomes aware of, a past criminal conviction that would, if the person was elected, either prevent the Association from purchasing the fidelity bond coverage required by Section 5806 of the California Civil Code or terminate the Association's existing fidelity bond coverage.
  - v. To the fullest extent permitted by law, a Director may have his or her seat declared vacant, and the Director's seat removed, if the Director has been convicted of a felony or declared of unsound mind by a final order of a court.
- c. A person may not be disqualified from nomination if the person has not been provided the opportunity to engage in internal dispute resolution pursuant to the California Civil Code.

#### **IV. Nomination Process**

The Mutual shall distribute to all Members a notice seeking Candidates for the Board (the "Candidacy Notice") at least thirty (30) days prior to the date of the deadline for return of the completed Candidacy Notice to the Mutual. The Candidacy Notice shall provide a space for any Member interested in being a Candidate to indicate his or her name, separate interest address within the Mutual's development, mailing address (if different), other contact information and signature, a resolution by the governing authority of a legal entity authorizing a natural person to run for the Board on behalf of the legal entity (if applicable), and include a deadline for return of the completed Candidacy Notice to the Mutual.

- a. Any Member eligible as a candidate under these Rules may apply or self-nominate by signing an application and submitting it to the Secretary or Assistant Secretary of the Mutual (or otherwise in accordance with the instructions on the Candidacy Notice) stating an intention to run for the Board of Directors. (8.3.5). Any Member submitting a completed Candidacy Notice will be required to certify on the Candidacy Notice that he/she meets the qualifications for Candidates and Directors set forth in these Rules. Any Member submitting an incomplete Candidacy Notice or failing to submit a completed Candidacy Notice by the stated deadline shall not have his or her name included in the Secret Ballot or other voting materials for that election. The application shall include the signed Candidate's Pledge as attached to these Rules. Every Candidate shall submit with his or her Candidacy Notice a statement of background and qualifications, not to exceed 300 words, not later than the time of close of nominations. It is specifically understood by each Candidate that the statement will be published. The Mutual shall not edit or redact any content from the Candidate's statement. Any Candidate statement

published shall be accompanied by the following statement: *"These statements are from the candidates and not the Mutual. Neither the Mutual nor the Board of Directors is responsible for or necessarily endorses any of the views expressed in these statements."*

- b. A Candidate statement exceeding 300 words in length will be cut off at the 300th word before it is published.
- c. The Secretary or Assistant Secretary shall, ninety (90) days before the date of the election, send notice to all Members of the election date.
- d. The Mutual shall provide General Notice (or Individual Notice if requested by a Member) of the procedure and deadline for submitting a nomination at least thirty (30) days before any deadline for submitting a Candidacy Notice.
- e. The Mutual shall provide General Notice (or Individual Notice if requested by a Member) of all of the following at least thirty (30) days before the ballots are distributed: (1) the date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector(s); (2) the date, time, and location of the meeting at which ballots will be counted; (3) the list of all Candidates' names that will appear on the ballot.
- f. The Inspector or Inspection Firm shall send to each Member entitled to vote a ballot package, including candidate statements, no later than thirty (30) days prior to the date of election. (8.3.6)

## **V. Eligibility to Vote**

- a. Notwithstanding any other law or the Governing Documents, any Member at the time when ballots are distributed (or person with a valid, general power of attorney for a Member) may vote in all Mutual matters.
- b. Members shall have one (1) vote per separate interest owned. Memberships in which two or more Mutual Members have joint or undivided interest shall have only one (1) vote. (5.8.1.2)
- c. Record dates for determining Members entitled to receive notice of a meeting, shall be established in accordance with Section 7611 of the California Corporations Code. (5.10)

## **VI. Candidate Equal Access to Media**

- a. If any Candidate or Member advocating a point of view is provided access to Mutual media, newsletters, or Internet Web sites during a campaign, for purposes that are reasonably related to that election, equal access shall be provided to all Candidates and Members advocating a point of view, including those not endorsed by the Board, for purposes that are reasonably related to the election. The Mutual shall not edit or redact any content from communications by a Candidate or a Member, but the Association may include a statement specifying that the Candidate or Member, and not the Mutual, is responsible for that content; the Mutual shall not be responsible for the content of Candidate or Member communications, regardless of whether such a statement is included.

- b. Prior to each election for the Board of Directors, the Mutual shall hold a forum ("Meet the Candidates") for the nominees within a Golden Rain Foundation (GRF) facility prior to the date that the ballot materials are sent to the Membership. The forum will be administered by the Candidates Information Committee. If no Candidates Information Committee is formed, the Board may designate a chairperson to preside over the forum. In the absence of Board action to designate a chairperson, the President may designate a chairperson. The forum is intended to allow the Membership to meet and ask questions of nominees. All Candidates standing for election shall be invited to attend the forum and should appear in person so that all candidates participating in "Meet the Candidates" are on an equal footing during the election. However, a Candidate shall not be disqualified if he/she/their/they fails to attend the "Meet the Candidates" event and may not, by their failure to attend, demand that the Mutual host another "Meet the Candidates" forum that they can attend.
- c. Access to common area meeting space shall be made available during a campaign, at no cost, to all Candidates, including those who are not incumbents, and to all Members advocating a point of view, including those not endorsed by the Board, for purposes reasonably related to the election. Such access, as may be applicable, shall be made available upon the request of a Candidate or Member, at no charge and shall be scheduled at a reasonable time(s) by the Board.

## **VII. Proxies**

- a. Any Member entitled to vote may do so by proxy, where the proxy is submitted in exchange for a secret or non-secret written ballot, as applicable, in accordance with the Bylaws. (5.11)
- b. A "proxy" means a written authorization signed by a Member or the authorized representative of the Member that gives another Member or Members (or a person with a valid, general power of attorney for a Member) the power to vote on behalf of that Member. For purposes of this definition, "signed" means the placing of the Member's name on the proxy (whether by manual signature, typewriting, telegraphic transmission, or otherwise) by the Member or authorized representative of the Member.
- c. Proxies shall not be construed or used in lieu of a ballot (whether a Secret Ballot or other written ballot).
- d. The use of proxies shall meet the requirements of the Governing Documents, Section 7613 of the California Corporations Code and other provisions of law.
- e. The Mutual shall not be required to prepare or distribute proxies.
- f. Any instruction given in a proxy that directs the manner in which the proxyholder is to cast the vote must be set forth on a separate page of the proxy that can be detached and retained by the proxyholder. Neither the Mutual nor the Inspector will be responsible for ensuring that the proxyholder votes the votes in accordance with the Member's instructions.
- g. A proxy may be revoked by a Member prior to the receipt of a Secret Ballot by the Inspector (or receipt of other written ballot by the Mutual), as described in Section 7613 of the California Corporations Code. A

Member's attendance at the meeting at which the proxyholder casts, or intends to cast, the Member's vote does not automatically revoke the proxy.

#### **VIII. Procedures for Elections by Secret Ballot**

- a. The Mutual shall utilize a Secret Ballot process for elections regarding any of the following matters:
  - i. Assessments legally requiring a vote of the Members.
  - ii. Election or removal of Directors.
  - iii. Amendments to the Governing Documents.
  - iv. The grant of exclusive use of the common area unless otherwise authorized by statute for certain stated purposes.
  - v. An election on any other topic that is expressly identified in the Governing Documents or the California Civil Code as required to be held by Secret Ballot.
- b. The Mutual shall hold an election for a seat or seats on the Board, in accordance with these Rules and applicable law, at the expiration of the corresponding Director(s)' term(s) and at least once every four (4) years.
- c. Secret Ballots and two (2) pre-addressed envelopes with instructions on how to return the Secret Ballots shall be mailed by first-class mail or delivered by the Mutual to every Member not less than thirty (30) days prior to the deadline for voting. The deadline for voting and the times at which the polls will open and close shall be noticed with the Secret Ballot
- d. In order to preserve confidentiality, a voter may not be identified by name, address, or lot, parcel, or unit number on the Secret Ballot. The Mutual shall use as a model those procedures used by California counties for ensuring confidentiality of vote by Secret Ballots, including all of the following:
  - i. The Secret Ballot itself is not signed by the voter, but is inserted into an envelope that is sealed. This envelope is inserted into a second pre-addressed return envelope that is sealed. In the upper left hand corner of the second envelope, the voter shall sign the voter's name, indicate the voter's name, and indicate the address of the separate interest that entitles the voter to vote.
  - ii. The pre-addressed return envelope is addressed to the Inspector, who will be tallying the votes. The envelope may be mailed to the address designated by the Inspector or delivered by hand to the locked ballot box in the Community Center. All pre-addressed return envelopes received shall remain sealed and in the possession of the Inspector or Inspection Firm, or another party, at their direction and designation, until they are opened and the ballots tabulated in public.
- e. The Secret Ballots may be either mailed or hand delivered as follows:
  - i. Return by Mail
    1. The pre-addressed return envelope shall be addressed to the Inspector. The Inspector may use a restricted-access post office box used solely for the receipt and storage of voted ballots, in which case, ballots shall be released only at a specified time on the ballot return deadline date and only to the Inspector of Elections. The Inspector may also use an address designated by the Inspector for receipt of the voted Secret Ballots.
    2. A second post office box or address may be used for ballot packages returned as undeliverable to the Member to which they



- were sent.
3. Members who desire a receipt for delivery of a mailed ballot shall mail the ballot by Certified Delivery - Return Receipt Requested at the Member's expense.
- ii. Return by Hand Delivery
    1. Ballots returned by hand shall be deposited by the Member into a locked and secure ballot box located in the lobby of the Community Center, 24351 El Toro Road, Laguna Woods.
    2. At the request of the voting Member, management staff shall provide a receipt for the hand delivered ballot so long as same shall occur in the presence of management staff.
    3. The Inspector or Inspection Firm shall retrieve pre-addressed envelopes from the locked ballot box and record their receipt, at periodic intervals of their selection, until the close of balloting.
    4. In the alternative, the Inspector may select an alternate location for hand delivery of ballots, or require that hand-delivered ballots be brought directly to the tabulation meeting.
  - f. A quorum shall be required only if so stated in the Governing Documents or as may be required by law. If a quorum is required, each Secret Ballot received by the Inspector shall be treated as a Member present at a meeting for purposes of establishing a quorum.
  - g. In an election to approve an amendment of the Governing Documents, the text of the proposed amendment shall be delivered to the Members with the Secret Ballot.
  - h. A Member who owns multiple separate interests must submit separate sealed Secret Ballots for each separate interest owned.
  - i. Once a Secret Ballot is received by the Inspector, it shall be irrevocable. If more than one valid Secret Ballot is received for any Member's separate interest, the first secret ballot received will be the one counted; if it cannot be determined which Secret Ballot was the first received, the Secret Ballots will not be counted, except for the purpose of establishing quorum.
  - j. All votes shall be counted and tabulated by the Inspector or Inspectors, or the designee of the Inspector or Inspectors, in public at a properly noticed open meeting of the Board or Members. Any Candidate or other Member of the Association may witness the counting and tabulation of the votes. No person, including a Member of the Mutual or an employee of the Mutual's managing agent, shall open or otherwise review any Secret Ballot prior to the time and place at which the Secret Ballots are counted and tabulated; provided, however, the Inspector, or the designee of the Inspector, may verify the Member's information and signature on the outer envelope prior to the meeting at which Secret Ballots are tabulated.
  - k. Except for the meeting to count the votes required above, an election may be conducted entirely by mail.
  - l. The sealed Secret Ballots, signed voter envelopes, voter list, proxies, and candidate registration list shall at all times be in the custody of the Inspector or Inspectors or at a location designated by the Inspector or Inspectors until after the tabulation of the vote, and until the time allowed by the California Civil Code for challenging the election has expired, at which time custody shall be transferred to the Mutual.
  - m. In the event of a tie vote among any number of Candidates, the Mutual will notice a special meeting of Members and send Secret Ballots to all Members

- for a runoff vote to break the tie. Such runoff vote shall be conducted in accordance with the Secret Ballot procedures set forth herein to the extent they are applicable to a runoff vote. No previously cast Secret Ballots or proxies from the prior election will apply or be counted in the runoff vote.
- n. All Secret Ballots must be legible and clearly marked. If a Secret Ballot is marked to cast more votes than the maximum number of votes allowed for an election, the Secret Ballot will be used for quorum purposes only and shall not count towards the vote.
  - o. The Mutual shall retain, as Mutual election materials, both a Candidate registration list and a voter list. The voter list shall include the name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used. The Mutual shall permit members to verify the accuracy of their individual information on both lists at least thirty (30) days before the ballots are distributed. The Mutual or Member shall report any errors or omissions to either list to the Inspector(s) who shall make the corrections within two (2) business days.

#### **IX. Appointment of Inspector**

- a. At an open session Board meeting, as soon as possible after the annual meeting of the Mutual, the Board of Directors shall appoint one (1) or three (3) Inspector(s) of Election. The Board may appoint individuals to serve as Inspector(s), or it may hire an independent third party Inspection Firm which specializes in the administration of elections. An independent third party Inspector or Inspection Firm may not be a person, business entity, or subdivision of a business entity who is currently employed or under contract to the Mutual for any compensable services other than serving as the Inspector. The Board may also hire an Inspection Firm to assist the individual(s) serving as Inspectors.
- b. An Inspector shall not be a Director on either the Mutual's or GRF's Board of Directors, a candidate for either Board of Directors, or related by blood or marriage to a candidate for either Board of Directors.
- c. An Inspector shall not be an employee of the managing agent.
- d. An Inspector shall be impartial and shall not advocate, recommend or even disclose any personal voting preference.
- e. The Inspection Firm shall be instructed to communicate only with the Inspector(s), with management staff, Mutual legal counsel or as otherwise directed by majority vote of the Board.

#### **X. Duties of Inspector**

- a. The Inspector or Inspectors shall do all of the following:
  - i. Determine the number of memberships entitled to vote. The Inspector may rely upon information provided by the Mutual with regard to the memberships entitled to vote.
  - ii. Determine the authenticity, validity, and effect of proxies, if any.
  - iii. Receive Secret Ballots, and determine the validity of those Secret

Ballots and their compliance with the Secret Ballot requirements of these Rules and the Governing Documents.

1. Validate and record the number of pre-addressed return envelopes received from the post office and by hand delivery.
  2. Void any Secret Ballot which is not sealed inside a Secret Ballot envelope.
  3. Void (but do not open) any Secret Ballot envelope which is not enclosed in a pre-addressed return envelope.
  4. Void (but do not open) any pre-addressed return envelope, which does not contain information that identifies the member as an eligible voter.
  5. Void (but do not open) any pre-addressed return envelope that is a duplicate vote.
- iv. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
  - v. Determine when the polls shall close, consistent with the Governing Documents and with the assistance of the Managing Agent. The Inspector shall remove the Secret Ballots from the locked ballot box in the Community Center as soon after closing of the polls as is possible, and will not accept any Secret Ballots for counting after that time.
  - vi. Count and tabulate all votes.
    1. At the tabulation meeting, the seals of the Secret Ballot envelopes shall be broken, and the Inspector or Inspection Firm shall prepare the Secret Ballots for electronic tabulation scanning.
    2. A Secret Ballot shall be voided if it contains information identifying the voter.
    3. Any Secret Ballot not counted shall be kept separately from counted Secret Ballots, and the reason for not counting the Secret Ballot will be noted on the Secret Ballot or its envelope
    4. Envelopes and/or Secret Ballots which have been determined by the Inspectors to be invalid shall not be mixed with the Secret Ballots to be counted, but shall be segregated by the Inspector, with explanation of the reasons for rejecting the Secret Ballots in the Inspector's final report.
    5. Secret Ballots which are determined by the Inspector during the counting process to be invalid shall not be counted but shall be segregated from the counted Secret Ballots.
  - vii. Determine the tabulated results of the election and advise the Board of same.
  - viii. Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with provisions of the law and all applicable rules of the Mutual regarding the conduct of the election that are not in conflict with the law.
  - ix. Deliver, or cause to be delivered, at least thirty (30) days before an election both of the following documents to each Member:

1. The Secret Ballot or Secret Ballot(s).
  2. A copy of these Rules. Delivery of these Rules, pursuant to this provision, may be accomplished by either of the following methods: (i) Individual Delivery; or (ii) Posting these Rules to an internet website and including the corresponding internet website address on the Secret Ballot together with the phrase, in at least twelve (12) point font: "The rules governing this election may be found here:"
- b. If three individuals are the Inspector they shall act by majority vote, and the decision or act of a majority shall be effective in all respects as the decision or act of all. Any report made by the Inspector or Inspectors is prima facie evidence of the facts stated in the report.
  - c. An Inspector shall perform all duties impartially, in good faith, to the best of the Inspector's ability, and as expeditiously as is practical, and in a manner that protects the interest of all Members of the Mutual.
  - d. The Inspector or Inspectors may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector or Inspectors deem appropriate, provided that such persons are independent third parties as defined herein.
  - e. The Inspector has the authority to confer with the Association's legal counsel in advance of or at the meeting where Secret Ballots are to be counted. By the adoption of these Rules, the Association's legal counsel has been authorized by the Board of Directors to provide advice, as determined necessary or prudent by the Mutual's legal counsel, for the limited purpose of informing and advising the Inspector regarding issues related to the Inspector performing his/her/their/they's duties for the Mutual, and the Mutual waives the attorney-client privilege for that limited purpose.
  - f. The Board may, in its discretion, pay compensation to the Inspector and/or the Inspection Firm.
  - g. Prior to the election, the Mutual shall provide the Inspector with a current list of all Members and all other information as may be required under these Rules or applicable law.
  - h. If any election meeting is adjourned due to lack of quorum, the Inspector shall retain custody of such Secret Ballots and bring them to the adjourned meeting; new Secret Ballots will not be required from any Member who has cast a valid Secret Ballot vote in accordance with these Rules.
  - i. The Inspector may request that the meeting be recessed to allow the Inspector to complete the counting and tabulation of the Secret Ballots to another time. Notice of the recessed meeting will be given to all Members at the meeting where the counting and tabulation occurs and will identify the location, date and time when the counting and tabulation will resume. The Inspector will continue to maintain custody of all Secret Ballots until the counting and tabulation is complete.

**XI. Election Results**

- a. Once the Secret Ballots are tabulated, the Inspector(s) shall certify the election in writing.
- b. The tabulated results of the election shall be promptly reported to the Board, shall be recorded in the minutes of the next meeting of the Board, and shall be available for review by Members of the Mutual.
- c. After the tabulation of Secret Ballots, the Inspector or Inspection Firm shall return to the post office to pick up any Secret Ballots received after the deadline. These Secret Ballots shall not be opened and shall be marked "Void - received after deadline."
- d. Within fifteen (15) days of the election, the Board shall give general notice of the tabulated results of the election, in accordance with the requirements of the California Civil Code.

**XII. Recount or Challenge to the Election**

- a. The time period in which a Member may challenge an election shall be subject to the limitations set forth in the California Civil Code and the California Corporations Code.
- b. If there is a recount or other challenge to the election process, the Inspector or Inspectors shall, upon written request, make the Secret Ballots, signed voter envelopes, the voter list of names, parcel numbers, and voters to whom Secret Ballots were sent, proxies, and the Candidate registration list available for inspection and review by a Member or his or her authorized representative; provided, however, that the signed voter envelopes may be inspected but may not be copied. The Member shall be responsible for all costs and expenses related to such recount.
- c. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

**XIII. Use of Mutual Funds for Campaign Purposes**

- a. Association funds may not be used for campaign purposes in connection with any Association election except to the extent necessary to comply with the duties of the Association imposed by law. "Campaign purposes" include, but are not limited to, the following:
  - i. Expressly advocating the election or defeat of any Candidate.
  - ii. Including the photograph or prominently featuring the name of any Candidate on a communication from the Association or the Board, excepting the ballot, ballot materials, or a communication that is legally required, within thirty (30) days of an election; provided, however, this is not a campaign purpose if the communication is one for which the California Civil Code requires that equal access be provided to another Candidate or advocate.
- b. Unless otherwise provided by the California Civil Code, the foregoing restrictions on the use of Association funds for campaign purposes shall apply only to the election and removal of Directors.

**[End of Document]**

## **CANDIDATE PLEDGE**

**Candidates for the Third Laguna Hills Mutual Board of Directors shall confirm their commitment to the following:**

I promise that:

1. I will review the CC&Rs, Bylaws, and meeting rules of Third Laguna Hills Mutual before beginning service as a Director, if I am elected.
2. I will attend Board and Committee meetings except when illness or travel prevents it, and will review Board or Committee packets before the meeting. I will come prepared.
3. I will familiarize myself with the basics of Roberts Rules of Order.
4. I will, during the first year of my term, undertake a minimum of three hours of homeowner association education from a qualified HOA education provider.
5. I have reviewed the Board's Conduct Policy, and agree to follow it.
6. If elected, I will honor the confidentiality of information I receive regarding closed sessions of the Board, or during closed sessions, as well as information I receive from Mutual legal counsel.
7. I will attend the Directors' Institute if I am elected; and
8. I will disclose any conflict of interest which arises during my term on the Board, and will recuse myself from voting on matters in which I have a personal interest.



## **RESOLUTION 03-20-XXX**

### **Election Rules**

**WHEREAS**, Senate Bill 323 also known as the new election laws has amended sections of California Civil Code § 5100, 5110, 515, 5125, 5145 and 5200 and added section 5910.1 relating to common interest developments; and

**WHEREAS**, the Board recognized that need to amend the Election Rules to align with the current California Civil Code;

**NOW THEREFORE BE IT RESOLVED**; April 21, 2020, that the Board of Directors of this Corporation hereby approves the amended Election Rules, as attached to the official minutes of this meeting; and

**RESOLVED FURTHER**, that Resolution 03-14-03 adopted January 21, 2014 is hereby superseded in its entirety and cancelled;

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

FEBRUARY Initial Notification

28-day notification for Member review and comment to comply with Civil Code §4360 has been satisfied.

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# Laguna Woods Village – Third Laguna Hills Mutual

## Audit results

Presentation to the Board – April 21, 2020

Results of Financial Statement Audits as of December 31, 2019

# Audit results of Third Laguna Hills Mutual

Communication topic	Response
<b>Scope of audit</b>	Our audit of the financial statements of Third Laguna Hills Mutual as of December 31, 2019, and for the two-year period ended December 31, 2019 and 2018, was performed in accordance with auditing standards generally accepted in the United States of America.
<b>Auditors' report</b>	We have issued the financial statement report with an unmodified opinion dated April 5, 2020.
<b>Outstanding matters</b>	None.
<b>Uncorrected or Corrected misstatements</b>	None identified in the audit.
<b>Significant Internal Control Matters</b>	None identified in the audit.
<b>Significant difficulties encountered during the audit or disagreements with management</b>	No matters to report.
<b>Illegal acts or fraud</b>	No actual or suspected fraud involving management, employees with significant roles in internal control, or instances where fraud results in a material misstatement in the financial statements were identified during the audit.
<b>Significant findings or issues discussed, or the subject of correspondence, with management</b>	No matters to report.



## Presenter's Contact Details

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## **RESOLUTION 03-20-XX**

### **Deny the Request for Removal of of One Sweet Gum Tree – 5381-A Avenida Sosiega**

**WHEREAS**, September 20, 2011, that the Board of Directors adopted Resolution 03-11-149, Tree Removal Guidelines:

- Unless there is a purposeful reason, trees should not be removed merely because they are messy, or because of residents' personal preferences concerning shape, color, size, or fragrance.
- Trees should not be removed because of view obstruction if the obstruction is at a considerable distance from the complaining manor and therefore causes only a partial obstruction.
- Trees on slopes should not be removed if the removal will contribute to the destabilization of that slope.
- Trees which are damaging or will damage a structure, pose a hazard, in failing health or interfering with neighboring trees, will be considered for removal.

**WHEREAS**, on March 5, 2020, the Landscape Committee reviewed a request for removal of one Sweet Gum tree. The request was received from the Member at 5381-A who cited the reasons as litter/debris, sewer damage, overgrown, poor condition, and a fire, flood, and wind hazard and;

**WHEREAS**, the Committee determined that the tree does not meet the guidelines established in Resolution 03-11-149 and recommends denying the request for the removal of one Sweet Gum tree located at 5381-A Avenida Sosiega.

**NOW THEREFORE BE IT RESOLVED**, April 21, 2020, the Board of Directors denies the request for the removal of one Sweet Gum tree located at 5381-A;

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

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## Financial Report

Preliminary as of February 29, 2020



INCOME STATEMENT (in Thousands)	ACTUAL
Assessment Revenue	\$5,527
Non-assessment Revenue	\$580
Total Revenue	\$6,107
Total Expense	\$4,638
Net Revenue/(Expense)	\$1,469

1

## Financial Report

Preliminary as of February 29, 2020



OPERATING ONLY INCOME STATEMENT (in Thousands)	ACTUAL
Assessment Revenue	\$3,371
Non-assessment Revenue <sup>1</sup>	\$106
Total Revenue	\$3,477
Total Expense <sup>2</sup>	\$3,199
Operating Surplus	\$278

1) excludes unrealized gain

2) excludes depreciation

2

## Financial Report

Preliminary as of February 29, 2020

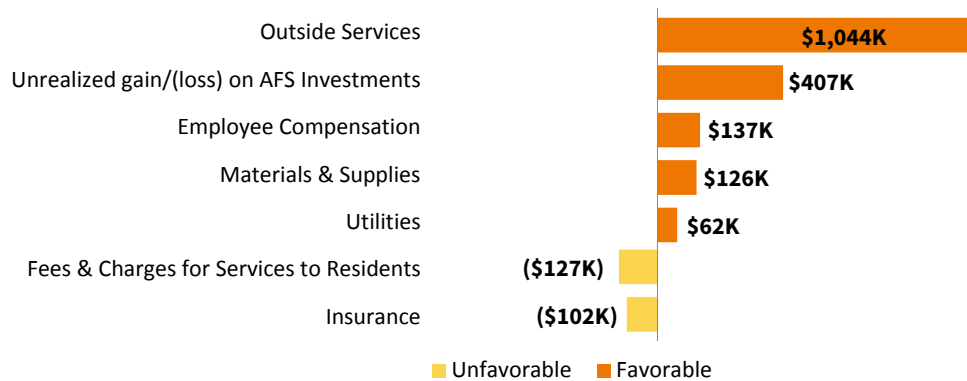


INCOME STATEMENT (in Thousands)	ACTUAL	BUDGET	VARIANCE B/(W)
Assessment Revenue	\$5,527	\$5,527	\$0
Non-assessment Revenue	\$580	\$331	\$249
Total Revenue	\$6,107	\$5,858	\$249
Total Expense	\$4,638	\$6,001	\$1,363
Net Revenue/(Expense)	\$1,469	(\$143)	\$1,612

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## Financial Report

Preliminary as of February 29, 2020



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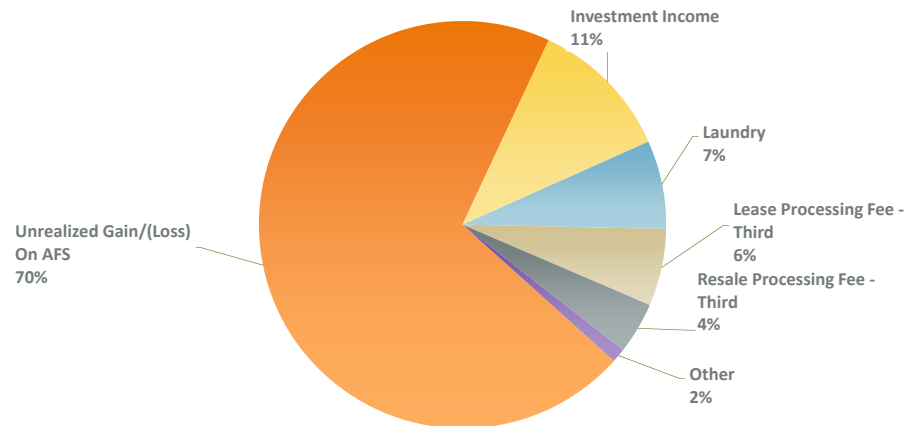


## Financial Report

Preliminary as of February 29, 2020



### Total Non Assessment Revenues \$579,541



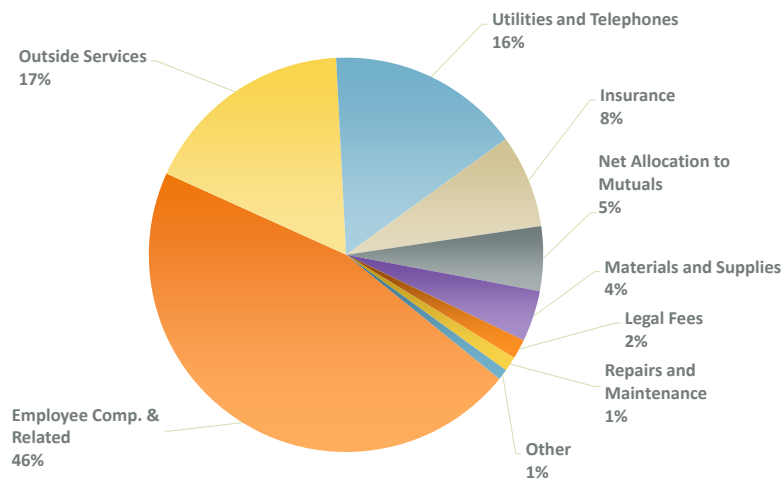
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## Financial Report

Preliminary as of February 29, 2020



### Total Expenses \$4,638,224



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## Financial Report

Preliminary as of February 29, 2020



NON OPERATING FUND BALANCES (in Thousands)	Replacement Funds*	Disaster Fund	Unappropriated Expenditures Fund	Garden Villa Fund	TOTAL
Beginning Balances: 1/1/20	\$16,033	\$9,065	\$3,626	\$73	\$28,797
Contributions & Interest	1,892	209	105	14	2,220
Expenditures	1,228	186	0	1	1,415
Current Balances: 2/29/20	\$16,697	\$9,088	\$3,731	\$86	\$29,602

\* Includes Elevator and Laundry Funds

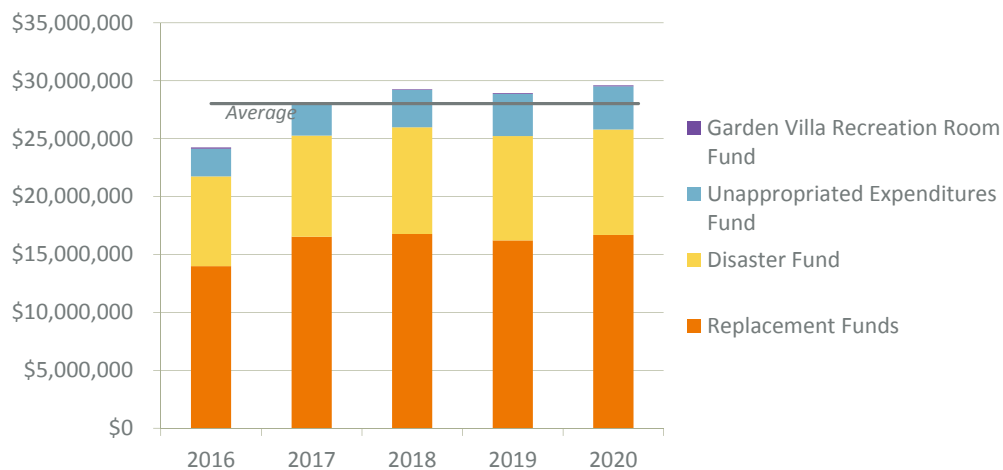
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## Financial Report

Preliminary as of February 29, 2020



### FUND BALANCES – Third Mutual



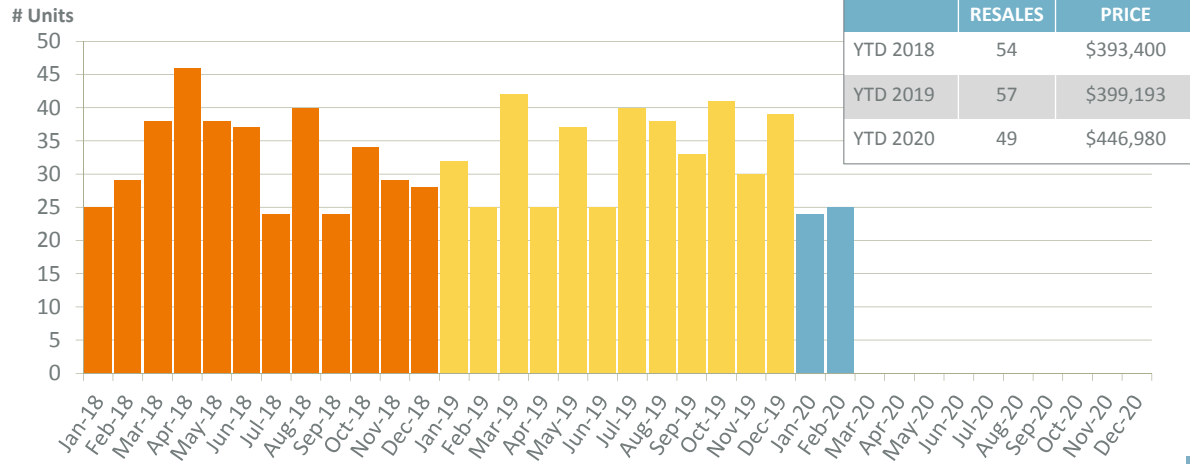
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# Financial Report

Preliminary as of February 29, 2020



## RESALE HISTORY – Third Mutual



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**Third Laguna Hills Mutual**  
**Statement of Revenues & Expenses - Preliminary**  
**2/29/2020**  
(\$ IN THOUSANDS)

		CURRENT MONTH			YEAR TO DATE			PRIOR YEAR	TOTAL
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET
Revenues:									
Assessments:									
1	Operating	\$1,686	\$1,686		\$3,371	\$3,371		\$3,128	\$20,228
2	Additions to restricted funds	1,078	1,078		2,156	2,156		2,243	12,935
3	Total assessments	2,764	2,764		5,527	5,527		5,371	33,163
Non-assessment revenues:									
4	Fees and charges for services to residents	(103)	49	(151)	(30)	98	(127)	122	588
5	Laundry	18	18		41	37	4	23	220
6	Investment income	40	45	(5)	66	89	(24)	102	536
7	Unrealized gain/(loss) on AFS investments	407		407	407		407		
8	Miscellaneous	40	54	(13)	95	107	(12)	131	643
9	Total non-assessment revenue	403	165	237	580	331	249	378	1,988
10	Total revenue	3,166	2,929	237	6,107	5,858	249	5,750	35,150
Expenses:									
11	Employee compensation and related	956	1,090	134	2,130	2,267	137	2,114	13,940
12	Materials and supplies	107	168	61	194	320	126	191	1,787
13	Utilities and telephone	400	389	(11)	734	797	62	646	5,542
14	Legal fees	36	42	6	75	83	9	58	500
15	Professional fees	4	8	4	4	16	12	9	145
16	Equipment rental	2	2		4	3	(1)	3	20
17	Outside services	574	883	308	809	1,852	1,044	258	11,661
18	Repairs and maintenance	28	32	4	56	63	8	57	380
19	Other Operating Expense	9	16	7	21	34	12	20	199
20	Insurance	177	126	(51)	354	253	(102)	218	1,517
21	Investment expense	3	4	1	3	8	5	12	47
22	Uncollectible Accounts	(11)	10	21	(14)	20	34	96	120
23	(Gain)/loss on sale or trade							7	
24	Depreciation and amortization	11	11		23	23		24	136
25	Net allocation to mutuals	110	124	14	245	263	18	180	1,577
26	Total expenses	2,407	2,905	498	4,638	6,002	1,363	3,892	37,572
27	Excess of revenues over expenses	\$760	\$24	\$735	\$1,469	(\$144)	\$1,612	\$1,858	(\$2,421)



**Statement of Revenues & Expenses - Preliminary**  
Variance Explanations as of February 29, 2020

**SUMMARY**

For the year-to-date period ending February 29, 2020, Third Mutual was better than budget by \$1,612K, of which \$1,205K was due to the timing of programs, primarily work performed by outside contractors and funded from reserves. The remaining \$407K was due an entry unrealized gain on available-for-sale investments.

**REVENUE**

**Fees and Charges for Services to Residents – (\$127K) [Line 4](#)**

Unfavorable variance resulted from revenue not yet recorded from prior year moisture intrusion events, pending determination hearings. Variance was partially offset by Plumbing. Water heater replacement is an expanded service that has generated more revenue than anticipated at the time of budget preparation.

**Unrealized gain(loss) on AFS Investments – \$407K [Line 7](#)**

Favorable variance due to reporting of Unrealized Gain on Available for Sale Investments. A monthly entry is made to reflect investment market conditions, which fluctuate.

**EXPENSES**

**Employee Compensation and Related – \$137K [Line 11](#)**

The favorable variance is attributed to open positions in Landscape and Maintenance and Construction. Favorable variance was partially offset by Plumbing due to higher levels of service tickets for general plumbing services and leak investigation.

**Materials and Supplies – \$126K [Line 12](#)**

Favorable variance due to the timing of certain programs such as building structures (carpentry), dry rot repairs, and mailbox replacement. Staff is currently inspecting buildings that require structural and dry rot repairs. Also, timing variances resulted in Landscape for lawn maintenance fertilizer application and drainage works, and exterior paint.

**Utilities – \$62K [Line 13](#)**

As of February 29, 2020, water consumption was 21% lower than budget due to favorable weather conditions. Staff uses evapotranspiration (ET) weather data to measure water usage for irrigation. To a lesser extent, the variance was furthered by electricity due to timing of invoices. SCE will reconcile the accounts in March and provide true-up billing.

**Outside Services – \$1,044K [Line 17](#)**

Favorable variance is due to:

- **Building Structures – \$170K** A total of five buildings are scheduled for parapet wall removal in 2020. Preliminary notifications have been sent to the building residents. Work will commence in Q2.



**Statement of Revenues & Expenses - Preliminary**  
Variance Explanations as of February 29, 2020

- **Waste Line Remediation – \$133K** Favorable variance due to timing of scheduled work compared to budget distribution. Staff is planning to complete approximately 15 buildings in Third for 2020. This is a mixture of 6 three-story buildings and other building types.
- **Paving – \$129K** Although budget is spread evenly throughout the year, paving programs such as asphalt repair, parkway concrete, and seal coat are scheduled July through October.
- **Exterior Lighting – \$74K** Favorable variance is due to timing of scheduled work for the Street Light LED Conversion Project, which consists of retrofitting the existing lighting fixtures to more efficient LED technology. In 2019, M&C conducted pilot programs and chosen fixtures were approved for installation in December. The installation will begin in April 2020, with the funds that were carried over from 2019.
- **Roof Replacements – \$64K** Replacement of Built-Up Roof (BUR) work has not begun due to rain. The variance was furthered to a lesser extent in light weight roof replacements which is scheduled to begin in September. Favorable variance was offset by preventive repairs.
- **Pest Control – \$52K** Fumigation programs are scheduled July through November.
- **Elevator Replacement – \$43K** Elevators at buildings 3363, 3366, 4026, 5368 and 5369 are scheduled for equipment replacement & interior renovation this year.
- **Damage Restoration Services – \$42K** This is a contingency budget; no fire damage repairs have been completed to date.
- **Water Lines – Copper Remediation – \$33K** This project began in February. Scope of work includes nine buildings for 2020. Through the reporting period, three buildings were completed. Water lines copper remediation project is on hold due to members concern regarding the Coronavirus health advisory.

**Insurance – (\$102K) [Line 20](#)**

Unfavorable variance due to higher premiums at 10/1/19 renewal for property and casualty insurance. Insurance premium increases were implemented after 2020 budget was finalized. Significant changes in market conditions and a non-renewal situation required a new layered program structure to achieve the existing limit in a tight market. Catastrophic losses over the past few years including wildfires in California have led to the change in market conditions.



## **FINANCE COMMITTEE MEETING REPORT OF THE REGULAR OPEN SESSION**

Tuesday, March 3, 2020 – 1:30 p.m.  
Laguna Woods Village Community Center Sycamore Room, 24351 El Toro Road

**MEMBERS PRESENT:** Jon Pearlstone – Chair, Steve Parsons, Annie McCary, Cush Bhada, Lynn Jarrett, John Frankel, Robert Mutchnick, Ralph Engdahl, Craig Wayne, Doug Gibson  
Advisors: Wei-Ming Tao, John Hess

**MEMBERS ABSENT:** Reza Karimi

**STAFF PRESENT:** Betty Parker, Steve Hormuth, Christopher Swanson

### **Call to Order**

Director Jon Pearlstone, Treasurer, chaired the meeting and called it to order at 1:32 p.m.

### **Approval of Meeting Agenda**

A motion was made and carried unanimously to approve the agenda as presented.

### **Approval of Meeting Report for February 4, 2020**

A motion was made and carried unanimously to approve the committee report as presented.

### **Department Head Update**

Betty Parker, Chief Financial Officer, provided a handout and gave updates on 2021 budget carryovers, 2021 budget calendar, 2019 audit, investments and Civil Code 5500 reporting.

### **Preliminary Financial Statements dated January 31, 2020**

The committee reviewed financials and questions were addressed.

### **Insurance Update**

The committee was provided with a verbal update regarding the status of the 2020 Statement of Valuation Process.

### **Future Agenda Items**

Solar System Update – Q1 (May)  
Overtime/Temp Help/ Turnover – Q1 (May)  
Chargeable Services Analysis (Semi-Annual)  
NOL Strategies – GAP (Greenlight Approval Procedures)

### **Committee Member Comments**

Director Jarrett commented on the need to work on the Garden Villa Rec Room Fund Component schedule for the 2021 Business Plan.

Director Frankel commented on the GRF no longer being a part of the Village Energy Task Force and may instead form a research group.

### **Date of Next Meeting**

Tuesday, April 7, 2020 at 1:30 p.m. in the Board Room.

### **Recess to Closed Session**

The meeting recessed at 2:52 p.m.

***DRAFT***

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Jon Pearlstone, Chair



# Monthly Resale Report

PREPARED BY

Community Services Department

MUTUAL

All Mutuals

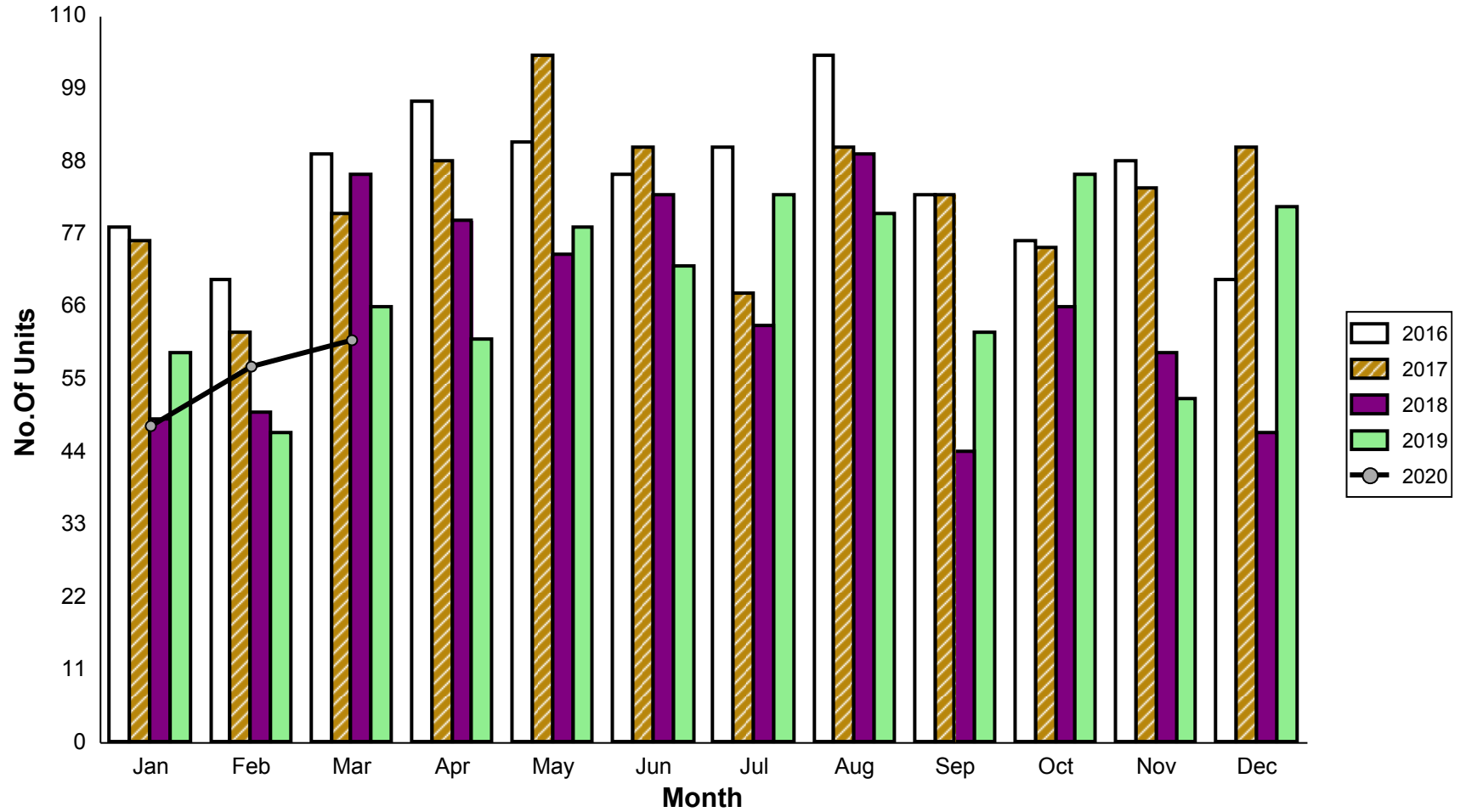
REPORT PERIOD

March, 2020

MONTH	NO. OF REALES		TOTAL SALES VOLUME IN \$\$		AVG RESALE PRICE	
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR
January	48	59	\$16,125,300	\$18,540,250	\$335,944	\$314,242
February	57	47	\$18,886,210	\$14,770,050	\$331,337	\$314,256
March	61	66	\$20,884,916	\$23,445,712	\$342,376	\$355,238
April		* 61		* \$20,041,551		* \$328,550
May		* 78		* \$23,975,536		* \$307,379
June		* 72		* \$21,298,290		* \$295,810
July		* 83		* \$27,170,573		* \$327,356
August		* 80		* \$26,206,000		* \$327,575
September		* 62		* \$20,171,980		* \$325,355
October		* 86		* \$26,648,300		* \$309,864
November		* 52		* \$18,653,350		* \$358,718
December		* 81		* \$27,517,600		* \$339,723
TOTAL	166.00	172.00	\$55,896,426	\$56,756,012		
MON AVG	55.00	57.00	\$18,632,142	\$18,918,671	\$336,552	\$327,912

\* Amount is excluded from percent calculation

## Resales - 5 Year Comparison



# Monthly Resale Report

PREPARED BY

MUTUAL

REPORT PERIOD

Community Services Department

Third

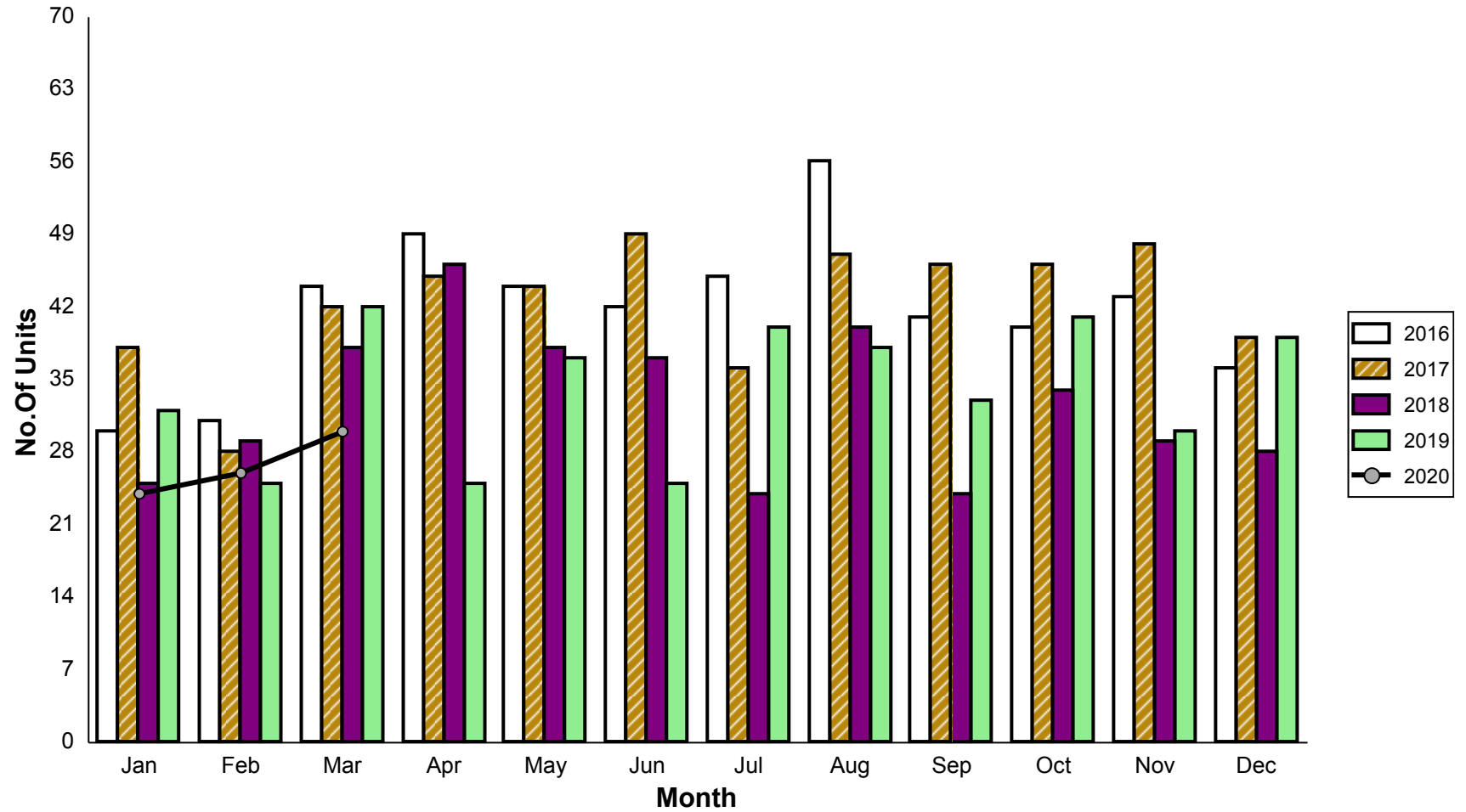
March, 2020

MONTH	NO. OF REALES		TOTAL SALES VOLUME IN \$\$		AVG RESALE PRICE	
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR
January	24	32	\$10,015,000	\$12,482,100	\$417,292	\$390,066
February	26	25	\$12,158,700	\$10,208,000	\$467,642	\$408,320
March	30	42	\$13,021,416	\$16,639,712	\$434,047	\$396,184
April		* 25		* \$10,435,500		* \$417,420
May		* 37		* \$16,273,033		* \$439,812
June		* 25		* \$10,290,000		* \$411,600
July		* 40		* \$17,327,373		* \$433,184
August		* 38		* \$15,994,900		* \$420,918
September		* 33		* \$12,643,180		* \$383,127
October		* 41		* \$16,142,900		* \$393,729
November		* 30		* \$13,520,950		* \$450,698
December		* 39		* \$18,319,800		* \$469,738
<b>TOTAL</b>	80.00	99.00	\$35,195,116	\$39,329,812		
<b>MON AVG</b>	26.00	33.00	\$11,731,705	\$13,109,937	\$439,660	\$398,190
<b>% CHANGE - YTD</b>	-19.2%		-10.5%		10.4%	

% Change calculated (ThisYear - LastYear)/LastYear

\* Amount is excluded from percent calculation

## Resales - 5 Year Comparison



# Resales Report

## Third Laguna Hills Mutual

### March, 2020

Close	Manor	Mutual	Price	Model/Style	Listing Realtor	Buyer Realtor	Escrow
03/31/2020	969-2G	3	\$290,000	Villa Capri	Laguna Premier Realty, Inc	Residential Agent Inc.	Blue Pacific Escrow
03/23/2020	2136-D	3	\$250,000	Castilla	Bullock Russell Real Estate	Pacific Platinum Properties	Generations Escrow
03/09/2020	2174-O	3	\$253,000	Casa Linda	Village Real Estate	Village Real Estate	Granite Escrow
03/11/2020	2181-O	3	\$265,000	Casa Contenta	Compass	First Team Real Estate	Blue Pacific Escrow
03/31/2020	2203-D	3	\$438,000	Cordoba	First Team Real Estate	Laguna Premier Realty, Inc	Granite Escrow
03/13/2020	2207-N	3	\$186,000	Casa Contenta	Incline Realty	Realty Benefit	Lawyers Title
03/26/2020	2288-D	3	\$250,000	Castilla	Century 21 Award	Laguna Premier Realty, Inc	Escrow Network Group, Inc
03/17/2020	2299-F	3	\$328,000	La Jolla	Residential Agent Inc.	Residential Agent Inc.	Granite Escrow
03/09/2020	2327-O	3	\$236,000	Casa Linda	Vantage Real Estate	Allison James	Corner Escrow Inc.
03/31/2020	2385-2G	3	\$265,000	Garden Villa	HomeSmart Evergreen	Century 21 Rainbow	Corner Escrow Inc.
03/31/2020	2386-1F	3	\$380,000	Garden Villa	Conrad Realtors	Longwise Group	Corner Escrow Inc.
03/26/2020	3015-O	3	\$351,000	Montecito	Laguna Premier Realty, Inc	Walton Realty	Blue Pacific Escrow
03/06/2020	3038-B	3	\$325,000	Villa Nova	Village Real Estate	HomeSmart Evergreen	Corner Escrow Inc.
03/05/2020	3184-D	3	\$515,000	El Doble	JD Real Estate	UNQ Realty	Corner Escrow Inc.
03/17/2020	3186-D	3	\$685,000	El Doble	Century 21 Rainbow	Laguna View Realty	Granite Escrow
03/19/2020	3192-A	3	\$625,000	La Reina	Village Real Estate	Coldwell Banker	Generations Escrow
03/18/2020	3246-P	3	\$300,000	La Brisa	Laguna Premier Realty, Inc	HomeSmart Evergreen	Granite Escrow
03/05/2020	3272-N	3	\$379,000	La Brisa	Re/Max Select One	ZUTILA REAL ESTATE	Blue Pacific Escrow
03/02/2020	3371-2E	3	\$265,000	Sierra	Villa Real Estate	Keller Williams Realty Irvine	Granite Escrow
03/26/2020	3382-P	3	\$360,000	Catalina	Seven Gables Real Estate	First Team Real Estate	Corner Escrow Inc.
03/27/2020	3498-2A	3	\$318,000	Villa Nueva	Laguna Woods Village Realty	HomeSmart Evergreen	Granite Escrow
03/25/2020	4005-2A	3	\$380,000	Villa Nueva	HomeSmart Evergreen	HomeSmart Evergreen	Escrow Options Group
03/06/2020	4010-2E	3	\$290,000	El Mirador	Keller Williams Real Estate	TNG Real Estate	Corner Escrow Inc.

## Resales Report Third Laguna Hills Mutual March, 2020

Close	Manor	Mutual	Price	Model/Style	Listing Realtor	Buyer Realtor	Escrow
03/24/2020	4014-3G	3	\$490,000	Villa Nueva	Compass	Century 21 Rainbow	Corner Escrow Inc.
03/10/2020	4015-3A	3	\$390,000	Villa Nueva	FSBO	FSBO	Blue Pacific Escrow
03/13/2020	5063	3	\$785,000	Villa Terraza	Laguna Premier Realty, Inc	Laguna View Realty	Blue Pacific Escrow
03/12/2020	5081	3	\$775,000	Villa Paraisa	Laguna Premier Realty, Inc	Presidential Real Estate	Blue Pacific Escrow
03/06/2020	5091	3	\$960,416	Villa Reposa	Laguna Premier Realty, Inc	Laguna Premier Realty, Inc	Blue Pacific Escrow
03/09/2020	5184	3	\$959,000	Villa Serena	Presidential Real Estate	IRN Realty	Generations Escrow
03/19/2020	5306	3	\$728,000	Villa Terraza	First Team Real Estate	Metro Estates	Granite Escrow

Number of Resales: 30

Total Resale Price: \$13,021,416

Average Resale Price: \$434,047

Median Resale Price: \$355,500

## Monthly Resale Report Third Mutual

PREPARED BY  
Community Services Department

March

Period	Month	NUMBER OF RESALES				TOTAL SALES VOLUME IN \$\$				AVG RESALE PRICE			
		2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
1	January	24	32	25	38	\$10,015,000	\$12,482,100	\$8,807,150	\$14,513,062	\$417,292	\$390,066	\$352,286	\$381,923
2	February	26	25	29	28	\$12,158,700	\$10,208,000	\$12,600,892	\$9,887,500	\$467,642	\$408,320	\$434,514	\$353,125
3	March	30	42	38	42	\$13,021,416	\$16,639,712	\$16,909,199	\$15,185,800	\$434,047	\$396,184	\$444,979	\$361,567
4	April	0	25	46	45	\$0	\$10,435,500	\$18,869,626	\$18,847,150	\$0	\$417,420	\$410,209	\$418,826
5	May	0	37	38	44	\$0	\$16,273,033	\$15,452,990	\$18,157,951	\$0	\$439,812	\$406,658	\$412,681
6	June	0	25	37	49	\$0	\$10,290,000	\$16,981,138	\$21,011,450	\$0	\$411,600	\$458,950	\$428,805
7	July	0	40	24	36	\$0	\$17,327,373	\$9,892,800	\$13,526,020	\$0	\$433,184	\$412,200	\$375,723
8	August	0	38	40	47	\$0	\$15,994,900	\$17,327,000	\$17,967,189	\$0	\$420,918	\$433,175	\$382,281
9	September	0	33	24	46	\$0	\$12,643,180	\$12,552,692	\$16,020,038	\$0	\$383,127	\$523,029	\$356,001
10	October	0	41	34	46	\$0	\$16,142,900	\$14,146,300	\$18,804,700	\$0	\$393,729	\$416,068	\$408,798
11	November	0	30	28	49	\$0	\$13,520,950	\$10,675,000	\$19,847,200	\$0	\$450,698	\$381,250	\$405,045
12	December	0	39	28	38	\$0	\$18,319,800	\$13,693,599	\$18,509,275	\$0	\$469,738	\$489,057	\$487,086
TOTAL		80	99	92	108	\$35,195,116	\$39,329,812	\$38,317,241	\$39,586,362				
MON AVG		26.7	33.0	30.7	36.0	\$11,731,705	\$13,109,937	\$12,772,414	\$13,195,454	\$439,660	\$398,190	\$410,593	\$365,538
% CHANGE-YTD		-19.2%	7.6%	-14.8%	2.9%	-10.5%	2.6%	-3.2%	8.7%	10.4%	-3.0%	12.3%	4.5%

% Change calculated (This Year - Last Year)/Last Year  
Percent calculation only includes YTD figures in black.



# MONTHLY LEASING REPORT

Report Period:  
March-2020

MONTH	LEASES IN EFFECT				Total this year	Total last year	Total Expirations	New Monthly Transactions		
	3 Months	6 Months	12 Months	12+Months				Leases	Renewals	Extensions
January	21	21	392	1289	1723	1688	31	35	123	3
February	20	21	402	1285	1728	1699	54	34	83	1
March	19	25	393	1288	1725	1708	73	37	93	7
April										
May										
June										
July										
August										
September										
October										
November										
December										
Monthly Average	20.0	22.3	395.7	1287.3	1725.3	1698.3	52.7	35.3	99.7	3.7
Percentage Leased	1725 / 6102 = 28.3%									





**OPEN MEETING**

**REGULAR MEETING OF THE THIRD LAGUNA HILLS MUTUAL  
ARCHITECTURAL CONTROL AND STANDARDS COMMITTEE**

**Monday, February 24, 2020 – 9:30 a.m.  
Laguna Woods Village Community Center Sycamore Room  
24351 El Toro Road**

**REPORT**

**COMMITTEE MEMBERS PRESENT:** Chair Steve Parsons, John Frankel, Lynn Jarrett, Ralph Engdahl, Robert Mutchnick

**COMMITTEE MEMBERS ABSENT:**

**OTHERS PRESENT:**

**ADVISORS PRESENT:** Mike Butler, Mike Plean

**STAFF PRESENT:** Brett Crane, Gavin Fogg

**1. Call to Order**

Chair Parsons called the meeting to order at 9:30 a.m.

**2. Acknowledgement of Media**

None.

**3. Approval of January 27, 2020 Report**

Director Mutchnick moved to accept the report. Director Frankel seconded. The committee had no objection.

**4. Approval of the Agenda**

By consensus, the agenda was approved.

**5. Committee Chair Remarks**

Chair Parsons discussed the moratorium that was in affect for two days, which is now lifted, and animal/animal and animal/human attacks he presented on TV the prior week. Chair Parsons also mentioned legislation is currently making changes to HOA policies.

**6. Member Comments - (Items Not on the Agenda)**

Chris Powers mentioned the variance that was approved during the January 27, 2020 meeting for 5575-A: Request to construct a room addition on the original exclusive use common area courtyard. He believes this is an expansion of the existing policy. Mr. Powers also discussed possible violations of the Open Meeting Act. Chair Parsons provided Mr. Powers with an explanation.

Susan Smallwood inquired if members will now be allowed to enclose their back patios. Mr. Crane stated only if it is on the original footprint.

Lynn Corboz requested explanation on the denial of her July request pertaining to window and door covers, specifically the 4 X 7 concrete slab in front of half the sliding glass door in the rear patio; why does it not meet Davis-Stirling Act 4600 (b:3e) exception and what is the litigation risk? Mr. Crane and Chair Parsons provided Ms. Corboz with an explanation.

## **7. Division Manager Update**

Mr. Crane updated the committee on the meeting that took place with the city regarding standard plans and will continue to update the committee.

### Consent:

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

None.

### Items for Discussion and Consideration:

### Variance Requests:

## **8. 3288-B (El Doble, SB703A, P46) – Request to Replace Existing 5' Gate/Fence with 7' Gate/Fence**

Director Frankel made a motion to accept staff's recommendation and approve this request. Director Jarrett seconded. The committee was in unanimous support.

The committee recommended staff to add a condition to not allow mesh.

### Reports

## **9. Status of Mutual Consents**

Mr. Fogg reviewed this report with the committee.

### Future Agenda Items:

- 5598-A (Casa Palma, 10R) – Request to extend entryway onto exclusive use common area and to replace planter with concrete slab on previously extended common area
- Concrete slabs for exterior electrical panels
- New building material information (on-going)

- Stucco wall hangings/anchors

Concluding Business:

**10. Committee Member Comments**

None.

**11. Date of next meeting** – Monday, March 23, 2020

**12. Adjourned at 10:59 a.m.**

A handwritten signature in cursive script, appearing to read "S. W. Parsons", is written over a horizontal line.

Steve Parsons, Chair  
Brett Crane, Staff Officer  
Alisa Rocha, Alterations Coordinator, 949-268-2301

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**OPEN MEETING**

**REGULAR MEETING OF THE THIRD LAGUNA HILLS MUTUAL  
LANDSCAPE COMMITTEE**

**Thursday, March 5, 2020 – 9:30 a.m.  
Laguna Woods Village Community Center Board Room  
24351 El Toro Road**

**REPORT**

**COMMITTEE MEMBERS PRESENT:** Chair - Lynn Jarrett, Annie McCary, Cush Bhada, Ralph Engdahl in for Reza Karimi, Jon Pearlstone

**COMMITTEE MEMBERS ABSENT:** Reza Karimi

**OTHERS PRESENT:**

**ADVISORS PRESENT:** Cindy Baker

**STAFF PRESENT:** Kurt Wiemann, Eve Morton

**1. Call to Order**

Chair Jarrett called the meeting to order at 9:30 a.m.

**2. Acknowledgement of Media**

No media was present.

**3. Approval of the Agenda**

Mr. Wiemann requested Agenda Item #15, be removed from the agenda since it does not require committee approval. Director Bhada made a motion to approve the agenda, with this change. The motion passed with a unanimous vote.

**4. Approval of the February 6, 2020 Report**

Director McCary moved to approve the Report. Director Pearlstone seconded. The motion passed with a unanimous vote.

**5. Committee Chair Remarks**

Chair Jarrett stated that this neither committee nor staff gets rid of trees lightly. There are rules in place regarding what constitutes the removal of a tree.

There will be a Gate 14 park ribbon cutting ceremony on March 25.

Chair Jarrett stated that the Mutual received 100% of the rebate from ETWD for the Gate 14 turf reduction project. Therefore, sixty-two percent of the project was paid for through the rebate.

The new tub grinder has arrived and Mr. Wiemann will provide more details about it.

## **6. Member Comments**

Margaret Fox (2335-B): She has weeds everywhere. She is paying a gardener \$75 a month to take care of them. They took out a Cedar years ago and the stump is still there.

Eileen Lazar (5520): She drove by the Gate 14 project and it looks good. She said the Gate 11 modernization area, on a large slope, is overgrown. Trees have died and were chopped down. A lot of African daisies are in that area. Have any other Gate 11 areas been earmarked for modernization?

Phyllis Waite (3428-N): There are slopes in her area that need to be cleared. She noted that when our grass starts to look nice, staff drives trucks on the grass and damages it. She has spoken to Luis about it.

## **7. Response to Member Comments**

Mr. Wiemann responded to Member Comments:

Landscape staff is scheduled to get to manors every three months. They failed to put some of the new projects on a shorter schedule so they will be maintained properly. He will make sure this gets done.

The fire reduction program to remove acacia from the slopes goes out to bid on Monday.

No landscape modernization projects are planned for the immediate future.

## **8. Department Head Update**

As of March 1, the landscape crews are fully staffed for the first time in years. A four-man planting crew has been put into place that will start filling in any bare spots. They will begin to keep track of the plants so if they keep dying, they will be replaced with a different type of plant. An irrigation person is on this crew.

Our tree trimming contractor started this week.

### Consent Calendar:

None.

### Reports:

## **9. Project Log**

Mr. Wiemann reviewed the Project Log with the committee.

He met with the Fire Authority and the Village is fully in compliance except for acacia removal which is going out to bid.

We have a new tub grinder which makes mulch. We can even use it to grind logs and stumps. We will now have enough mulch for the community and may even sell some of it.

Chair Jarrett stated that there will be a video of the tub grinder in action at the April Board meeting.

Mr. Wiemann stated that the aeration project will be done in six weeks.

## **10. Tree Work Status Report**

Mr. Wiemann reviewed this report with the committee.

### Items for Discussion and Consideration:

#### **11. Tree Removal Request: 2272-B Via Mariposa East (Baskin) – One Star Pine tree**

Director Pearlstone made a motion to approve staff's recommendation and approve this request. Director McCary seconded. The committee was in unanimous support.

#### **12. Tree Removal Request: 3166-A Alta Vista (Katz) – One Indian Laurel Fig**

Director Bhada made a motion to approve staff's recommendation and approve this request. Director McCary seconded. The committee was in unanimous support.

The Member was present. She stated that the tree roots are terrible and are growing under the house and she can feel them in the floor under her bedroom. She wants to make sure staff gets all the roots out and takes the tree out as soon as possible.

#### **13. Tree Removal Request: 3306-P Via Carrizo (Chung) – One Lemon Scented Gum tree and one Carrotwood tree**

Director McCary made a motion to approve staff's recommendation and deny this request. Director Pearlstone seconded.

Mr. Chung was present.

Marion Woody (3306-O): She is neighbor of Mr. Chung's. She said the noise of the berries dropping is awful. She can even hear them dropping when she is in her house. It is very annoying. Joe works hard to keep the area clean. There is danger

of people slipping on the berries. The constant noise of the berry drops is worse than a barking dog.

Director Bhada stated that this tree is in a main walking area. It is danger to other Members.

Director Bhada moved to table this motion. Director Engdahl seconded. The committee was in unanimous support.

Director Bhada suggested that the Committee and staff should go together to look at these tree before making a decision about possible removal of the tree.

**14. Tree Removal Request: 5381-A Avenida Sosiega (Williams) – One American Sweet Gum tree.**

Director McCary made a motion to approve staff's recommendation and deny this request. Director Engdahl seconded. The committee was in unanimous support.

**15. (THIS ITEM WAS REMOVED FROM THE AGENDA) Tree Removal Request: 5397-B Via Carrizo (Chen) – One Red Ironbark tree and One Cajeput tree**

Items for Future Agendas:  
None.

Concluding Business

**16. Committee Member Comments**

Director McCary stated she appreciates Mr. Wiemann and his crews for their work. She also appreciates his knowledge about trees and how the trees differ from one another.

Director Pearlstone stated that he has been on this committee for the last 18 months. When a tree request is denied, it is based upon the professional opinion of staff arborists.

Chair Jarrett told Mr. Chung (3306-P) that the committee will go out to his home before the next meeting to look at the trees. The committee depends on the arborists to give them their professional opinion on whether or not a tree should be removed. She thanked Mr. Wiemann for his work putting together the contracts needed to get the landscaping work done.

**17. Date of Next Meeting – April 2, 2020**

**18. Adjournment at 10:41 a.m.**

  
\_\_\_\_\_  
Lynn Jarrett, Chair

Kurt Wiemann, Staff Officer

Eve Morton, Landscape Operations Coordinator – 268-2565





**OPEN MEETING**

**REPORT OF REGULAR MEETING OF THE THIRD LAGUNA HILLS MUTUAL  
MAINTENANCE AND CONSTRUCTION COMMITTEE**

**Monday, March 2, 2020 – 1:30 PM**

**Laguna Woods Village Community Center Board Room  
24351 El Toro Road**

**MEMBERS PRESENT:** Steve Parsons – Co-Chair, John Frankel, Jon Pearlstone,  
Craig Wayne, Robert Mutchnick

**MEMBERS ABSENT:** Cush Bhada

**STAFF PRESENT:** Velny Soren – Staff Officer, Laurie Chavarria, Ian  
Barnette, Chris Naylor

**1. Call to Order/Establish a Quorum**

Co-Chair Parsons called the meeting to order at 1:30 PM and stated that the meeting is being held pursuant to notice duly given and established that a quorum of the Committee was present.

**2. Acknowledgement of Media**

The media was not present.

**3. Approval of the Agenda**

The agenda was approved as written.

**4. Approval of Meeting Report for January 6, 2020**

The meeting report from January 6, 2020 was approved as written. Director Mutchnick abstained from the vote.

**5. Chair's Remarks**

Co-Chair Parsons had no remarks.

## **6. Member Comments (Items Not on the Agenda)**

- Robert Stace (2381-3H) commented on the unbalanced loads in the Maytag washing machines; and the mold around the soap dishes of the washing machines on 1<sup>st</sup> & 2<sup>nd</sup> floors of Building 2381.

Staff Officer Velny Soren, the Maintenance Services Manager, and various Committee members replied to the Member Comment.

Staff was directed to have the Janitorial division clean the mold out of the soap dishes in all washing machines at Building 2381. M&C staff will review the washing machine repair records for Building 2381 and determine if the washing machines on the first and second floors qualify for replacement. An update on both issues will be provided at the next meeting.

## **7. Department Head Update**

Staff Officer Velny Soren had no update to provide.

### **Consent:**

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

All items on the Consent Calendar were pulled for discussion.

## **8. Maintenance Expenditures and Variance Explanations**

### **9. Project Log**

### **10. Programs Report**

By consensus staff was directed to add heading titles to the variance explanations report in order to indicate which columns reflect the year to date and monthly variances.

In addition, staff was directed to only provide the Program's Report to the Committee twice a year.

### **Reports:**

## **11. Painting of Building 2129**

Staff Officer Velny Soren summarized the report and answered questions from the Committee.

Discussion ensued regarding stains on the stucco; the effectiveness of power washing; the

number of buildings painted on the 2015/2016 Exterior Paint Trim Cycle; and setting a precedent for off-cycle power washing and painting.

A motion was made that directed staff to come back with costs for painting the buildings previously completed during the trim cycle, within the next two fiscal years as well as a new paint schedule showing the ramifications of such a decision. By a vote of 3/1/0 (Director Frankel opposed), the motion carried.

## **12. Building 3244 Ramp Request**

Staff Officer Velny Soren summarized the report and answered questions from the Committee.

Discussion ensued regarding setting a precedent for entryway modifications at all Garden Villa entry ways; the length of the walkway at building 3244; the entryway to the GV Rec Rooms; previously approved GV entryway modifications; and a temporary ramp at building 2403.

Staff was directed to inspect the remaining 51 GV buildings and determine how many may qualify for entry way modifications; what the associated costs will be and to bring back a report to a future meeting with a recommendation on how this work could be funded.

The Committee was informed that the project would take several months to complete. However, Staff Officer Velny Soren stated that she would provide this direction to the General Services Director who oversees the paving division.

### **Items for Future Agendas:**

- Dryer Timer Reset Costs (May)
- Proposed EV Charging Station Locations (May)
- Programs Report (March, September)
- Ramp Request at B3244

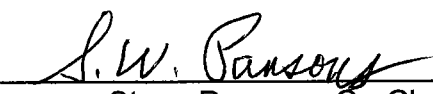
### **Concluding Business:**

#### **Committee Member Comments**

- There were no Committee Member Comments

**Date of Next Meeting – May 4, 2020**

**Adjournment** – The meeting was adjourned at 3:22 PM.

  
Steve Parsons, Co-Chair

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## **REPORT FOR REGULAR MEETING OF THE VILLAGE ENERGY TASK FORCE**

**Friday, January 10, 2020 – 12:00 P.M.  
Laguna Woods Village Community Board Room  
24351 El Toro Road**

**MEMBERS PRESENT:** Carl Randazzo, – Vice Chair, Judith Troutman, Bert Moldow, Brian Gilmore, Cush Bhada, John Frankel, Advisors: Bill Walsh, Sue Stephens

**MEMBER ABSENT:** None

**OTHERS PRESENT:** Juanita Skillman, Elsie Addington, Pat English, Manuel Armendariz

**STAFF PRESENT:** Guy West - Staff Officer, Laurie Chavarria, Chris Naylor, Chris Swanson

### **1. Call to Order**

Vice Chair Randazzo called the meeting to order at 12:00 P.M.

### **2. Acknowledgment of Media**

Vice Chair Randazzo noted no members of the media were present.

### **3. Approval of the Agenda**

Item 15 was moved to Item 6a on the agenda. All items on the consent calendar were pulled for discussion. The agenda was approved as amended.

### **4. Approval of Meeting Reports for September 4, 2019**

The Meeting Report of September 4, 2019, was approved as written.

### **5. Chairman's Remarks**

Vice Chair Randazzo commented on the future format being considered for the Task Force; the vote for the new chair of the Task Force; Director Moldow's list of future energy tasks for discussion; the EV charging stations at the Community Center; and his concerns about lighting.

## **6. Member Comments (*Items Not on the Agenda*)**

- Manuel Armendariz (917-D) commented on the United & Third Solar projects; the energy consultant budget; and the street light project.
- Pat English (2022-D) commented that the legitimacy of the Village Energy Task Force.

The Vice Chair and various Directors and Advisors responded briefly to all comments.

### **6a. Vote for a New Task Force Chair**

Director Moldow accepted a nomination to be the Chair of the Village Energy Task Force.

## **7. Department Head Update**

Staff Officer Guy West deferred the Department Head Update to allow the Senior Management Analyst to provide a brief summary on the status of the Professional Service Agreement with MelRok Operating, LLC.

Discussion ensued regarding the monitoring of the EMS systems for each Clubhouse.

### **Consent:**

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

By consensus, the Task Force pulled all items on the Consent Calendar for discussion.

## **8. Project Log**

### **United Mutual:**

- Walkway Lighting – Advisor Walsh commented on getting funding to add this type of program for Third Mutual. Chair Moldow commented on the cost for this walkway program. Vice Chair Randazzo commented on the process for requesting a new walkway light.
- Energy Consultant Services – Juanita Skillman (2154-N) commented on the status for this line item.

### Third Mutual:

- Electrical Systems – Chair Moldow commented on the use of this budget.
- Exterior Lighting – Chair Moldow asked if tree trimming is included in the street light project costs. Advisor Walsh commented on tree trimming during the light fixture conversion. He would like to see a list made of trees that are blocking the new lights so that they can be trimmed. Chair Moldow commented on using the old street light fixtures to replace the walkway light fixtures that are not in good condition.

Staff Officer Guy West and the Senior Management Analyst responded to all questions and comments.

### **9. Third Mutual Street Light & Walkway Light Outage Report**

Chair Moldow commented on the response time from SCE when it is identified that there is no power to the pole.

### **10. United & Third Mutual Electric Vehicle & Electric Golf Cart Report**

Chair Moldow commented on the new format for this report.

### **11. Third Mutual Solar Production Report**

Chair Moldow commented on the average monthly production of kilowatt hours. He would like to see a more user friendly report instead of just a data spreadsheet and would like explanations added for months where low generation is indicated.

Discussion ensued regarding generation capacity; the solar production reporting software package for each building; how staff receives the data for the production report; adding this report to the agenda for United Mutual; the possibility of hiring an energy manager and solar plant manager; projected kilowatts versus actual kilowatts generated and ROI for the solar equipment.

By consensus, staff was directed to contact Third Mutual's Solar O&M contractor to find out if any of the inverters are experiencing more than a 2% loss of Direct Current (DC) power.

Staff Officer Guy West and the Senior Management Analyst responded to all questions and comments.

### **12. GRF EV Charging Station Report**

Chair Moldow asked staff to provide more information on this report such as dates of vehicle charging, especially on the Level 3 chargers.

Discussion ensued regarding revenue percentage collected by ChargePoint; separate metering for the charging stations; and Tesla charging adapters.

By consensus, staff was directed to bring a cost to a future GRF M&C Committee meeting for the purchase of a Tesla charging adaptor for use with the charging stations behind the Community Center.

### **13. GRF Demand Charges Report (Finance Dept.)**

The Financial Analyst summarized the report and answered questions from the Task Force.

Discussion ensued regarding SCE billing rates, various rate schedule options; and regulating each cooling zone in the Community Center based on usage.

Meeting recessed for a break at 2:17pm, reconvened at 2:29pm.

#### **Reports:**

### **14. Third Mutual Walkway Lighting Locations**

Staff Officer Guy West summarized the report and answered questions from the Task Force.

Discussion ensued regarding the ability to purchase the walkway lights from SCE; the possibility of asking SCE to remove their existing walkway light poles; budgeting for future walkway light upgrades; and the underground infrastructure that powers the lights.

#### **Oral Discussions:**

### **15. Comments on TEC Update from October 18, 2019**

Chair Moldow asked for comments on the TEC presentations from the October VETF meeting.

Discussion ensued regarding EV charging as a priority; electrical infrastructure in residential buildings; providing more guidance to the energy consultant; and using the laundry room as a source of power for future EV charging bollards.

### **16. How SCE Power Outage Notifications Affect Laguna Woods Village (Bert)**

Chair Moldow discussed the power shut downs that SCE can perform during uncontained fires.

Discussion ensued regarding residents that need a power source for life saving medical equipment; local hospitals that are set up to help in an emergency; the use



of a Microgrid for power outages; and the residents' responsibility to provide their own power source.

**17. Discuss the Tesla proposal for installing Solar > 240Kw @ \$1.00 per Kw (Bert)**

Chair Moldow discussed info he found on the internet where you can buy or rent your own Tesla residential solar panel system.

By consensus staff was asked to contact a Tesla rep and invite them to a future meeting so they can discuss all solar options that apply to the Community.

**18. Discuss current cleaning method for solar panels (Bert)**

The Senior Management Analyst provided the cleaning method for solar panels as specified by our O&M contractor and answered questions from the Task Force.

Discussion ensued regarding microfiber rollers; using vinegar in the water; the frequency of solar panel cleaning; and the status of ongoing discussions with JCI.

**19. Discuss product use for solar panel cleaning (Bert)**

This was discussed under item #18. No further discussion ensued.

**20. Discuss alternative solutions to EV charging in Third and United (Bert)**

Discussion ensued on what infrastructure needs to be upgraded in order to provide charging of electric vehicles in carports and Garden Village garages and the associated costs.

**21. Discuss alternate methods of financing a Microgrid (Bert)**

Chair Moldow discussed two alternative methods for financing a Microgrid - applying for a low interest loan to purchase and install the Microgrid and paying a third party company who would install the Microgrid and charge the customer for the electricity.

Discussion ensued regard how we would get extra fuel for the Community Center generator in an emergency; and are other communities considering or installing a Microgrid.

**Items for Future Agendas:**

**Third Mutual:**

- LED Solar Street Lights (to be considered after the street light fixture LED conversion project is completed.)

Village Energy Task Force  
January 10, 2020  
Page 6 of 6

**United Mutual:**

- Additional Walkway Lighting

**GRF:**

- Installation of Level II EV Bollard Chargers (on the streets and Clubhouses)
- Community Choice Aggregation

**All Corporations:**

- Identify locations in need of LED upgrades
- Electric vehicle charging
- Presentation by Gene Okun (Commercial Sales, Solar Optimum, Inc.)

**Concluding Business:**

**Committee Member Comments:**

- Director Gilmore requested a copy of the VETF Charter and TEC Presentations.
- Director Frankel commented on SCE's disaster response process.

**Date of next meeting – March 4, 2020**

**Adjournment**

This meeting was adjourned at 4:11 P.M.

  
Bert Moldow, Chair



**GOLDEN RAIN FOUNDATION  
of LAGUNA WOODS**

**FINANCE COMMITTEE MEETING  
REPORT OF THE REGULAR OPEN SESSION**

Wednesday, February 19, 2020 – 1:30 p.m.  
Laguna Woods Village Community Center Board Room, 24351 El Toro Road

**MEMBERS PRESENT:** Pat English, Chair; Judith Troutman, Annette Soule, Steve Parsons, Robert Mutchnick (for Pearlstone), Sue Margolis, Brian Gilmore, Alfred Amado

**MEMBERS ABSENT:** Jon Pearlstone

**STAFF PRESENT:** Betty Parker, Jeff Parker, Chuck Holland, Steve Hormuth, Christopher Swanson

**OTHERS:** GRF – Bunny Carpenter, Yvonne Horton  
UNITED – Manuel Armendariz, Andre Torng  
VMS – Dick Rader

**Call to Order**

Director English chaired the meeting and called it to order at 1:41 p.m.

**Approval of Meeting Agenda**

A motion was made and carried unanimously to approve the agenda as presented.

**Approval of the Regular Meeting Report of December 18, 2019**

A motion was made and carried unanimously to approve the report as presented.

**Chair Remarks**

Director English thanked Director Soule for chairing the last GRF Finance Meeting.

**Member Comments (Items Not on the Agenda)**

Director Torng commented about the passing of Barbara Copley.

Director Armendariz handed out a document comparing 2019 budget-vs-actual legal expenses for all three corporations. Members of the committee commented accordingly.

**Department Head Update**

Betty Parker, CFO, provided a verbal update on the recent investment portfolio review and the 2019 pre-audit communications from KPMG.

**Review Preliminary Financial Statements dated January 31, 2020**

The committee reviewed the financial statements dated January 31, 2020, issued at the meeting, and questions were addressed.

Jeff Parker, CEO, left the meeting at 2:17pm.

### **Section 5500 Operating and Reserve Accounts**

The committee reviewed staff report California Civil Code Section 5500 regarding Operating and Reserve Accounts.

A motion was made and carried unanimously to recommend the Board approve a supplemental appropriation and award a contract not to exceed \$25,000 for the customizations to Microsoft Dynamics AX 2012 for enhanced reporting functionality.

### **Insurance Program Update**

Staff provided a verbal update on the insurance program, indicating that bids are due next week for the property valuation update.

### **2019 Audit Update**

KPMG presented the audit plan and required communications at a special audit task force meeting held immediately preceding this meeting. The audit is expected to last 6 weeks with a draft report presented to all boards on Tuesday, March 31 at 9:30 a.m.

### **Investment Update**

It was noted that SageView held a special portfolio review meeting for all boards last week on Thursday, February 13 that was well attended by interested board members. The Committee requested a reconciliation of transfer activity to Fidelity and liquidation of BlackRock holdings.

### **Future Agenda Items**

- Civil Code 5510(a) requirements
- Financials Transfers over \$10,000

### **Committee Member Comments**

Director Gilmore commented on fixed cost software development contracts.

Director Margolis commented on the need for fiscal responsibility.

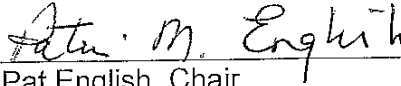
Director Parsons commented on the handouts prepared by Director Armendariz, who is not authorized to represent Third Mutual, and requested that Third Mutual legal expenditures be removed from his reporting.

### **Date of Next Meeting**

Wednesday, April 22, 2020 at 1:30 p.m.

### **Recess to Closed Session**

The meeting recessed to closed session at 2:55 p.m.

  
Pat English, Chair

**REPORT OF REGULAR MEETING OF THE GOLDEN RAIN FOUNDATION  
MAINTENANCE AND CONSTRUCTION COMMITTEE**

**Wednesday, February 12, 2020 – 9:30 A.M.**  
**Laguna Woods Village Community Center, Board Room**  
**24351 El Toro Road**

**MEMBERS PRESENT:** Jim Matson - Chair, Egon Garthoffner, Joe Fitzekam, Steve Parsons (in for Jon Pearlstone); John Frankel (in for Cush Bhada), Carl Randazzo, Reza Bastani

**MEMBERS ABSENT:** Jon Pearlstone, Cush Bhada, Inesa Nord-Leth

**OTHERS PRESENT:** Bert Moldow, Pat English, Bunny Carpenter, Yvonne Horton, Elsie Addington; Cash Achrekar, Juanita Skillman, Judith Troutman, Beth Perak, Dick Rader, Annette Sabol-Soule

**STAFF PRESENT:** Ernesto Munoz – Staff Officer, Guy West, Laurie Chavarria

**1. Call to Order**

Chair Matson called the meeting to order at 9:32 a.m.

**2. Acknowledgement of Media**

Chair Matson noted no members of the media were present.

**3. Approval of the Agenda**

The agenda was approved as written.

**4. Approval of Meeting Report for January 13, 2020**

The meeting report for January 13, 2020, was approved as written. A Scribner's error will be corrected on the official report.

**5. Chair's Remarks**

Chair Matson commented that he has been looking forward to this meeting and the presentation on the structural assessment of Clubhouse 1.

## **6. Member Comments (Items Not on the Agenda)**

- Judith Troutman (3011-B) commented on special open meeting report regarding GRF's project priorities.
- Toni Barrient (2139-O) commented on adding hearing loop technology inside the PAC theatre.
- Cash Achrekar (201-E) commented on creating a club that will use the experience of the Village residents to develop patents.

## **7. Department Head Update**

Staff Officer Ernesto Munoz had no update.

### **Consent:**

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

The Project Log was pulled for discussion.

## **8. Project Log**

**Item #11 Gate 16 Driving Range Improvements:** Director Randazzo commented on the decision by the GRF Board to move forward with this project even though the M&C Committee recommended against it; Director Moldow commented on GRF Bylaw 2.1.4 regarding Corporate Members approval is needed where the value of the real estate or improvement is at least appraised at \$500,000.

**Item #16 Maintenance Service Center Parking Lot Lighting:** Various Directions commented on the possibility to install only two lights; the scope of work for this project; a lighting study for the parking lot; if the entire lot needs to be lighted, the usage of a newly formed research group and hiring a lighting consultant.

**Item #19 Shepherd's Crook:** Director Randazzo commented on the reduction of the linear footage that will be completed this year.

A motion was made to have staff provide a "statement of need" for the Maintenance Service Center Parking Lot Lighting project and bring it back to a future GRF M&C Committee meeting. By a vote of 5/1/0 (Director Bastani opposed), the motion passed.

### **Reports:**

## **9. Garden Center 1 Project Completion (PowerPoint)**

Staff Officer Ernesto Munoz summarized the improvements made to Garden Center 1.

#### **10. Clubhouse 1 Assessment Presentation (PowerPoint)**

Staff Officer Ernesto Munoz summarized the report and introduced representatives from SVA Architects. The representatives presented their Clubhouse 1 building assessment report as well as three available options for consideration, and answered questions from the Committee.

Discussion ensued regarding expectations for the future of Clubhouse 1; conducting a community wide survey where residents provide their ideas on the best use for this Clubhouse; the feasibility of leasing the Community Center Building for revenue purposes; other options for the design and renovation of Clubhouse 1; the structural assessment of the buildings; as-built drawings; and if maintenance repairs will require approval of the Corporate Members per GRF Bylaw 2.1.4.

#### **Items for Future Agendas:**

- EV Charging Stations at GRF Facilities (General Services)

#### **Concluding Business:**

#### **Committee Member Comments**

- Director Randazzo commented again the decision by the GRF Board to move forward with this project even though the M&C Committee recommended against it.
- Director Frankel commented on the City of Laguna Woods General Plan regarding seismic activity.
- Director Fitzekam commented that Board Members listened to the experts when deciding to move forward with already funded Capital Improvement Projects.

**Date of Next Meeting: April 8, 2020**

#### **Adjournment:**

The meeting was recessed at 11:44 am.

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Jim Matson, Chair

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**OPEN MEETING**  
**THE GOLDEN RAIN FOUNDATION**  
**MEDIA AND COMMUNICATIONS COMMITTEE**  
Wednesday, February 19, 2020 at 9:30 a.m.  
Laguna Woods Village Community Center, Board Room  
24351 El Toro Road, Laguna Woods, CA 92637

**REPORT**

**MEMBERS PRESENT:** Chair Annette Sabol-Soule, Directors Pat English, Lynn Jarrett, Neda Ardani, Annie McCary, Juanita Skillman, Beth Perak, Advisors Tom Nash and Carmen Pacella

**MEMBERS ABSENT:** Director Ryna Rothberg and Advisor Frank Tybor

**OTHERS PRESENT:** Steve Parsons—Third Mutual

**STAFF PRESENT:** Eileen Paulin, Chuck Holland, Becky Jackson, Ellyce Rothrock and Paul Ortiz

1. **Call to Order**  
Meeting was called to order at 9:30 a.m.
2. **Acknowledgement of Media**  
Yes.
3. **Approval of the Agenda**  
Approved.
4. **Approval of Meeting Report from January 22, 2020**  
Approved.
5. **Chair's Remarks**  
We have a lot going on today.
6. **Member Comments (Items not on the Agenda)**  
Victoria Vonovich (136-A) was called to speak and asked if there was anything that can be done about viewing Angels games.

Joan Milliman (969-3E) was called to speak provided compliments on The Village Breeze and offered congratulations.

**7. Director's and Staff Forum**

Chair Soule gave Ms. Vonovich options that included going to 19 Restaurant or subscribing to YouTube TV.

**REPORTS:**

**8. Broadband and Contracts—Eileen Paulin**

Eileen Paulin deferred to Chuck Holland. He updated the committee on the battery backup system during a power outage.

Mr. Holland stated we are replacing the cable modem equipment. Right now this is on hold due to the review of contracts. There is also an operational audit with the Broadband Group that will perform an analysis of our Cable TV: status quo, sell, outsource, hybrid.

Mr. Holland described that he will take the technical side (Broadband and cable); Ms. Paulin will maintain media and television. He covered subscriber counts, including collapsing the channel guide with the removal of the 333 SD (standard definition) subscribers once the conversion of all users to HD (high definition) has been completed. Then he covered the channels that are offered.

Mr. Holland described the Operating Statements in the budget, which include the below:

- Merchandise sales
- Broadband services
- Employee compensation
- Materials and supplies
- Utilities
- Legal fees
- Outside services
- Repairs and maintenance
- Property and sales tax
- Cable programming/Copyright/Franchise
- Uncollectible accounts
- Depreciation and amortization

**9. Marketing and Communications—Eileen Paulin**

Ms. Paulin introduced new Communications Specialist Susan Logan-McCracken. She also announced the promotion of Ellyce Rothrock to Supervisor.

Ms. Paulin provided updates on:

- Docent tours
- New resident orientations
- CodeRED
- Satisfaction surveys
- Appearance dates at clubhouses
- TV appearances for board members

- Topics covered on TV
- The Village Breeze

#### **ITEMS FOR DISCUSSION AND CONSIDERATION:**

##### **10. Voting—Chair Annette Sabol Soule**

Chair Soule presented her handouts and updated the committee on voting centers, options and processes.

##### **11. Mobility & Vehicles Committee Charter—Chair Annette Sabol Soule**

Chair Soule discussed the Mobility & Vehicles Committee Charter, referencing paragraph 11, which states the committee would "work together with the GRF Media and Communications Committee," along with paragraph 10, which references VMS developing an effective customer service program that includes educational literature, training classes and alternative transportation information.

#### **ITEMS FOR FUTURE AGENDAS:**

Creating a cheat sheet for being able to view Fox Sports sporting events that are no longer broadcast due to the discontinuation of channels 428 and 429.

Describing value of assessments.

#### **CONCLUDING BUSINESS:**

##### **11. Committee Member Comments**

Director Pat English stated it was a good meeting.

Director Beth Perak stated it was a good meeting.

Advisor Carmen Pacella stated the Village Breeze was great. Asked if there was a way to intercept the Laguna Woods Globe's Letters to the Editor. Ms. Paulin described that we have attempted to answer individuals but there is no way to intervene in Globe (Orange County Register) business.

Director Lynn Jarrett stated it was a good meeting and she loves the magazine and has been getting a lot of calls.

Director Neda Ardani thanked staff for the hard work and the Breeze.

Steve Parsons mentioned residents are getting attacked by pets and is trying to get these incidences reported and documented.

Ms. Milliman mentioned Resident Services is still one of our problem areas.

Ms. Vonovich commented on work orders that she has had and the great service she has received.

Director Annie McCary gave kudos to everyone for the Breeze and what a great

marketing tool it is.

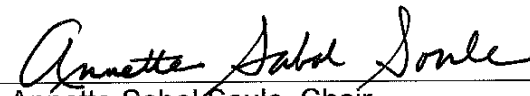
Director Juanita Skillman would like copies of the Breeze in the Library.

Advisor Tom Nash recommended that residents counteract the bad press in the Letters to the Editor with positive feedback.

Ms. Paulin talked about using the Dog Club to address Mr. Parson's concerns.

**11. Date of Next Meeting—March 16 at 1:30 p.m.**

**12. Adjournment**  
11:09 a.m.

A handwritten signature in cursive script, reading "Annette Sabol Soule", written over a horizontal line.

Annette Sabol Soule, Chair  
Media and Communications Committee



**OPEN MEETING**

**REPORT OF REGULAR MEETING OF THE GOLDEN RAIN FOUNDATION  
MOBILITY AND VEHICLES COMMITTEE**

**Wednesday, February 5, 2020 – 1:30 p.m.  
Laguna Woods Village Community Center Board Room  
24351 El Toro Road, Laguna Woods, CA 92637**

**MEMBERS PRESENT:** Judith Troutman, Don Tibbets, Egon Garthoffner, Craig Wayne, John Frankel, Elsie Addington, Reza Bastani

**ADVISORS:** Vashti Williams

**MEMBERS ABSENT:** John Dalis

**OTHERS PRESENT:** Juanita Skillman, Annette Sabol Soule

**STAFF PRESENT:** Chris Laugenour, Francisco Perez, Elizabeth Cortez

**1. Call to Order**

Chair Troutman called the meeting to order at 1:31 p.m.

**2. Acknowledgment of Media**

No media present

**3. Approval of the Agenda**

Agenda was approved by acclamation

**4. Approval of Meeting Report for October 2, 2019**

The Regular Meeting Report of October 29, 2019 and November 27, 2019 was approved by acclamation.

**5. Chair's Remarks**

None

**6. Member Comments (Items Not on the Agenda)**

None

**7. Response to Member Comments**

None

Reports:

**8. Director's Report**

Mr. Laugenour reviewed the changes of the Transportation services implemented January, 2020. Since the start of the system, trial modifications were made to a few of the routes on the Easy Rider Fixed-Route program. Fixed-Routes are being closely monitored as tweaks may be made to ensure efficiency. Director Addington recommended clearly marketing the 30 minute closure of neighborhood routes for driver's lunches.

The Journey Program is initially working well, and two eligibility assessment dates have already been conducted with residents.

The BOOST program is being highly utilized and there has been some difficulty in matching Lyft drivers with the residents' addresses. Staff is working on proactive basis to fix this issue and recently the number of missed rides is decreasing each day. As a solution to preventing no-shows, rides booked through concierge will be created with specified notes to the driver. Chair Troutman suggested including landmarks in LYFT driver notes. Chair also suggested reminding LYFT of the learning curve our residents require for using BOOST thusly requesting a grace period for cancellation charges.

In addition, Mr. Laugenour noted two new buses are expected to be received March 2020. Ridership data for the year 2019 is included in the report for historical data. Mr. Laugenour also shared with the committee that staff is working with Age Well to develop a collaborative relationship to improve overall transportation services to the Village.

Items for discussion and consideration:

**9. ADA Policy Review**

A formal ADA policy was presented to be in compliance with a federally funded grant that was used to purchase three of Laguna Woods Transportation buses. After discussion the Chair entertained motion to accept ADA policy, Director Tibbets moved motion, Director Addington second motion. Committee unanimously voted to approve the policy. (6-0)

**10. Committee Charter Resolution Review**

Chair entertained motion to accept charter as presented, motion was second, Committee voted unanimously to approve the Charter Resolution without changes. (6-0)

Items for Future Agendas:

**11. Bus Policy Updates – Use by Non-Profit Agencies**

**Concluding Business:**

**12. Committee Member Comments**

Director Bastani suggested color page maps of the routes. Director Garthoffner complimented on the Fixed-Route 30 minute intervals. Director Tibbets complimented staff on their great work on the Transportation changes and commented on the reduction of resident complaints. Chair thanked staff for the report.

**13. Date of Next Meeting – Wednesday April 1, 2020 1:30 PM**

**14. Adjournment**

The meeting was adjourned at 3:02 p.m.

  
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Judith Troutman, Chair  
GRF Mobility & Vehicles Committee

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**REPORT OF THE REGULAR MEETING OF THE  
GOLDEN RAIN FOUNDATION OF LAGUNA WOODS  
SECURITY AND COMMUNITY ACCESS COMMITTEE**

The Regular Meeting of the Security and Community Access Committee was held on Monday, February 24, 2020 at 1:30 p.m. 24351 El Toro Road, Laguna Woods, California.

**MEMBERS PRESENT:** Don Tibbetts – Chair, Bert Moldow, Jim Matson, Neda Ardani, Cash Achrekar, Robert Mutchnick, Ralph Engdahl, and John Dalis

**MEMBERS ABSENT:** None

**ADVISORS PRESENT:** Larry Cunningham and Frank Tybor

**OTHERS PRESENT:** John Frankel, Juanita Skillman, Annie McCary, Annette Sabol Soule, Doug Gibson, and Andre Torng

**STAFF PRESENT:** Tim Moy, Carlos Rojas, and Debbie Ballesteros

**CALL TO ORDER**

Don Tibbetts, Chair, called the meeting to order at 1:30 p.m.

**ACKNOWLEDGEMENT OF PRESS**

The Media was not present.

**APPROVAL OF AGENDA**

Director Ardani made a motion to approve the agenda as presented. Director Mutchnick seconded the motion.

By unanimous vote, the motion carried.

**APPROVAL OF MEETING REPORT**

By way of consensus, the Committee approved the January 20, 2020 meeting report as presented.

**CHAIRMAN'S REMARKS**

Chair Tibbetts stated this is the last meeting for the Tim Moy, Chief of Security. He informed the Committee that the new Chief, Carlos Rojas, is the former Chief of Police for Santa Ana. Chief Moy introduced the new Chief to the Committee. Chief Rojas addressed the Committee.

### **MEMBER COMMENTS ON NON-AGENDA ITEMS**

Estelle DiNunzio (589-D), President of the Theatre Guild Club, asked the Committee to consider the possibility of giving access to RV lot B to a non-resident member of the club. Ms. DiNunzio explained that the Club has storage in the RV Lot B and it is difficult to coordinate a resident to meet a club member / consultant for audio and stage managing to pick up / drop off equipment. She is asking the Committee to grant an exception to give a non-resident access to the RV lot without having a resident be present.

Roberta Berk (933-B) commented on the Gate 3 arms being placed in the “up” position by Ambassadors, if shepherd crooks will be placed on the fencing of Aliso Creek, and the policy for when the gates are opened during the rainy season.

### **RESPONSE TO MEMBER COMMENTS ON NON-AGENDA ITEMS**

The Committee and Chief Moy responded to Ms. Berk.

The Committee responded to Ms. DiNunzio. The Committee commented and asked questions.

Director Moldow made a recommendation to send this issue to the GRF Board. Director Matson seconded the motion.

By a vote of 1-5-0 (Director Ardani, Achrekar, Matson, Mutchnick, and Engdahl opposed), the motion failed.

### **REPORTS**

#### **Gate Access Update**

Chief Moy updated the Committee on Gate Access Project. He discussed Gate 11 and explained that the plan is to open Gate 13 and close Gate 11 to expedite the process. He stated that golf carts would be able to use Gate 11, but all vehicles would use Gate 13. However, there will be a meeting tomorrow, February 25, 2020 to see if it is feasible to use Gate 13.

#### **Disaster Preparedness Task Force Report**

Chief Moy reported that there were some changes in the Bylaws. The Task Force is now a GRF Task Force with Director Judith Troutman as the Chair and the Chief of Security will now be the Staff Officer.

Chief Moy informed the Committee that First Aid and CPR / AED training has been scheduled. However, there is a new class that is being looked into to see if it would be a good fit for the Community.

#### **RV Update**

Chief Moy informed the Committee that automated gates were installed at RV lot B. He also stated that there is no waiting list. An audit was made on the RV lot spaces in

which deficiencies were identified and spaces were freed up for any future / current residents.

### **Noteworthy Incidents**

Chief Moy presented noteworthy incidents. He explained that there is a wall of recognition inside the Security Office where frames picture of commendations are hung up.

Chief Moy informed the Committee that a Security Patrol Officer (SPO) was doing patrols and noticed a suspicious male walking around. The SPO made contact which caused the male to discard something in a dumpster and ran away. The SPO went to the dumpster and found items including a ball point hammer. The SPO stopped what could have been a vehicle break-in.

Chief Moy also informed the Committee that the Security Division recognized and Officer, Dispatcher and Gate Ambassador of the Year:

- Kyle Belanger was Officer of the Year.
- Jim Mathews was Dispatcher of the Year
- Larry and Tina Morkved were Gate Ambassadors of the Year

He also updated the Committee about two promotions that were recently made:

- Supervisor I Dan Lurie was promoted to Watch Commander (Supervisor II)
- SPO Iman Movassaghi was promoted to Supervisor I

Chief Moy explained that professionalism and CATE (C=Customer Service, A=Accountability, T=Transparency, and E=Efficiency) are very important.

### **Security Statistics**

Chief Moy reported on the statistics for the Security Department that includes foot patrols, notice of violations, crimes, traffic collisions, RV lots, Social Services and the Compliance Division. Reports are attached to the official minutes of this meeting.

Chief Moy went through each report and explained certain statistics to the Committee. The Committee commented and asked questions.

### **ITEMS FOR DISCUSSION AND CONSIDERATION**

#### **DPTF Clubhouse Antennas**

Chief Moy introduced Bruce Bonbright, Radio Officer for the DPTF, who presented the DPTF Clubhouse Antennas.

Director Mutchnick made a motion to approve the DPTF Clubhouse Antennas. Director Achrekar seconded the motion.

By unanimous vote, the motion carried.

### **ITEMS FOR FUTURE AGENDAS**

- Time length for Permanent Passes

### **CONCLUDING BUSINESS**

#### **Committee Member Comments**

Director Dalis stated that Chief Rojas' speaking voice was good and that future meetings should be exciting.

Mr. Cunningham congratulated Chief Rojas for joining the team. He stated that he has big shoes to fill. He also stated that it was a pleasure to work with Chief Moy.

Director Ardani thanked Chief Moy and welcomed Chief Rojas. She also brought up customer service and the attitudes of Gate Ambassadors and asked how it could be improved.

Director Achrekar welcomed Chief Rojas and thanked Chief Moy.

Director Moldow stated that he would miss Chief Moy and his discussions.

Director Matson stated that this has been a wonderful experience.

Director Mutchnick echoed everyone's comments and wished Chief Moy nothing but success with his new position. He also welcomed Chief Rojas and stated that he is looking forward to working with him.

Director Engdahl thanked and wished Chief Moy good luck. He welcomed Chief Rojas.

Chair Tibbetts stated that ever since Laguna Woods Village became self-managed, the quality of the Security Division has become better and it should continue to get better with the new Chief. He further stated that Chief Moy would be missed.

#### **DATE OF THE NEXT MEETING**

The next meeting is scheduled for Monday, April 27, 2019, at 1:30 p.m. in the Laguna Woods Village Community Center, Board Room.

#### **ADJOURNMENT**

There being no further business to come before the Committee, Chair Tibbetts adjourned the meeting at 3:38 p.m.

**DRAFT**

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Don Tibbetts, Chair