



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

Tuesday, May 12, 2020- 9:30 a.m.

VIRTUAL MEETING

**Laguna Woods Village Community Center, 24351 El Toro Road,
Laguna Woods, California**

NOTICE OF MEETING AND AGENDA

- 1. Call to Order / Establish Quorum – Sue Margolis, President**
- 2. Acknowledge Media**
- 3. Approval of Agenda**
- 4. Approval of the Meeting Minutes**
 - a. April 14, 2020 – Regular Open Session
- 5. Report of Chair**
- 6. Open Forum (Three Minutes per Speaker) - *At this time Members 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 to request to speak.***
- 7. Responses to Open Forum Speakers**
- 8. Update from VMS – Director Pacella**
- 9. CEO 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.***

a. **Recommendation from the Finance Committee:**

Consistent with its statutory obligations under Civil Code §5501, a subcommittee of the Board consisting of the Treasurer and at least one other Board member reviewed the United Laguna Woods Mutual preliminary financials for the month of March 2020, and such review is hereby ratified.

11. Unfinished Business -- none

12. New Business

- a. Entertain a Motion to Introduce the Membership and Election Vote Policy **(Must Postpone 28-days for Member Review and Comment to Comply with Civil Code §4360)**
- b. Entertain a Motion to Introduce the Appeal Policy **(Must Postpone 28-days for Member Review and Comment to Comply with Civil Code §4360)**

13. Committee Reports

- a. Report of the Finance Committee / Financial Report – Director Gilmore. The Committee met on January 28, 2020; next meeting May 26, 2020, 1:30 p.m. as a virtual meeting.
 - 1) Treasurer's Report
 - 2) United Finance Committee Report
 - 3) Resales/Leasing Reports
- b. Report of the Architectural Control and Standards Committee – Director Bastani. The Committee met on February 20, 2020; next meeting TBA.
- c. Report of the Communications Committee – Director Skillman. Next meeting TBA
- d. Report of Member Hearings Committee – Director Liberatore. The Committee met on February 27, 2020; next meeting TBA.
- e. Report of the Governing Documents Review Committee – Director Torng. The Committee met on April 16, 2020; next meeting May 21, 2020, 1:30 p.m. as a virtual meeting.
- f. Report of the Landscape Committee – Director Armendariz. The Committee met on February 13, 2020; next meeting June 11, 2020 at 9:30 a.m. location TBA.
- g. Report of the Maintenance & Construction Committee – Director Randazzo. The Committee met on February 26, 2020; next meeting May 15, 2020 9:00 a.m. as a virtual meeting.

1) Handyman Committee met on February 7, 2020– Director Achrekar.

- h. Report of the Resident Advisory Committee – Director Ardani. The Committee met on March 12, 2020; next meeting TBA.

14. GRF Committee Highlights

- a. Report of the Finance Committee – Director Gilmore. The Committee met in April 22, 2020; next meeting, June 24, 2020, 1:30 p.m. location TBA.
- b. Report of the Community Activities Committee – Director Skillman. The Committee met on April 9, 2020; next meeting May 14, 2020, 1:30 p.m. as a virtual meeting.
- c. Report of the Landscape Committee – Director Armendariz. The Committee met on February 12, 2020; next meeting TBA.
- d. Report of the Maintenance & Construction Committee – Director Randazzo. The Committee met in closed session on April 8, 2020; next meeting June 10, 2020, 9:30 a.m. location TBA.
- e. Report of the Media and Communication Committee – Director Skillman. The Committee met on April 20, 2020; next meeting May 18, 2020, 1:30 p.m. as a virtual meeting.
- f. Report of the Mobility and Vehicles Committee – Director Addington. The Committee met on February 5, 2020; next meeting, June 3, 2020, 1:30 p.m. location TBA.
- g. Report of the Security and Community Access Committee – Director Ardani. The Committee met on February 24, 2020; next meeting June 22, 2020 1:30 p.m. location TBA.
- h. Laguna Woods Village Traffic Hearings – Director Addington. The Hearings were held on February 19, 2020; next hearings TBA.
- j. Report of the Disaster Preparedness Task Force – Director Achrekar. The Task Force met on January 28, 2020; next meeting TBA.

15. Future Agenda Items – All matters listed under Future Agenda Items are Resolutions on 28-day public review or 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. Orange County Mosquito and Vector Control District Presentation

16. Directors' 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 NOTICE AND AGENDA

Approval of Agenda

Approval of the Following Meeting Minutes;

(a) April 14, 2020—Regular Closed Meeting

Discuss and Consider Member Matters

Discuss Personnel Matters

Discuss and Consider Contractual Matters

Discuss and Consider Litigation Matters

18. Adjourn



**MINUTES OF THE OPEN MEETING OF THE
BOARD OF DIRECTORS OF UNITED LAGUNA WOODS MUTUAL
A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION**

**Tuesday, April 14, 2020, 9:30 a.m.
24351 El Toro Road, Laguna Woods, California**

Directors Present: Sue Margolis, Carl Randazzo, Andre Torng, Juanita Skillman, Elsie Addington, Cash Achrekar, Neda Ardani, Manuel Armendariz, Reza Bastani, Brian Gilmore, and Anthony Liberatore

Directors Absent: None

Staff Present: Jeff Parker, CEO; Siobhan Foster, COO; Kurt Wiemann, Chris Langenour, Becky Jackson, Grant Schultz and Cheryl Silva

Others Present: VMS: Dick Rader
Select Audit Task Force: Elizabeth Roper
KPMG Auditors: Mark Thomas and Spencer Endicott

1. Call Meeting to Order/Establish Quorum

President Margolis called the meeting to order at 9:31 a.m. and acknowledged that a quorum was present.

Jeff Parker-CEO led the Pledge of Allegiance.

2. Acknowledge Media

The Village Television Camera Crew, by way of remote cameras, was acknowledged as present.

3. Approval of Agenda

Director Gilmore made a motion to approve the agenda as amended. Director Bastani seconded the motion and the agenda was approved unanimously.

4. Approval of Minutes

a. March 10, 2020–Regular Open Session

Director Skillman made a motion to approve the minutes of March 10, 2020, Regular Open Session as presented. The motion was seconded by Director Ardani and was approved without objection.

5. Report of the Chair

President Margolis commented about the adjustments everyone had made due to the COVID-19 emergency. She asked that everyone follow the guidelines set by the County of Orange and the State regarding social distancing. Due to the social distancing guideline, all board meeting will be virtual meetings and members can watch the meetings on Village Television and call (949-268-2020) or email (meeting@vmsinc.org) their member comments.

6. Open Forum

Members made comments regarding the following:

- A Member commented on that everyone, including employees, should follow the COVID-19 guidelines to wear a mask to protect everyone;
- A Member commented about construction going on near her manor and asked that non-essential construction be suspended during this time;
- A Member commented asked that association fees be waived during COVID-19 restrictions;
- A Member commented on the need to do extra sanitizing during this time.

7. Responses to Open Forum Speakers

Directors responded to Member comments:

- Jeff Parker-CEO commented that all employees are wearing masks when they are out in the community. He will look into the non-essential construction.
- Director Achrekar request that all the flags be raised at the clubhouses. The custodians are doing extra cleaning during this time;
- Director Randazzo commented about the non-essential construction;
- Director Ardani commented about the restrictions on showing open houses during the COVID-19 emergency;

Director Ardani gave a report of the member comments from March 2020:

8. Update from VMS – There was no VMS Meeting in March.

9. CEO Report

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

- Gave an update on the number of individuals infected with the COVID-19 virus in our area and in Laguna Woods Village;
- Commented on the furloughed employees. The furlough will last until June 1st;
- To slow the spread of COVID-19, the County of Orange is recommending that everyone wear mask when they are in public. Residents riding the bus must wear a mask;
- Thanks to the efforts of the Community, Staff and they Attorney, the Ayres Hotel reversed their decision to lease the hotel to the County of Orange to house homeless individual that tested positive for COVID-19;
- Residents are encouraged to complete the 2020 Census;
- Orange County Mosquito and Vector Control encouraged residents to remove standing water near their manor to help control mosquito larva from hatching.

10. Consent Calendar

10a. Recommendation from the Finance Committee:

- (1) Approval of Resolution to Record Lien against Member ID# 947-416-40

RESOLUTION 01-20-19
RECORD OF LIEN

WHEREAS, Member ID 947-416-40; is currently delinquent to United Laguna Woods 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 14, 2020, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-416- 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.

- 10b.** Consistent with its statutory obligations under Civil Code §5501, a subcommittee of the Board consisting of the Treasurer and at least one other Board member reviewed the United Laguna Woods Mutual preliminary financials for the month of February 2020, and such review is hereby ratified.

10c. Recommendation from the Architectural Controls and Standards Committee

- (1) Recommendation to Approve a Variance Request – 729-D (Bastani, Cordoba, 1A4) – Room Addition on Front Patio

RESOLUTION 01-20-20
VARIANCE REQUEST

WHEREAS, Mr. Reza Bastani of 729-D Avenida Majora, a Cordoba style unit, requests Board approval for variance to add a second room in place of the existing front patio;

WHEREAS, a Neighborhood Awareness Notice was sent to Owners of affected units on March 6, 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. The Architectural Controls and Standards Committee held a Special Meeting on April 2, 2020, and the Committee recommended approval for the variance request.

NOW THEREFORE BE IT RESOLVED, on April 14, 2020, the Board of Directors hereby approves the request for a room addition on the front patio with the conditions stated in Appendix A;

RESOLVED FURTHER, all costs for maintenance, repair, renovation, replacement or removal of the improvement, present and future, are the responsibility of the Shareholder at 729-D and all future Shareholders at 729-D.

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 Randazzo made a motion to approve the Consent Calendar as presented. The motion was seconded by Director Liberatore.

Discussion ensued among the directors.

President Margolis called for the vote on the Consent Calendar and the motion passed by a vote of 9-2-0 (Director Achrekar, Armendariz opposed).

11. Unfinished Business

11a. Entertain a Motion to Adopt a Resolution to Require a Recognition Agreement for Lenders

Director Skillman read the following resolution:

RESOLUTION 01-20-21 **OBJECTIVE STANDARDS FOR APPROVAL** **TO LOAN WITHIN UNITED LAGUNA WOODS MUTUAL**

WHEREAS, United Laguna Woods Mutual (hereinafter United or Corporation), is a nonprofit mutual benefit corporation, existing under and by virtue of the laws of the State of California, organized for the purpose of providing its Members with housing on a cooperative nonprofit basis pursuant to the provisions set forth in its Occupancy Agreement, Articles of Incorporation, Bylaws and Board Resolutions (collectively referred to as the "Governing Documents");

WHEREAS, the Corporation's Amended and Restated Bylaws (Bylaws) provide that the purpose of the Corporation is to "manage, maintain, preserve, and administer the business of a common interest development, specifically, a stock cooperative" (Bylaws Article II, Section 1);

WHEREAS, the Board of Directors of the Corporation is authorized to establish policy and perform various administrative activities (Bylaws Article II, Section 3);

WHEREAS, United is a stock cooperative housing development and holds title to all property and structures in United wherein each Shareholder-Member has ownership of one share in the Cooperative and is granted the right to occupy a specific unit pursuant to an Occupancy Agreement provided each Shareholder-Member meets the age requirement and the financial qualifications set forth in the Financial Qualifications Policy (rev. 09-10-19);

WHEREAS, pursuant to the above authority or otherwise contained in the Governing Documents, included among the Board of Directors' management responsibilities is the vetting of lenders seeking to loan money to Shareholder-Members secured by property within United, in order to ensure the continued solvency of the Corporation;

WHEREAS, the Board of Directors requires a lender to sign its Recognition Agreement, giving United Mutual first right of refusal and agreeing to pay assessments when due in the event the member defaults in its obligation to pay assessments;

WHEREAS, through counsel, the Board of Directors has enumerated objective criteria lenders must satisfy in order to loan to Shareholder-Members within United, including that the prospective lender is either a state or federally chartered bank, credit union or financial institution;

NOW THEREFORE BE IT RESOLVED, April 14, 2020, that the following resolution is adopted by the Board of Directors:

1. **Acknowledging and Approving Qualified Lenders.** The Corporation, by and through its Board of Directors, is authorized to approve lenders based on confirmation of satisfaction that the prospective lender is either a state or federally chartered bank, credit union or financial institution.
2. **Further Acts.** The Board of Directors may do and perform such other acts and things as may be reasonably necessary and proper in order to carry into effect the provisions of this Resolution.

BE IT FURTHER RESOLVED, that the officers, directors and agents of this Corporation are authorized to carry out the purpose of this Resolution.

SEPTEMBER Initial Notification, NOVEMBER referred back to Committee, MARCH Re-Introduced:
28-day notification for Member review and comment to comply with Civil Code §4360 has been satisfied.

Director Skillman made a motion to adopt a resolution to require a recognition agreement for lenders. The motion was seconded by Director Torng.

Discussion ensued among the directors.

A Member spoke in favor of having more options for loans.

Director Torng made an amendment to add financial institutions to the resolution. Director Skillman seconded the amendment and the amended passed by a vote of 9-1-1 (Director Achrekar opposed, Director Addington abstained).

President Margolis called for the vote on the motion as amended passed by a vote of 10-1-0 (Director Achrekar opposed)

11b. Entertain a Motion to Adopt the Handyman Program Phase II-Maintenance Chargeable Services

Director Randazzo read a synopsis of the following resolution:

RESOLUTION 01-20-22
REVISED CHARGEABLE SERVICES

WHEREAS, the Board established a "Chargeable Maintenance Services Policy" by way of Resolution 01-04-28; and

WHEREAS, the Board amended the policy on June 12, 2007 to remove single fixture stoppages as a chargeable service; and

WHEREAS, the Board amended the policy further by way of Resolution 01-17-104 to establish a charge of \$50.00 for a Missed Maintenance Appointment to be charged to resides who are a no-show during their scheduled appointment time frame or do not cancel/reschedule 24 hours prior to their scheduled appointment; and

WHEREAS, in order to provide additional services to residents upon the cancellation of the Handyman Services Program, the list of non-emergency maintenance chargeable services has been revised to add maintenance to authorized member alterations; and

WHEREAS, additional chargeable services have been added for electrical, carpentry, plumbing and painting services as shown on the attached approved list.

NOW THEREFORE BE IT RESOLVED, April 14, 2020, that the Board of Directors hereby approves the attached new policy and list chargeable services; and

RESOLVED FURTHER, that the service charge for all Maintenance chargeable services shall remain \$10; and

RESOLVED FURTHER, the \$25 permit processing fee for work that requires a City of Laguna Woods building permit if VMS pulls the permit shall remain in effect; and

RESOLVED FURTHER, the \$50 service charge for when the Mutual Member (or

representative) is not home for a scheduled appointment and fails to cancel in advance shall remain in effect; and

RESOLVED FURTHER, that Resolution 01-04-28 adopted February 10, 2004 and Resolution 01-17-104 adopted on September 12, 2017 is hereby superseded and cancelled; and

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

MARCH Initial Notification

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

Director Randazzo made a motion to adopt a resolution for the Handyman Program Phase II-Maintenance Chargeable Services. The motion was seconded by Director Achrekar.

Discussion ensued among the directors.

Siobhan Foster-COO commented that the handyman program will not begin until after the furloughed period.

President Margolis called for the vote and the motion passed by a vote of 9-1-1 (Director Liberatore abstained, Director Bastani abstained).

12. New Business

12a. Entertain a Motion to Authorize COVID-19 related General Services and Landscape Department Budget Reallocations for Custodial Services and Mulch Program.

Kurt Wiemann, Director of Landscape, discussed the mulch program. Chris Langenour, Director of General Services, gave an update on the extra custodial services.

Director Achrekar made a motion to authorize reallocations of funds for additional custodial services and mulch program in United Mutual. The motion was seconded by Director Addington.

Discussion ensued among the Directors.

President Margolis called for the vote and the motion passed by a vote of 7-3-1 (Director Liberatore, Torng, Armendariz opposed, Director Randazzo abstained).

12b. Entertain a Motion to Accept the 2019 Audit Report

Elizabeth Roper of the Select Audit Task Force gave an update about the audit process. The Select Audit Task Force worked with KPMG to complete the 2019 Audit.

Director Gilmore made a motion to accept the 2019 Audit Report. The motion was seconded by Director Ardani.

Betty Parker, Director of Finance, made a comment that we received a positive audit report from KMPG. Spencer Endicott joined the meeting to answer questions from the Board.

Discussion ensued among the directors.

Director Armendariz made a comment about corrections in the audit report.

Betty Parker asked Director Armendariz to send her the corrections to review.

Sue Margolis called for the vote on the 2019 Audit Report and the motion passed by a vote of 9-1-1 (Director Armendariz opposed; Director Bastani abstained)

13. Committee Reports

- 13a.** Report of the Finance Committee / Financial Report – Director Gilmore showed a presentation on the Treasurer’s Report and reviewed the resale and lease reports. The Committee met on January 28, 2020; next meeting will be May 26, 2020, 1:30 p.m. in the Sycamore Room.
- 13b.** Report of the Architectural Control and Standards Committee – Director Addington gave a report from the last Committee meeting. The Committee met on February 20, 2020 and a Special Meeting was held on April 2, 2020; next meeting TBA.
- 13c.** Report of the Communications Committee – Director Skillman commented that the next Breeze Newsletter should be out in a couple of weeks. The next meeting is TBA.
- 13d.** Report of Member Hearings Committee – Director Liberatore gave a report from the last Committee meeting. The Committee met on February 27, 2020; next meeting TBA.
- 13e.** Report of the Governing Documents Review Committee – Director Tornig gave a report from the last Committee meeting. The Committee is working on Election Rules. The Committee met on February 20, 2020; next meeting will be April 16, 2020, 1:30 p.m. as a virtual meeting.
- 13f.** Report of the Landscape Committee – Director Armendariz gave a report from the last Committee meeting. The Committee met on February 13, 2020; next meeting TBA.
- 13g.** Report of the Maintenance & Construction Committee – Director Randazzo gave a report from the last Committee meeting. The Committee met on February 26, 2020; next meeting June 24, 2020 in the Board Room.

- (1) Handyman Task Force—Director Achrekar gave a report for the Handyman Task Force. The Task Force met on February 7, 2020.

- 13h. Report of the Resident Advisory Committee – Director Ardani gave a report from the last Resident Advisory Committee. The Committee met on March 12, 2020; next meeting TBA.

14. GRF Committee Highlights

- 14a. Report of the Finance Committee – Director Gilmore gave highlights from the last Committee meeting. The Committee met on February 19, 2020; next meeting will be April 22, 2020, 1:30 p.m. as a virtual meeting.
- 14b. Report of the Community Activities Committee – Director Skillman gave highlights from the last Committee meeting. The Committee met on April 9 2020; next meeting May 14, 2020, 1:30 p.m. as a virtual meeting.
 - (1) PAC Task Force – Director Randazzo gave a report from the PAC Task Force. The Task Force met on April 13, 2020. The Task Force reviewed and voted against the bids presented.
- 14c. Report of the Landscape Committee – Director Armendariz gave highlights from the last Committee meeting. The Committee met on February 12, 2020; next meeting will be May 13, 2020, 1:30 p.m. as a virtual meeting.
- 14d. Report of the Maintenance & Construction Committee – Director Randazzo gave highlights from the last Committee meeting. The Committee met in closed session on April 8, 2020; next meeting will be June 10, 2020, 9:30 a.m. in the Board Room.
- 14e. Report of the Media and Communication Committee – Director Skillman gave highlights from the last Committee meeting. The Committee met on February 19, 2020; next meeting will be April 20, 2020, 9:30 a.m. as a virtual meeting.
- 14f. Report of the Mobility and Vehicles Committee – Director Addington gave highlights from the last Committee meeting. The Committee met on February 5, 2020; next meeting will be June 3, 2020, 1:30 p.m. in the Board Room.
- 14h. Report of the Security and Community Access Committee – President Ardani gave highlights from the last Committee meeting. The Committee met on February 24, 2020; next meeting TBA.
- 14i. Laguna Woods Village Traffic Hearings – Director Addington. The hearings were held on February 19, 2020; next hearings TBA.

- 14j.** Disaster Preparedness Task Force – Director Achrekar gave highlights from the last Task Force meeting. The Task Force met on January 28, 2020; next meeting will be on April 16, 2020.

15. Future Agenda Items

- 15a.** Committee Advisor Qualifications, Procedures and Policy
15b. Alternative Heat Source Policy
15c. Resolution for a Directors Code of Conduct (Referred back to Governing Doc. Review Committee)
15d. Orange County Mosquito and Vector Control District Presentation

16. Director's Comments

- Director Liberatore commented about the trash expense in the GRF Budget;
- Director Gilmore commented he will ask about the trash expense;
- Director Bastani commented about dry rot and suggested the work be rescheduled;
- Director Armendariz commented on the need for more landscape budget information. He feels the GRF budget could be tightened up;

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

The meeting recessed at 11:25 a.m. into the Closed Session.

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

During the March 10, 2020, Regular Executive Session, the Board:

Approval of Agenda

Approval of the Following Meeting Minutes;

(a) February 11, 2020—Regular Closed Session

Discussed Member Disciplinary Cases

Discussed Personnel Matters

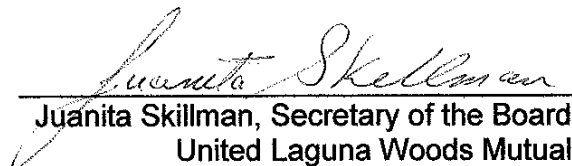
Discuss and Consider Contractual Matters:

Award of Contract for a 201 Reserve Study Update

Discussed and Considered Litigation and Legislative Matters

18. Adjourn

The meeting was adjourned at 3:15 p.m.



Juanita Skillman, Secretary of the Board
United Laguna Woods Mutual



STAFF REPORT

DATE: April 16, 2020
FOR: Governing Documents Review Committee
SUBJECT: Membership Elections & Voting Policy

RECOMMENDATION

Approve revised Membership Elections & Voting Policy to align with Senate Bill 323.

BACKGROUND

On June 13, 2006, the Board established Membership Elections Standard Operating Procedures 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 01-06-49).

Since the adoption, the Membership Elections Standard Procedures has been revised and approved by the Board two other occasions to comport with the current Civil Code requirements at the time (Resolutions 01-13-90 and 01-15-33).

On January 16, 2020, the Governing Documents Review Committee sent the policy back to Legal Counsel for re-review with the current Bylaws.

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

ATTACHMENT(S)

Attachment 1: Membership Elections Policy

Attachment 2: Resolution

ENDORSEMENT (to Board)

Discuss & Consider the approval of the Membership Election & Voting Policy.

On June 13, 2006, the Board established Membership Elections Standard Operating Procedures 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 01-06-49).

Since the adoption, the Membership Elections Standard Procedures has been revised and approved by the Board two other occasions to comport with the current Civil Code requirements at the time (Resolutions 01-13-90 and 01-15-33).

On January 16, 2020, the Governing Documents Review Committee sent the policy back to Legal Counsel for re-review with the current Bylaws.

The Committee reviewed and discussed Membership Election & Voting Policy. The Committee made changes.

Director Margolis made a motion to approve the Membership Election & Voting Policy and direct staff to send to Legal Counsel for final review. Director Ardani seconded the motion.

Without objection the motion passed.

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Membership Election & Voting Policy

Resolution 01-20-XX; [Date]

1. Definitions

- a. "Corporation" shall refer to the United Laguna Woods Mutual Corporation.
- b. "Election Records" shall include returned ballots, signed voter envelopes, the Candidate Registration List and the Voter List. The Candidate Registration List means the list of qualified candidates existing as of the close of nominations. The Voter List may include: the name, voting power and either the physical address of the Member's separate interest or the parcel number, or both; and the mailing address of the Member (if different from the physical address or if the parcel number is used).
- c. "Secretary" shall mean an elected member of the Board of Directors who has been elected as a Corporate officer as Secretary.
- d. "Authorized Agent" shall refer to a staff member appointed by the Board of Directors.
- e. "Inspector(s) of Elections" shall refer to an independent third party appointed by the Board of Directors to perform duties and acts to facilitate voting and elections as set forth herein.
- f. "Standard Operating Procedure (SOP)" shall mean and refer to this policy, known as the Membership Election & Voting Policy.
- g. "Submit" shall refer to delivery of a document to the Authorized Agent at the Corporate address: 24351 El Toro Road, Laguna Woods, California.
- h. "Qualified Member" shall mean a member qualified to nominate himself or herself as a candidate for the Board of Directors as set forth herein.

2. Nomination Process

- a. Qualifications. Only "Qualified Members" are eligible for candidacy to the Board. All candidates seeking to run in any Election of Directors shall meet the following criteria in order to be considered a Qualified Member for purposes of this SOP:
 - i. Shall be Members of record as defined under Bylaws, Article II, Section 4(h).
 - ii. Shall **not** be shown on the books of account of the Corporation to be more than thirty (30) days delinquent in payment of any sums due to the Corporation under his or her Occupancy Agreement or otherwise, and who has been given notice thereof and the opportunity for a hearing concerning the delinquency (Bylaws, Article VI Section 2(b)). Note, this does not include non-payment of collection charges, late

- charges, fines, fines renamed as assessments, costs levied by a third party, or if the Member has (1) paid under protest per California Civil Code § 5658; (2) has entered into and is current in a payment plan (defined as a signed written agreement between the Board and the Owner) per § 5665, and is current and in compliance with all terms thereof; or (3) if the Member has not been provided the opportunity to engage in Internal Dispute Resolution (“IDR”).
- iii. While a candidate for the Board and during their term as a Director, if elected, the Candidate must have been a member of United for at least one (1) year.
 - iv. Candidates and Directors shall not have been convicted of a crime that would either prevent the Corporation from purchasing fidelity bond coverage or terminate the Corporation’s existing coverage.
 - v. Members may not serve at the same time as another person who holds joint ownership in the same separate interest who is either already nominated or an incumbent director.
- b. In addition to the foregoing qualifications, the Board strongly discourages Members from running for the Board where the candidate or the candidate’s spouse has a conflict of interest with the Corporation, financial or otherwise, or engages in business transactions with the Corporation. Further, such conflicts must be immediately disclosed to the Board of Directors upon its occurrence pursuant to United’s Bylaws.
 - c. Any Member may nominate any Qualified Member as a candidate, including himself or herself, by submitting a written application and candidate statement to the Secretary or Authorized Agent of the Corporation that states his or her intention to run for the Board of Directors which must be returned to the Secretary by the closing date stated, which deadline must be at least ninety (90) days before the date the ballots for the election of directors are scheduled to be tabulated. No nominations for the Board can be made after the closing date.
 - d. Any committee established by the Board to assist the Board shall submit a final report of all candidates to the Board upon the close of nominations.
 - e. Each candidate shall submit to the Secretary or Authorized Agent a statement of background and qualifications not to exceed two hundred fifty (250) words in length by the closing deadline.
 - i. The following are guidelines for the preparation of the statement of candidate’s background and qualifications:
 - 1. The statement may include: education, business background, civic, social, and community activities;
 - 2. “Activities” may include organized events, clubs, hobbies or any unique activity;
 - 3. Date and place of birth shall be considered optional information

Length of residency in United; and

4. Statement of personal philosophy (optional).

- f. Each candidate for a Director position is responsible to directly forward their candidate statement, electronically, to the Inspector of Election and Corporate Secretary and is solely responsible to ensure the accuracy of the information and transmission of the candidate's statement. Once the candidate's statement is submitted, as set forth herein, it is irrevocable and cannot be changed or modified. ***United is not responsible for the content of any candidacy statement.***
- g. Any candidate or spouse of a candidate who has a direct or indirect financial interest in any business organization or who is a director, officer or employee of any business, or agency of any county, state or federal government (other than a charitable organization), incorporated or otherwise, which engages in business transactions with the Corporation, shall disclose such relationship to the Board of Directors at the time of their self-nomination (Bylaws, Art. VI Sec. 2(c)).
- h. Candidates must disclose the fact that they have significant outside, time-consuming commitments such as: (a) full time or significant employment responsibilities; (b) full time or significant time commitments to care for others; or (c) extensive travel plans which could impact the time available to conduct Board Business.
- i. The candidates receiving the highest number of votes, up to the number of directors to be elected, shall be elected as directors and shall take office immediately following their election. Any tie vote shall be broken by lot, which may include any method of randomly deciding the issue as adopted by the Board.

3. **Eligibility to Vote**

- a. Only persons approved for Membership by the Board of Directors and to whom a membership certificate has been issued (or the Member's successor trustee and/or power of attorney (California Civil Code § 5105(g)(2).)) shall be entitled to vote (see Bylaws, Article II Section 4(h)- (i)). This provision shall not be construed to prohibit any Member from receiving a ballot, pursuant to California Civil Code § 5105(g)(1).
- b. Single Memberships in which two or more Members have a joint or undivided interest shall have only one (1) vote (Bylaws, Article V, Section 8(a)(ii)) and only one such Member may run for, and serve on, the Board at any one time.
- c. Record Date:
 - i. The record date for determining those Members entitled to receive Notice of a meeting of the Members shall be fifteen (15) days prior to the day that the notice of the meeting is mailed (the "Record Date for Notice");

- ii. The record date for determining those Members entitled to vote by secret ballot shall be sixty (60) days prior to the day that the secret ballots are mailed (the “Record Date for Secret Ballots”);
- d. The inspector(s) of elections shall tabulate the ballots for the election of directors at the Annual Meeting of the Members. The ballots for the vote to approve assessments, elections of directors to fill a vacancy not filled by the Board, amendments to governing documents and/or granting the exclusive use of common area to a Member (unless an exception applies per Civil Code § 4600) shall be tabulated by the inspector(s) of election at a duly noticed (regular or special) meeting of the Members or Board. The Board of Directors shall determine the date, time and place of said Board meeting.

4. Notice Requirements (Senate Bill 323)

- a. General notice of the procedure and deadline for submitting a nomination shall be issued at least 30 days before the nomination deadline (unless individual notice has been requested by the Member).
- b. General notice of the following shall be made at least 30 days before ballots are distributed (unless individual notice has been requested by the Member):
 - i. The date and time by which, and address where, ballots are to be returned;
 - ii. The date, time and location of the meeting to tabulate the ballots; and
 - iii. The list of all candidates’ names that will appear on the ballot.
- c. United shall permit Members to verify the accuracy of their individual information contained in the Election Records at least thirty (30) days before the ballots are distributed. United or any Member shall report any errors or omissions for either list to the inspectors of election who shall make the corrections within two (2) business days.
- d. At least thirty (30) days before the election, the inspectors of election will deliver to each Member: (1) the ballot and voting instructions; and (2) a copy of the election rules. Note, the election rules may be provided by individual delivery or by posting same on an internet site and providing the corresponding internet site web address on the ballot with the phrase, in at least 12-point font: “The rules governing this election may be found here: <https://www.lagunawoodsvillage.com/residents/united-laguna-woods-mutual/documents>”.

5. Candidate Equal Access to Corporation Media

- a. All candidates shall adhere to the following conditions for distribution of materials:
 - i. Distribution of Materials
Door-to-door distribution of Materials shall be permitted, as long as the act of distributing such Materials does not rise to the level of creating a

nuisance for Laguna Woods Village residents. For purposes of this section, “Materials” shall mean campaign material, such as pamphlets, flyers or other printed matter promoting a candidate or point of view.

1. Material that is distributed door-to-door may be secured under the doormat or near the thresholds of front doors or hung from doorknobs but may not be placed in USPS delivery points, or left on vehicles anywhere.
2. Closed gates may not be opened.

ii. Petitions

1. Only Mutual Members, or their designated agents, or residents are permitted to gather signatures on petitions.
2. The petition must remain in the possession of the signature gatherer (there can be no unattended petitions).

iii. Posting of Materials – postings that do not comply with these rules will be subject to removal.

1. Posting locations are limited to those areas reserved for posting, such as Laundry Room bulletin boards and are available only for residents.
2. Only one posting per subject matter, per organization, or per candidate, is allowed.
3. The size of a posting in the laundry rooms shall not exceed 5.5” by 8.5” (one half page) to allow space for other postings.
4. Each posting by a resident, or resident organization, must identify the posting individual’s name, and posting date.
5. Any Materials considered lewd or vulgar will be subject to removal.
6. All non-election postings shall be removed after thirty (30) days after the posting date. For election postings, removal after the election date.
7. All Materials must comply with federal, state, and community laws.
8. Removing postings of others is prohibited.

iv. Knocking on Doors

1. Knocking on doors or ringing of doorbells to contact residents is only permitted weekdays from 10 a.m. to dusk, excluding national holidays.
2. “No Solicitation” or “Do Not Disturb” signs should be honored.

- b. All candidates for a Director position shall have equal access to Corporation media for the purpose of campaigning for an election. For purposes of this

paragraph, “Corporation media” means the Golden Rain Foundation (GRF) Corporation’s cable channel.

- c. In each election for the Board of Directors, the Corporation 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. Meet the Candidates will be for the purpose of allowing the Membership to meet and ask questions of all nominees. All nominees standing for election shall be invited to attend the forum.
- d. GRF’s meeting rooms shall be available to candidates free of charge for campaign purposes (California Civil Code § 5105(a)(2).).
- e. Any time a ballot measure is required to be sent to the Membership for approval which is unrelated to the election of directors, such as amending the Bylaws or the Occupancy Agreement, the Corporation may hold a town hall meeting – rather than a formal membership meeting – which is an informal gathering of members in which members can express their points of view. Further, if Corporation media is used in connection with such ballot measures, any Member advocating a point of view shall be permitted use of Corporation media, provided the Member’s purposes reasonably relate to the ballot measure. The Corporation shall not edit any such communications made by Members, but may include a statement specifying that the Member, and not United, is responsible for that content.

6. Appointment of Inspectors of Election

- a. The Board of Directors shall appoint one (1) or three (3) independent third party(ies) as Inspector(s) of Election. An independent third party includes, but is not limited to:
 - i. A volunteer poll worker with the county registrar of voters;
 - ii. A licensee of the California Board of Accountancy;
 - iii. A notary public; and
 - iv. A Member of the Corporation provided such Member is not a member of the Board of Directors or a candidate for the Board of Directors or related to a member of the Board of Directors or a candidate for the Board of Directors.
- b. Inspectors of Election shall not be employees of management; however, prior to the secret ballots being mailed to all of the Members, the inspectors of election may meet to determine to whom the secret ballots shall be returned (the “Ballot Collector”), which may be an Authorized Agent.
- c. An Inspector or Inspectors may appoint and oversee additional persons to assist as the Inspector or Inspectors deem appropriate. (California Civil Code § 5105 (a)(6))

7. Duties of Inspectors of Election

- a. Determine the number of memberships entitled to vote and the voting power of each membership. (California Civil Code § 5110(c)(1)
 - i. Eligible Voter List:

Pursuant to Section 4 of this SOP, the Inspectors will create or cause to be created an Eligible Voter List that identifies all Members who are eligible to vote. This list will be used to mail ballots only to those Members entitled to vote by ballot on corporate action without a meeting as of the Record Date specified herein.
- b. Determine when the polls shall close. (California Civil Code § 5110(c)(6).)
 - i. The Inspectors of Election shall determine the date that ballots must be received in accordance with California Civil Code § 5115(c)), which states "Ballots...shall be mailed not less than 30 days prior to the deadline for voting." The deadline shall be incorporated into the voter instructions and adopted by the Board of Directors in the form of a resolution.
- c. Oversee the Mailing of the Ballot Package
 - i. Obtain certification from the preparer of the ballot packages that all necessary items were enclosed in each Ballot Package Mailing Envelope and that the envelopes were properly addressed to all members on the Eligible Voter list.
 - ii. Ensure that Ballot Package Mailing Envelopes are sent by first class mail to help ensure that all members receive ballots in a timely manner.
 - iii. Obtain a statement from the post office indicating the number of ballot packages mailed.
 - iv. The inspector of election must deliver, or cause to be individually delivered to each member, at least 30 days before an election, both the ballots and either a copy of the election rules or a statement in 12-point font that reads, "the rules governing this election may be found here {insert web address}."
- d. Receive ballots. (California Civil Code § 5110(c)(3).)

8. **Secret Ballot Return Instructions**

If authorized by the California Legislature, the Corporation may utilize electronic "Secret Ballots." Such procedure will be consistent with what is required in the California Civil Code. For paper Secret Ballots, the following shall apply:

- a. The Secret Ballot itself is not signed by the voter, but is inserted into the Secret Ballot Envelope, which is sealed. The Secret Ballot Envelope shall not have any identifiable markings and is then inserted into the Pre-Addressed Return Envelope, which is also sealed.

- b. In the upper left hand corner of the Pre-Addressed Return Envelope, the voter shall both print and sign his or her name, address, and the unit number that entitles him or her to vote (California Civil Code § 5115(a)(1).).
- c. The Pre-Addressed Return Envelope is addressed to the Inspector or Inspectors of Election, who will tally the votes. The envelope may be mailed or delivered by hand to a location specified by the Inspector or Inspectors of Election. The member may request a receipt for delivery (California Civil Code § 5115(c)(2).).

- i. Return by Mail

- 1. The Pre-Addressed Return Envelope shall be returned on or before the deadline date by mail to the address of the Inspector of Election c/o Ballot Collector as set forth in the voting or ballot return instructions or on the secret ballot.
 - 2. A second post office box may be used for Secret Ballot packages returned as undeliverable.
 - 3. Members who desire a receipt for delivery of a mailed Secret Ballot shall mail the Secret Ballot by Certified Delivery – Return Receipt Requested at the Member’s expense.

- ii. Return by Hand Delivery

- 1. Secret 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, the Authorized Agent, which may be management, shall provide a receipt for the hand delivered Secret Ballot.
 - 3. Inspectors shall retrieve Pre-Addressed Envelopes from the locked ballot box daily and date stamp them.
 - 4. Secret Ballots may also be hand delivered to the Inspector of Elections at the meeting to tabulate the ballots prior to the close of polls.
 - 5. All Pre-addressed Return Envelopes received shall remain sealed until they are opened and tabulated in public. The Corporation shall reserve a secure room at the **Community Center (24351 El Toro Road, Laguna Woods)** for use by the Inspector(s) of Election. Notwithstanding, the Inspector(s) of Election may establish a physical boundary or buffer around them during the tabulation of ballots.

- iii. Ballot Return Instructions – The Ballot Return Instructions will be the same as the Secret Ballot Instructions, detailed herein above, with the exception that the Ballot will be inserted into the Pre- Addressed

Return Envelope only inasmuch as non-Secret Ballots do not require the use of a double envelope system so the Secret Ballot Envelope will not be utilized.

d. Verify voter eligibility.

- i. Count and record the number of Pre-addressed Return Envelopes received from the post office.
- ii. Count and record the number of Pre-addressed Return Envelopes received by hand delivery.
- iii. Place the Pre-addressed Return Envelopes in order by address, which corresponds with the Eligible Voter List. This process may be automated (i.e., barcodes).
- iv. Void (but do not open) any Pre-addressed Return Envelopes, which does not contain information that identifies the member as an eligible voter (see Section 8.c.i.1 above).
- v. Void (but do not open) any Pre-addressed Return Envelope that is a duplicate vote.
 1. Revocation. No written ballot may be revoked after deposit in the mails or delivery to the Corporation. (Bylaws, Article V, Section 9(e))
 2. If a voter returns two Pre-addressed Return Envelopes, the Inspectors of Election shall determine which ballot to count. If it can be determined which is the first Pre-addressed Return Envelope sent or received, then it shall be deemed the original ballot, which shall be counted and the other Pre-addressed Return Envelope should be voided.
- vi. Resolve any challenged ballots. If possible, this should be done before any Pre-Addressed Return Envelope is opened and counting begins.
- vii. Explain the reason for each voter eligibility decision made.
- viii. The sealed ballots at all times shall be in the custody of the Inspector or Inspectors of Election or at a location designated by the Inspector or Inspectors of Election until after the tabulation of the vote, at which time the Inspector of Election can maintain custody of the Election Record pursuant to statute, or transfer custody shall be transferred to the Corporation (California Civil Code § 5125(a)).

e. Count and tabulate the votes.

- i. All votes shall be counted and tabulated by the Inspector or Inspectors of Election in public at a properly noticed open meeting of the Board of Directors (California Civil Code § 5120(a)).
- ii. At a properly noticed open meeting of the Board of Directors, the seals

of the Secret Ballot Envelopes shall be broken, and the Inspector(s) of Election shall prepare the ballots for tabulation, which may include electronic tabulation scanning. A third-party election services contractor who is not an inspector of election may be deputized by the Inspectors of Election to assist with the preparation and scanning of the ballots.

- iii. A ballot shall be voided if it contains information identifying the voter (California Civil Code § 5115(a).).
- f. Determine the result of the election
 - i. Once the ballots are scanned and tabulated, the Inspector(s) of Election shall certify the election by signing an official form. The tabulated results of the election shall be promptly reported to the Board and shall be recorded in the minutes of the next meeting of the Board and shall be available for review by members of the Corporation.
 - ii. Within fifteen days of the election, the Board of Directors shall publicize the results of the election.
 - iii. Tabulated ballots shall be packed and sealed, and the Inspectors of Election shall initial the seal to ensure that there is no tampering with the tabulated ballots.
 - iv. The custody of the tabulated ballots and other Election Records as listed in Section 1.b of this SOP shall remain in the custody of the Inspector(s) of Election for not less than one (1) year after the tabulation of ballots, or until the time allowed by Civil Code Section 5145 for challenging the election has otherwise expired. Upon written request, Election Records shall be made available for inspection and review by Members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.
 - v. After the tabulation of ballots, the Board of Directors or its Authorized Agent (i.e., management) shall return to the post office to pick up any ballots received after the deadline. These ballots shall not be opened and shall be marked "Void – received after deadline".

9. **Election Mailing Materials**

- a. The Corporation shall conduct its election consistent with its Bylaws and state statutes (Bylaws, Article V, Section 8(b)). The official election materials are to be prepared by the Inspector(s) of Election.
- b. As prescribed by law, secret ballot procedures shall be used when voting on the following issues: special assessments; election and removal of directors; amendments to the Governing Documents (i.e., Articles of Incorporation, Bylaws and Occupancy Agreement); and the grant of exclusive use of Common Area property.

- i. A “secret ballot” is a ballot which does not identify the voter by name, address, lot, unit or parcel number. The term “secret ballot” does not include a ballot for purposes of voting on any matter other than assessments, election or removal of directors, amendments to the Governing Documents or the grant of exclusive use of Common Area property. All secret ballots, including for election of directors, must conform to the requirements of applicable law. Any Bylaws provision inconsistent with the law shall be void.
- ii. All secret ballots shall provide a reasonable time within which to return the ballot to the Corporation, which may be set at the discretion of the Board unless otherwise required by law. The time for the return of secret ballots may be extended for reasonable intervals at the discretion of the Board.
- iii. Any action requiring Member approval, other than those requiring a secret ballot, may be submitted for vote by written ballot without calling a meeting of the Members. The written ballot shall describe the proposed action(s), provide an opportunity to specify approval or disapproval of each proposal, and provide a reasonable time within which to return the ballot to the Corporation as set forth in Article V, Section 9 of the Bylaws.
 - 1. The determination to conduct a vote by written ballot shall be made by the Board or by members having 20% of the eligible voting power signing a written request and delivering same to any Corporation officer (Bylaws, Article V, Section 9(c)).
 - 2. The officer shall thereupon distribute a written ballot to every Member eligible to vote on the matter. A written ballot may not be revoked.
 - 3. All solicitations shall indicate the number of responses needed to meet the quorum requirement and the percentage of approvals needed to approve each proposal. The solicitation must specify the time by which the ballot must be received in order to be counted.
 - 4. Written ballots and solicitations shall be distributed in the same manner as notice of Member meetings. Approval by written ballot shall be valid only when the number of eligible ballots received meets the quorum required at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot. Upon tabulation of the ballots, the Board shall promptly notify the Members of the outcome of the vote or failure to meet quorum.
- c. To the extent permitted by law, in the event the number of candidates at the

close of nominations is not more than the number of open positions on the Board, those candidates shall be considered elected by acclamation, without further action, and the results shall be announced as required by these Rules and law, provided the following are true:

- i. The Corporation has provided individual notice of the election and the procedure for nominating candidates at least thirty (30) days before the close of nominations; and
- ii. The Corporation has permitted all candidates to run if nominated, except if the candidate is disqualified, pursuant to this Policy.

10. Secret Ballots: Removal of Directors by the Membership

- a. The Members may remove directors by at least a majority of the votes represented at a meeting at which a quorum is present, in accordance with California Corporations Code Section 7222 and the following procedures:
 - i. A petition must be presented, in person, to the President or Secretary of the Corporation, bearing the signatures of Members in good standing who represent at least five percent (5%) of the eligible voting power of the Corporation. The signature and address or Unit number of each petitioner in his or her own handwriting; the name(s) of the sponsor(s) of the petition; and fulfill all other legal requirements.
 - ii. Within twenty (20) days after receipt of such petition, the President, Secretary, or Board shall either call a special meeting or distribute secret ballots to the Members to vote upon the requested recall. Such meeting or vote by secret ballot shall be conducted not less than thirty-five (35) nor more than ninety (90) days after the petition is presented.
 - iii. The director(s) whose removal is being sought shall have the right to rebut the allegations contained in the petition orally, in writing or both. Any written rebuttal shall be mailed by the Corporation or otherwise provided to all Members, together with the recall ballot.
 - iv. If the quorum requirement for a valid membership action is not satisfied or if the recall vote results in a tie, the removal action will have failed.
 - v. In the event the recall vote is successful, any vacancy must be filled by a vote of the Members following the nomination and election procedures set forth in this SOP, except that nominations to fill a vacancy shall close thirty (30) days before the date of special meeting to elect a director(s) to fill a vacancy(ies). Notice of the special meeting and secret ballots to elect directors to fill any vacancy created by the removal of one or more directors must be sent to Members not less than thirty (30) days before the deadline for voting. The successor director shall serve for the unexpired term of his or her predecessor.

11. Secret Ballots: Amendments to Governing Documents.

- a. Votes to amend the Articles of Incorporation, Bylaws, Occupancy Agreement or any other governing documents of the Corporation (“Governing Documents”) requiring a vote of the Members, shall be done by secret ballot pursuant to the SOP. Secret ballots enclosing the text of the proposed amendment must be delivered to every Member not less than thirty (30) days prior to the deadline for voting.

12. Secret Ballots: Grant of Exclusive Use of Common Area.

- a. The affirmative vote of at least sixty-seven percent (67%) of Members secret ballot pursuant to the procedures set forth herein is required before the Board may grant exclusive use of any portion of the Common Area to a Member, unless the grant of exclusive use of Common Area meets an exception provided by California Civil Code § 4600(b), or any superseding statute, which includes, but is not limited to any grant of exclusive use that is for any of the following reasons:
 - i. To eliminate or correct engineering errors in documents recorded with the county recorder or on file with a public agency or utility company;
 - ii. To eliminate or correct encroachments due to errors in construction of any improvements;
 - iii. To permit changes in the plan of development submitted to the Real Estate Commissioner in circumstances where the changes are the result of topography, obstruction, hardship, aesthetic considerations, or environmental conditions;
 - iv. To fulfill the requirement of a public agency;
 - v. To transfer the burden of management and maintenance of any Common Area that is generally inaccessible and not of general use to the membership at large;
 - vi. To accommodate a disability;
 - vii. To install and use an electric vehicle charging station in a garage or a designated parking space that meets the requirements of California Civil Code § 4745, where the installation or use of the charging station requires reasonable access through, or across, the common area for utility lines or meters;
 - viii. To install and use an electric vehicle charging station through a license granted by an association under California Civil Code § 4745; or
 - ix. To comply with governing law.

Any measure placed before the members requesting that the Board grant exclusive use of any portion of the Common Area shall specify whether the Corporation will receive any monetary consideration for the grant and whether the Corporation or the transferee will be responsible for providing any insurance coverage for exclusive use of the Common Area.

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RESOLUTION 01-20-XXX

Membership Election & Voting Policy

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; [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 renames it the Membership Election & Voting Policy; and

RESOLVED FURTHER, that Resolution 01-15-33 adopted March 10, 2015 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.

MAY Initial Notification

Should the Board endorse the proposed resolution, Staff recommends that a motion be made and seconded to accept the resolution and allow discussion to ensure that the resolution reads to the satisfaction of the Board. Staff then recommends that a Board Member postpones the resolution to the next available Board Meeting no less than 28-days from the postponement to comply with Civil Code §4360.

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DATE: April 16, 2020
FOR: Governing Documents Review Committee
SUBJECT: Appeal Policy

RECOMMENDATIONS

Staff recommends amending the Appeal Policy.

BACKGROUND

United Laguna Woods Mutual's ("United") Governing Documents require a Member to seek approval from the Board of Directors ("Board") on various matters of Corporate business by way of the Committee structure for review of a question that may/will ultimately be determined by the Board.

On October 28, 2013, United approved an Appeal Policy for alteration requests, common area improvement requests, and other Corporate business matters. The Appeal Policy allows a Member to appeal a Board decision in an Open Meeting within 30 days and a final appeal within one year. In addition, part of the process requires the appropriate Committee review the information again and submit their recommendation to the Board for final decision.

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

Civil Code Section §4355(B) allows for the issuances of a document that repeats existing law or the governing documents without 28 day posting to the Membership.

DISCUSSION

The current appeal policy does not align with Civil Code §4765; allowing for Board decisions to be final. The proposed amendment would streamline the process and provide guidelines for a Member if they meet the criteria for an appeal. In addition, the proposed amendment has been expanded to include landscape requests, Lease Authorization Permits, and Care Provider Permits.

Committee and Management decisions will continue to be appealable until the Board makes a final decision in either Open or Closed Session meetings.

FINANCIAL ANALYSIS

None

Prepared By: Blessilda Wright, Compliance Supervisor

Appeal Policy

April 16, 2020

Page 2

Reviewed By: Francis Gomez, Operations Manager

ATTACHMENT(S)

Attachment 1: Appeal Policy

Attachment 2: Resolution for Appeal Policy

ENDORSEMENT (to Board)

Discuss & Consider the approval of the amended Appeal Policy.

United Laguna Woods Mutual's ("United") Governing Documents require a Member to seek approval from the Board of Directors ("Board") on various matters of Corporate business by way of the Committee structure for review of a question that may/will ultimately be determined by the Board.

On October 28, 2013, United approved an Appeal Policy for alteration requests, common area improvement requests, and other Corporate business matters. The Appeal Policy allows a Member to appeal a Board decision in an Open Meeting within 30 days and a final appeal within one year. In addition, part of the process requires the appropriate Committee review the information again and submit their recommendation to the Board for final decision.

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

Civil Code Section §4355(B) allows for the issuances of a document that repeats existing law or the governing documents without 28 day posting to the Membership.

The Committee discussed the Appeal Policy. The Committee members commented and asked questions.

President Margolis made a motion to approve the Appeal Policy. Director Ardani seconded the motion.

By unanimous vote the motion carried.

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Appeal Policy
Resolution 01-20-XX; Adopted

I. Purpose

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

The purpose of this document is to set forth the Appeal Policy. This includes, but not limited to, decisions made regarding architectural, landscape, disciplinary, occupancy and membership.

II. Definitions

For the purposes of this policy:

- a. Committee is a group of individuals appointed by the Board for a specific function. For example, the Architectural Control and Standards Committee and Landscape Committee reviews Member’s requests for nonstandard changes and make recommendations to the Board for approval or denial.
- b. Community Rules - the Articles of Incorporation and Bylaws of United, the recorded Occupancy Agreement; and any rules and regulations adopted by United. Any reference to the “Governing Documents” shall, for purposes of this Policy, be deemed a reference to the Community Rules set forth in this definition.
- c. Executive Session is defined as a closed meeting of the Board to address disciplinary/confidential matters.
- d. Member is defined as any person entitled to membership in United.
- e. Open Meeting Act is defined as a meeting open to the Members of United. Per Civil Code §4765, decisions made by the Board relating to a Member’s architectural and/or landscape request that occur in an Open Session meeting may be final.
- f. Subject Matter Expert (“SME”) is defined as the Staff Member with the highest level of expertise in the specialized job, task, or skill.

III. Conditions

Decisions made by the Board in Open Session are not subject to appeals. The Architectural Control and Standards Committee and Landscape Committee review Members request and forward recommendations to the Board per the Open Meeting Act.

Decisions made by the Board in Open Session:

- a. In accordance with the Civil Code §4765, no Member shall be entitled to a right of appeal to a decision by the Board pertaining to an architectural, and/or landscape related matter in a meeting that satisfies the Common Interest Development Open Meeting Act.
- b. All decisions including other matters of corporate business by the Board made in meetings that satisfy the Common Interest Development Open Meeting Act shall be final.
- c. Notwithstanding the foregoing, if new information is brought to the Board's attention relating to a matter previously decided by the Board, the Board may, in its sole discretion, revisit such decision due to extraordinary circumstances, but it shall have no obligation to do so and no Member shall be entitled to such reconsideration as a matter of right. The SME will review any extraordinary circumstances for consideration if submitted within 30 days in writing from the Board's determination.

Decisions made by the Board in Executive Session are subject to appeals. The Members Hearing Committee makes decisions on disciplinary/confidential matters including occupancy and membership decisions in Executive Session.

IV. Procedure

- a. Within 30 days of receipt of a written decision by either the Board or Members Hearing Committee relating to Member discipline or a reimbursement by the Member to United, made at an Executive Session meeting, the Member may appeal the decision by providing new information, in writing, as to why the Member believes the committee made a wrong decision.
- b. Upon receipt of such appeal request, the information will be reviewed by the SME for consideration. If approved, a new hearing will be scheduled before the Board, at which the Board will consider the written appeal as well as any evidence or documentation previously provided, after which the Board will make a final decision and provide notice of same in accordance with the governing documents and statute.
- c. No further appeals will be granted upon reconsideration by the Board of the matter that was the subject of the initial hearing and a final determination by the Board.



**Appeal Policy
RESOLUTION 01-20-XXX**

WHEREAS, United Laguna Woods Mutual's ("United") Governing Documents require a Member to seek approval from the Board of Directors ("Board") on various matters of Corporate business by way of the Committee structure for review of a question that may/will ultimately be determined by the Board;

WHEREAS, while decisions made by various Committees or Management may be subject to appeal by an Member to a Committee or to the Board of Directors as may be permitted by the Governing Documents, certain decisions on United matters, including without limitation, architectural requests, landscape requests, variance requests and disciplinary matters, may be heard directly by the Board for its decision;

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

WHEREAS, committee decisions regarding disciplinary/confidential matters that are made in Executive Session meetings are subject to appeal to the United Board by the Member in accordance with United's Governing Documents;

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

RESOLVED FURTHER, that Resolution 01-13-182 adopted October 28, 2013 is hereby superseded in its entirety and cancelled;

RESOLVED FURTHER, that this Appeal Policy and the mechanisms for appeals of decisions described herein shall supersede any prior or contrary appeal procedure or right of Members on the decisions subject to this Appeal Policy as may be found in United's Governing Documents, as may be applicable;

RESOLVED FURTHER, that the foregoing Appeal Policy shall apply to decisions on matters heard and decided by the Board as described therein, but shall not otherwise affect the ability of Members to appeal committee and/or management decisions on matters not heard by the Board as may otherwise be provided for in United's Governing Documents; 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.

MAY Initial Notification

Should the Board endorse the proposed resolution, Staff recommends that a motion be made and seconded to accept the resolution and allow discussion to ensure that the resolution reads to the satisfaction of the Board. Staff then recommends that a Board Member postpones the resolution to the next available Board Meeting no less than 28-days from the postponement to comply with Civil Code §4360.

Financial Report

Preliminary as of March 31, 2020



INCOME STATEMENT (in Thousands)	ACTUAL
Assessment Revenue	\$10,679
Non-assessment Revenue	\$599
Total Revenue	\$11,278
Total Expense	\$10,279
Net Revenue/(Expense)	\$999

1

Financial Report

Preliminary as of March 31, 2020



OPERATING ONLY INCOME STATEMENT (in Thousands)	ACTUAL
Assessment Revenue	\$7,606
Non-assessment Revenue ¹	\$290
Total Revenue	\$7,896
Total Expense ²	\$7,546
Operating Surplus	\$350

1) excludes unrealized gain

2) excludes depreciation

2

Financial Report

Preliminary as of March 31, 2020

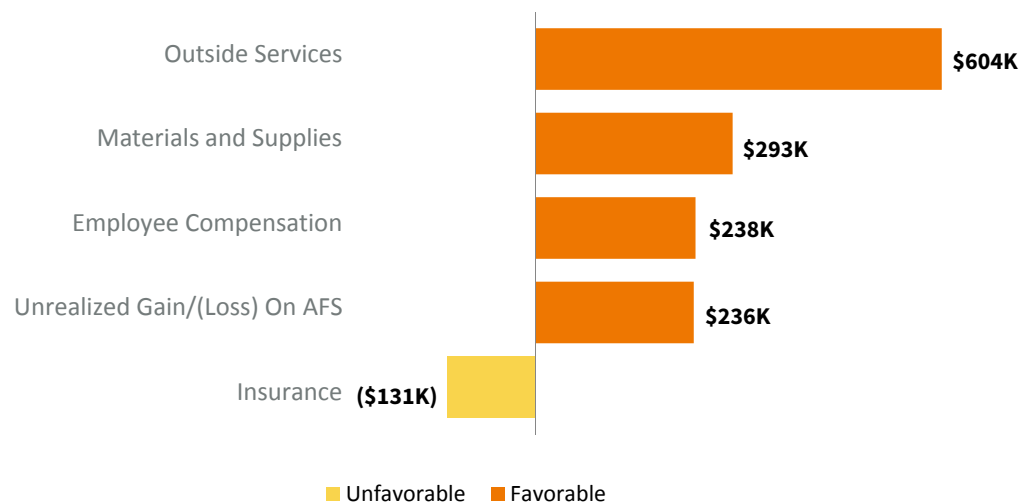


INCOME STATEMENT (in Thousands)	ACTUAL	BUDGET	VARIANCE B/(W)
Assessment Revenue	\$10,679	\$10,541	\$138
Non-assessment Revenue	\$599	\$448	\$151
Total Revenue	\$11,278	\$10,989	\$289
Total Expense	\$10,279	\$11,338	\$1,059
Net Revenue/(Expense)	\$999	(\$349)	\$1,348

3

Financial Report

Preliminary as of March 31, 2020



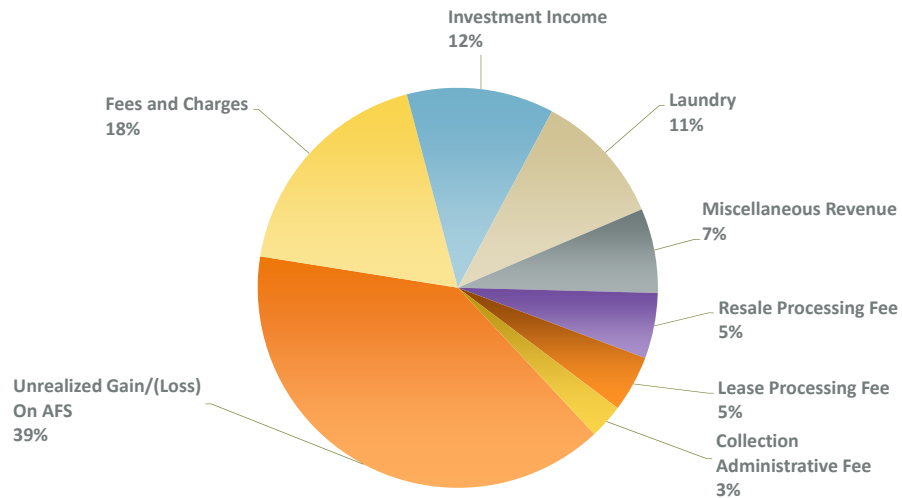
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Financial Report

Preliminary as of March 31, 2020



Total Non Assessment Revenues \$599,408



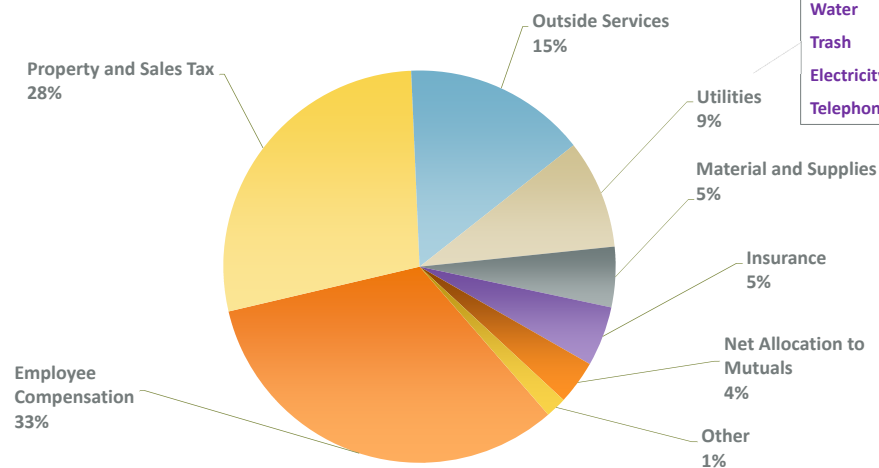
5

Financial Report

Preliminary as of March 31, 2020



Total Expenses \$10,279,460



Sewer	\$464,577
Water	\$316,483
Trash	\$109,257
Electricity	\$33,600
Telephone	\$168

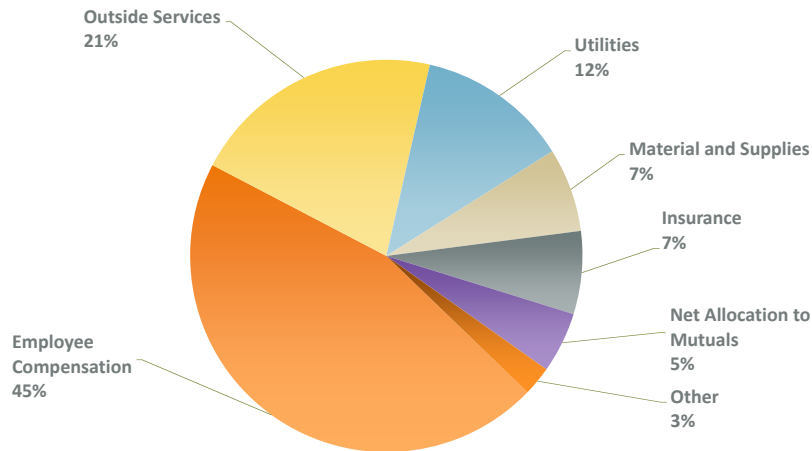
6

Financial Report

Preliminary as of March 31, 2020



Total Expenses Excluding Property and Sales Tax \$7,403,332



6

Financial Report

Preliminary as of March 31, 2020



NON OPERATING FUND BALANCES (in Thousands)	CONTINGENCY	RESERVE
Beginning Balances: 1/1/20	\$1,107	\$17,256
Contributions & Interest	207	3,187
Expenditures	(424)	(2,260)
Current Balances: 3/31/20	\$890	\$18,183

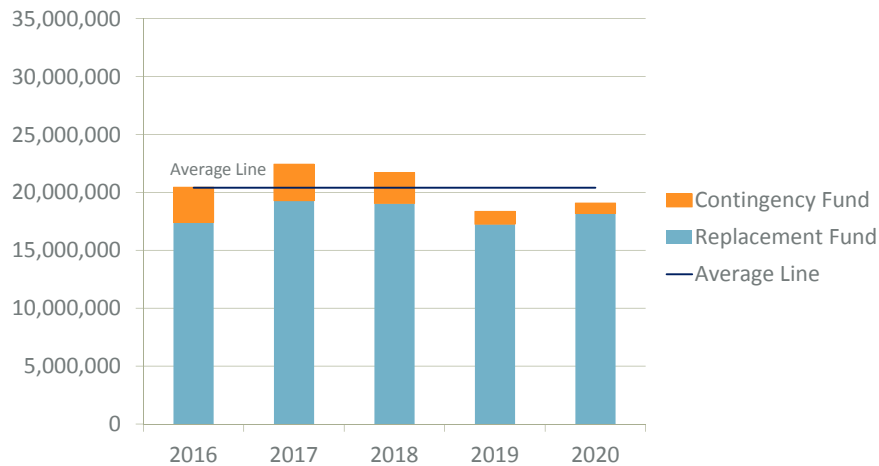
8

Financial Report

Preliminary as of March 31, 2020



FUND BALANCES - United Mutual



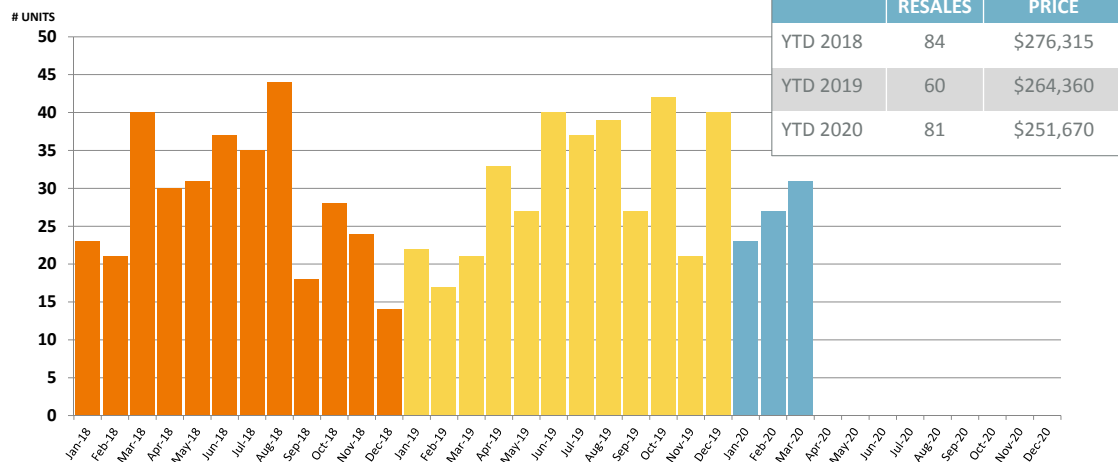
9

Financial Report

Preliminary as of March 31, 2020



RESALE HISTORY - United Mutual



10

United Laguna Woods Mutual
Statement of Revenues & Expenses - Preliminary
3/31/2020
(\$ IN THOUSANDS)

		CURRENT MONTH			YEAR TO DATE			PRIOR YEAR	TOTAL
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET
Revenues:									
Assessments:									
1	Operating	\$2,535	\$2,489	\$46	\$7,606	\$7,467	\$138	\$7,012	\$29,869
2	Additions to restricted funds	1,024	1,024		3,073	3,073		3,092	12,294
3	Total assessments	3,560	3,514	46	10,679	10,541	138	10,104	42,163
Non-assessment revenues:									
4	Merchandise sales		2	(1)	2	5	(3)	8	20
5	Fees and charges for services to residents	60	45	15	110	135	(25)	192	540
6	Laundry	20	23	(3)	64	68	(3)	66	270
7	Investment income	28	32	(4)	71	96	(25)	109	385
8	Unrealized gain/(loss) on AFS investments	(81)		(81)	236		236		
9	Miscellaneous	32	48	(16)	116	145	(28)	132	579
10	Total non-assessment revenue	59	150	(90)	599	448	151	507	1,794
11	Total revenue	3,619	3,663	(44)	11,278	10,989	289	10,610	43,957
Expenses:									
12	Employee compensation and related	1,112	1,237	124	3,364	3,602	238	3,552	14,548
13	Materials and supplies	157	259	102	511	804	293	908	3,141
14	Utilities and telephone	355	321	(34)	924	949	25	855	4,326
15	Legal fees	(11)	29	41	44	87	44	24	350
16	Professional fees	32	35	3	36	47	11	46	122
17	Equipment rental	1	2	1	4	4		7	17
18	Outside services	721	717	(3)	1,548	2,152	604	1,235	8,638
19	Repairs and maintenance	3	4	1	8	12	4	10	47
20	Other Operating Expense	12	17	5	34	51	17	38	201
21	Income taxes		2	2		6	6		25
22	Property and sales tax	991	926	(65)	2,876	2,778	(98)	2,726	11,112
23	Insurance	155	125	(30)	507	376	(131)	323	1,504
24	Investment expense		3	3	2	9	7	9	37
25	Uncollectible Accounts	8	5	(3)	13	15	2	17	60
26	(Gain)/loss on sale or trade	(12)	(1)	12	(12)	(2)	10	1	(8)
27	Depreciation and amortization	17	17		50	50		52	198
28	Net allocation to mutuals	121	133	11	371	397	26	287	1,584
29	Total expenses	3,660	3,830	170	10,279	11,338	1,059	10,089	45,902
30	Excess of revenues over expenses	(\$41)	(\$167)	\$126	\$999	(\$349)	\$1,348	\$521	(\$1,945)



Statement of Revenues & Expenses - Preliminary Variance Explanations as of March 31, 2020

SUMMARY

United financial results were better than budget by \$1,348K as of March 31, 2020, primarily due to timing of programs. Explanations for categories with significant variances are found below.

REVENUE

► **Operating Assessments** [Line 1](#) \$138K

Favorable variance resulted from an increase in revenue for property taxes and supplemental property taxes; offsetting expense is shown on line 22.

► **Unrealized gain/(loss) on AFS Investments** [Line 8](#) \$236K

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.

EXPENSE

► **Employee Compensation and Related** [Line 12](#) \$238K

United used fewer hours than anticipated for M&C programs such as Plumbing in March. The budget included hours to replace 632 manor water heaters; however, only 12 water heaters were replaced through the reporting period. Staff is prioritizing work on leak investigation. Favorable variance was furthered by open positions in Landscape and Maintenance and Construction.

► **Materials and Supplies** [Line 13](#) \$293K

Favorable variance resulted in several areas of operations such as Plumbing, Interior Components, and Appliances due to timing of expenditures due to timing where timing of procurement will vary from even budget distribution. Additionally, reprioritization of water heater replacements as noted above contributed to the variance. Interior components such as replacement of kitchen and bathroom countertops are made upon residents request and during resale inspection. As of the reporting period, fewer replacements were made than anticipated.

► **Legal Fees** [Line 15](#) \$44K

Favorable variance resulted due to lower expenditures to date than anticipated. The budget for legal fees is a contingency, which fluctuates from year to year.



Statement of Revenues & Expenses - Preliminary
Variance Explanations as of March 31, 2020

► **Outside Services** [Line 18](#) \$604K

Waste Line Remediation \$212K

Favorable variance due to timing of scheduled work compared to budget spread. Of the 85 scheduled buildings, 24 were completed. If additional buildings become problematic, they will be added to the schedule.

Roof Replacement \$157K

Favorable variance due to timing of scheduled work compared to budget spread. Roofing programs was scheduled to begin in March; however, work did not begin through the reporting period.

Landscape Modification \$101K

Favorable variance due to timing of scheduled work compared to budget spread; slope maintenance work began in March and invoices are expected in Q2.

Paving \$99K

Although budget is spread evenly throughout the year, paving programs such as asphalt overlay, parkway concrete, and seal coat are scheduled from July through October. This program will have a favorable variance until the program begins.

► **Property and Sales Tax** [Line 22](#) (\$98K)

Unfavorable variance resulted due to higher supplemental property taxes than anticipated at the time of budget preparation. Assessment base from the County Tax Assessor has increased as average sales price trends upward. Offsetting revenue found on Line 1.

► **Insurance** [Line 23](#) (\$131K)

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, catastrophic losses including wildfires in California, and a non-renewal situation required a new layered program structure to achieve the existing limits in a tight market.

Monthly Resale Report

PREPARED BY

Community Services Department

MUTUAL

All Mutuals

REPORT PERIOD

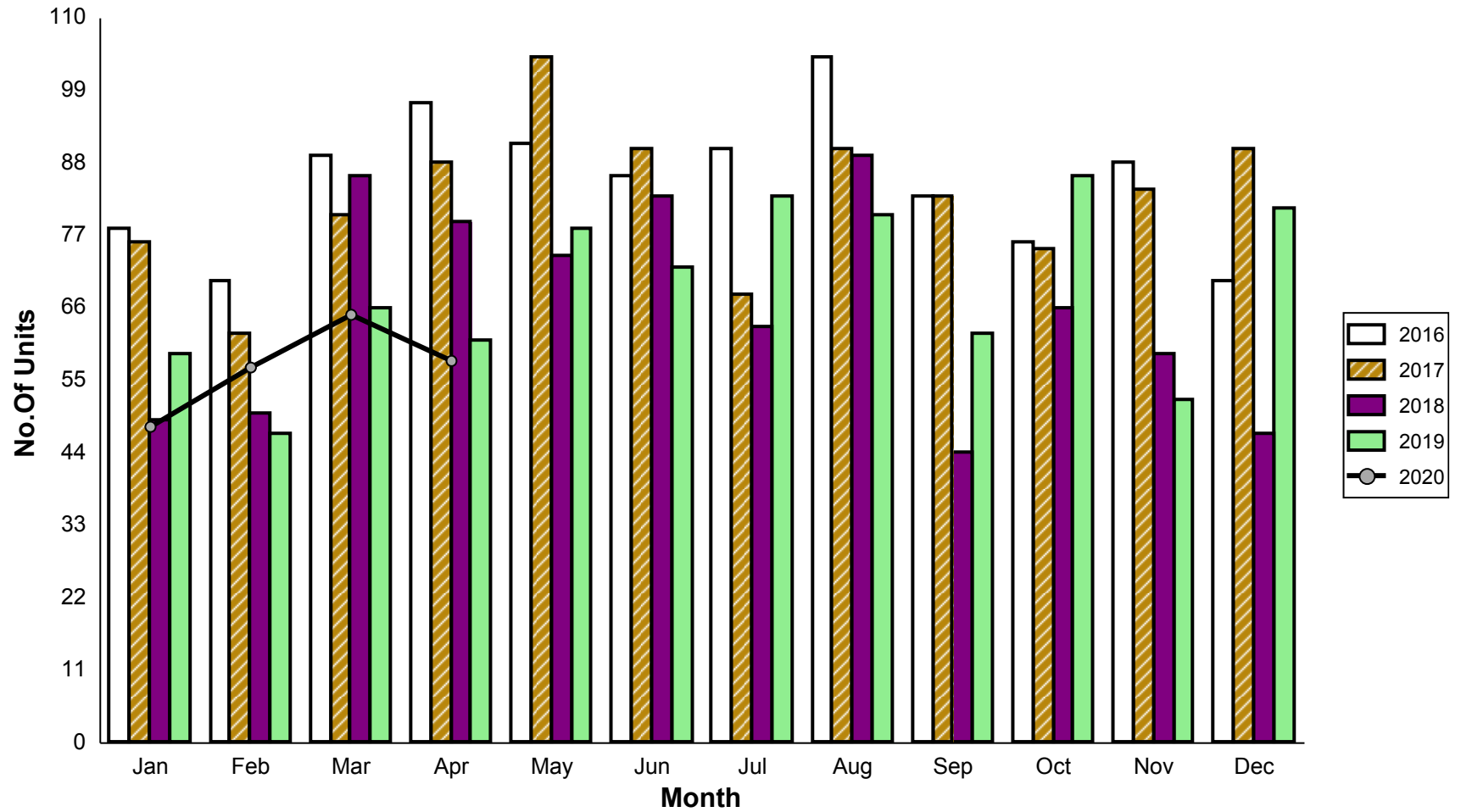
April, 2020

MONTH	NO. OF RESALES		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	65	66	\$21,969,916	\$23,445,712	\$337,999	\$355,238
April	58	61	\$18,200,321	\$20,041,551	\$313,799	\$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	228.00	233.00	\$75,181,747	\$76,797,563		
MON AVG	57.00	58.00	\$18,795,437	\$19,199,391	\$329,770	\$328,072

* Amount is excluded from percent calculation

Effective May 1, 2020, the number of YTD total resales include Mutual Fifty.

Resales - 5 Year Comparison



Monthly Resale Report

PREPARED BY

MUTUAL

REPORT PERIOD

Community Services Department

United

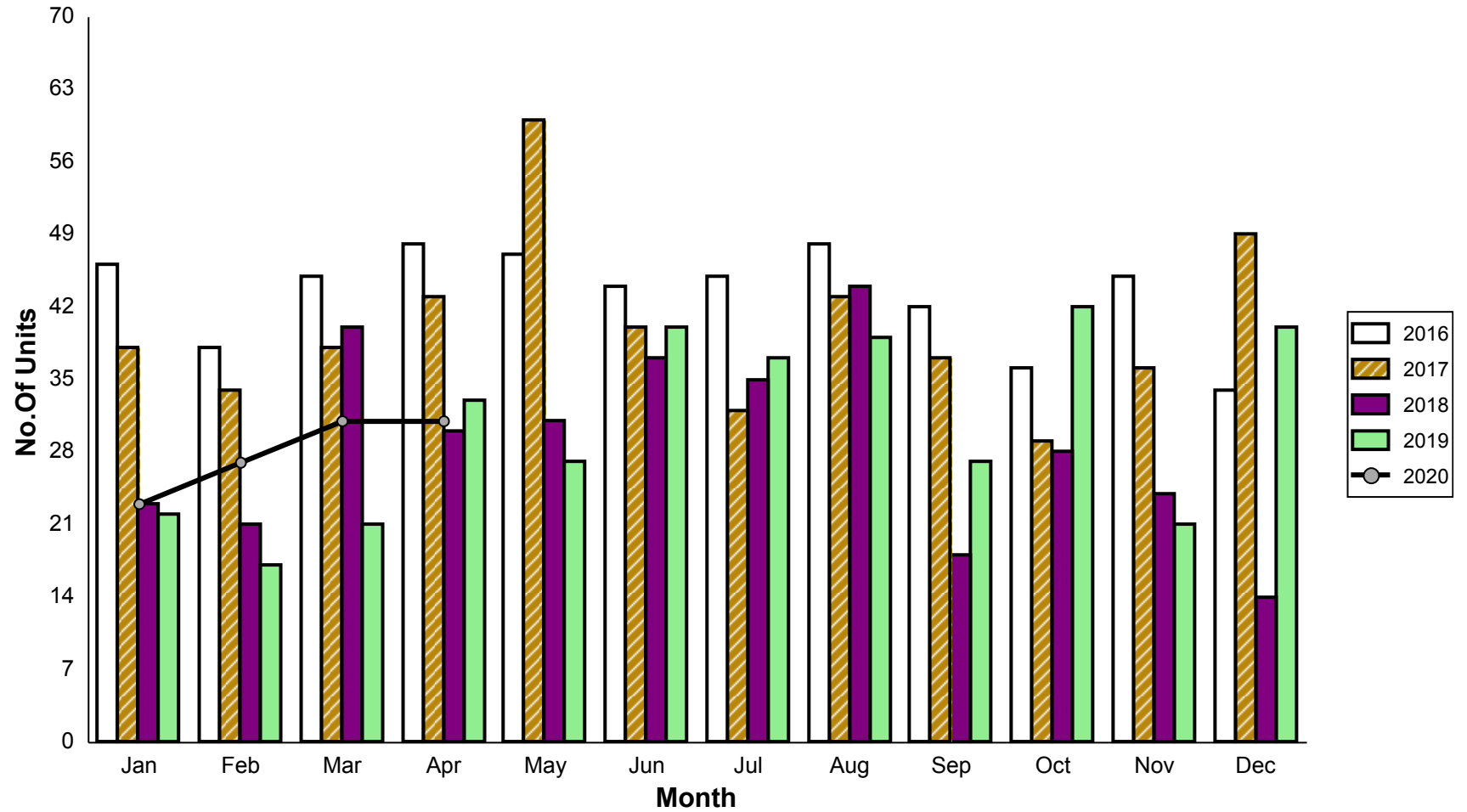
April, 2020

MONTH	NO. OF RESALES		TOTAL SALES VOLUME IN \$\$		AVG RESALE PRICE	
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR
January	23	22	\$6,100,300	\$5,282,150	\$265,230	\$240,098
February	27	17	\$6,375,200	\$4,256,150	\$236,119	\$250,362
March	31	21	\$7,863,500	\$6,355,000	\$253,661	\$302,619
April	31	33	\$7,209,488	\$9,292,051	\$232,564	\$281,577
May		*		\$6,380,503		* \$236,315
June		*		\$10,297,790		* \$257,445
July		*		\$9,189,800		* \$248,373
August		*		\$10,018,600		* \$256,887
September		*		\$7,328,900		* \$271,441
October		*		\$10,220,400		* \$243,343
November		*		\$5,065,500		* \$241,214
December		*		\$9,175,800		* \$229,395
TOTAL	112.00	93.00	\$27,548,488	\$25,185,351		
MON AVG	28.00	23.00	\$6,887,122	\$6,296,338	\$246,894	\$268,664
% CHANGE - YTD	20.4%		9.4%		-8.1%	

% Change calculated (ThisYear - LastYear)/LastYear

* Amount is excluded from percent calculation

Resales - 5 Year Comparison



Resales Report

United Laguna Woods Mutual

April, 2020

Close	Manor	Mutual	Price	Model/Style	Listing Realtor	Buyer Realtor	Escrow
04/06/2020	40-B	1	\$195,000	Majorca	Century 21 Rainbow	HomeSmart Evergreen	Granite Escrow
04/07/2020	84-Q	1	\$198,000	Casa Blanca	Balboa Real Estate	Laguna Premier Realty, Inc	Blue Pacific Escrow
04/03/2020	104-B	1	\$155,000	Cadiz	Laguna Premier Realty, Inc	Laguna Premier Realty, Inc	Granite Escrow
04/14/2020	155-A	1	\$255,000	Madrid	Century 21 Rainbow	Century 21 Rainbow	Corner Escrow Inc.
04/28/2020	174-D	1	\$151,000	Cadiz	FSBO	FSBO	Granite Escrow
04/03/2020	185-P	1	\$135,000	Cadiz	Laguna Premier Realty, Inc	Century 21 Rainbow	Granite Escrow
04/20/2020	226-P	1	\$210,000	Casa Blanca	Century 21 Award	First Team Real Estate	Generations Escrow
04/10/2020	226-Q	1	\$198,888	Casa Blanca	HomeSmart Evergreen	Realty Quest	Escrow Options Group
04/13/2020	237-C	1	\$305,000	Seville	Laguna Woods Village Realty	Realty Quest	Corner Escrow Inc.
04/03/2020	242-D	1	\$245,000	Barcelona	Village Real Estate	Door Finder Real Estate	Corner Escrow Inc.
04/30/2020	243-A	1	\$370,000	Barcelona	Keller Williams Real Estate	Keller Williams Real Estate	The Escrow Source
04/23/2020	250-C	1	\$218,000	Granada	Century 21 Award	Adrian Soumeeh	Generations Escrow
04/06/2020	261-C	1	\$388,000	Madrid	Surterre Properties, Inc.	HomeSmart Evergreen	Granite Escrow
04/01/2020	268-D	1	\$179,000	Majorca	Century 21 Rainbow	Century 21 Rainbow	Granite Escrow
04/22/2020	353-N	1	\$163,000	Casa Blanca	Berkshire Hathaway	Laguna Premier Realty, Inc	Generations Escrow
04/22/2020	401-O	1	\$138,000	Cadiz	Laguna Premier Realty, Inc	Laguna Premier Realty, Inc	Blue Pacific Escrow
04/21/2020	469-B	1	\$267,000	Granada	Laguna Premier Realty, Inc	Laguna Premier Realty, Inc	Blue Pacific Escrow
04/29/2020	485-A	1	\$275,000	Valencia	HomeSmart Evergreen	eXp Realty of California	Escrow Options Group
04/03/2020	486-D	1	\$247,500	Valencia	Re/Max New Dimension	Regency Real Estate	Corner Escrow Inc.
04/29/2020	551-E	1	\$445,000	Granada	Laguna Premier Realty, Inc	HomeSmart Evergreen	Granite Escrow
04/10/2020	569-C	1	\$313,000	Cordoba	Century 21 Rainbow	Uniti Realty	Corner Escrow Inc.
04/09/2020	614-B	1	\$190,000	Castilla	HomeSmart Evergreen	Residential Agent Inc.	Escrow Options Group
04/09/2020	661-P	1	\$160,000	Casa Contenta	Shaner Brokerage Corporation	Realty One Group West	Granite Escrow
04/08/2020	766-U	1	\$200,000	Casa Blanca	Coldwell Banker Residential	New Star Realty & Investment	Corner Escrow Inc.

Resales Report **United Laguna Woods Mutual** **April, 2020**

Close	Manor	Mutual	Price	Model/Style	Listing Realtor	Buyer Realtor	Escrow
04/23/2020	837-P	1	\$125,000	Cadiz	Jack Wallace	Laguna Premier Realty, Inc	Blue Pacific Escrow
04/28/2020	851-A	1	\$290,000	Casa Linda	Pacific Blue Realty	First Team Real Estate	Glen Oaks Escrow
04/10/2020	898-D	1	\$193,000	Casa Contenta	Laguna Premier Realty, Inc	Bullock Russell Real Estate	Granite Escrow
04/17/2020	919-P	1	\$305,000	Casa Linda	Laguna Premier Realty, Inc	HomeSmart Evergreen	Blue Pacific Escrow
04/03/2020	934-A	1	\$205,000	Casa Linda	Laguna Premier Realty, Inc	First Team Real Estate	Blue Pacific Escrow
04/27/2020	2089-A	1	\$250,000	San Sebastian	Laguna Premier Realty, Inc	First Team Real Estate	Blue Pacific Escrow
04/14/2020	2107-U	1	\$240,100	Monterey	HomeSmart Evergreen	Keller Williams Real Estate	Escrow Options Group

Number of Resales: 31

Total Resale Price: \$7,209,488

Average Resale Price: \$232,564

Median Resale Price: \$210,000

Monthly Resale Report United Mutual

PREPARED BY
Community Services Department

Apr-20

Month	NUMBER OF RESALES				TOTAL SALES VOLUME IN \$\$				AVG RESALE PRICE			
	2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
January	23	22	23	38	\$6,100,300	\$5,282,150	\$6,014,390	\$8,968,930	\$265,230	\$240,098	\$261,495	\$236,024
February	27	17	21	35	\$6,375,200	\$4,256,150	\$6,059,250	\$8,512,700	\$236,119	\$250,362	\$288,536	\$243,220
March	31	21	40	38	\$7,863,500	\$6,355,000	\$11,156,600	\$9,580,000	\$253,661	\$302,619	\$278,915	\$252,105
April	31	33	30	43	\$7,209,488	\$9,292,051	\$8,824,600	\$10,177,429	\$232,564	\$281,577	\$294,153	\$236,684
May	0	27	31	60	\$0	\$6,380,503	\$8,735,000	\$15,888,800	\$0	\$236,315	\$281,774	\$264,813
June	0	40	37	40	\$0	\$10,297,790	\$11,021,400	\$10,744,150	\$0	\$257,445	\$297,876	\$268,604
July	0	37	35	32	\$0	\$9,189,800	\$9,541,300	\$7,887,100	\$0	\$248,373	\$272,609	\$246,472
August	0	39	44	43	\$0	\$10,018,600	\$11,285,100	\$11,310,367	\$0	\$256,887	\$256,480	\$263,032
September	0	27	18	37	\$0	\$7,328,900	\$4,632,500	\$9,461,900	\$0	\$271,441	\$257,361	\$255,727
October	0	42	28	29	\$0	\$10,220,400	\$8,556,100	\$7,898,500	\$0	\$243,343	\$305,575	\$272,362
November	0	21	24	37	\$0	\$5,065,500	\$6,194,000	\$9,793,900	\$0	\$241,214	\$258,083	\$264,700
December	0	40	14	49	\$0	\$9,175,800	\$3,368,300	\$12,579,440	\$0	\$229,395	\$240,593	\$256,723
TOTAL	112	93	114	154	\$27,548,488	\$25,185,351	\$32,054,840	\$37,239,059				
MON AVG	28	23	29	39	\$6,887,122	\$6,296,338	\$8,013,710	\$9,309,765	\$246,894	\$268,664	\$280,775	\$242,008
% CHANGE-YTD	20.4%	-18.4%	-26.0%	-13.0%	9.4%	-21.4%	-13.9%	-1.6%	-8.1%	-4.3%	16.0%	12.7%

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



MONTHLY LEASING REPORT

Report Period:
April-2020

MONTH	LEASES IN EFFECT				Total this year	Total last year	Total Expirations	New Monthly Transactions		
	3 Months	6 Months	12 Months	Renewed				Leases	Renewals	Extensions
January	35	44	174	362	615	562	22	20	33	0
February	39	41	173	360	613	565	20	26	36	0
March	36	39	173	368	616	567	64	26	29	4
April	15	30	177	361	583	549	31	22	38	3
May										
June										
July										
August										
September										
October										
November										
December										
Monthly Average	31.3	38.5	174.3	362.8	606.8	560.8	34.3	23.5	34.0	1.8
Percentage Leased	583 / 6323 = 9.2%									

* Short-term lessees extending stay until safe to return home or make a change to current living arrangements.

New Leases = Units Sublet



EMERGENCY MEETING

**MINUTES OF THE ARCHITECTURAL CONTROLS AND STANDARDS COMMITTEE
OF THE UNITED LAGUNA WOODS MUTUAL
A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION**

**Thursday, April 2, 2020–2:200 p.m.
Laguna Woods Village Community Center - 24351 El Toro Road
Virtual Meeting**

The Committee called an emergency meeting to discuss a variance request.

Directors Present: Elise Addington, Carl Randazzo, Juanita Skillman Brian Gilmore

Directors Absent: None

Staff Present: Jeff Parker-CEO, Siobhan Foster-COO, Ernesto Munoz, Brett Crane, Cheryl Silva and Grant Schultz

Others Present: Reza Bastani, Neda Ardani, Cash Achrekar, Sue Margolis, Andre Torng, Anthony Liberatore

1. Elsie Addington, Chair, called the meeting to order at 2:55 p.m. and established that a quorum was present. Director Bastani recused himself from the meeting.
2. Director Skillman made a motion to discuss the variance request for a room addition on existing front patio (729-D Bastani, Cordoba 1A4). Director Gilmore seconded the motion.

Discussion ensued among the Committee Members.

Chair Addington called for the vote. The vote was taken by roll call and the motion passed unanimously.

3. This item will be placed on the Open Board agenda for April 14, 2020.
4. There being no further business the meeting was adjourned at 3:06 p.m.

Elsie Addington, Chair
United Architectural Control and Standards Committee

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OPEN MEETING

**REGULAR MEETING OF THE UNITED LAGUNA WOODS MUTUAL
GOVERNING DOCUMENTS REVIEW COMMITTEE**

Thursday, April 16, 2020 – 1:30 p.m.

VIRTUAL MEETING

Laguna Woods Village Community Center
24351 El Toro Road, Laguna Woods, CA 92637

MEMBERS PRESENT: Andre Torng - Chair, Juanita Skillman, Sue Margolis, Cash Achrekar, and Neda Ardani

MEMBERS ABSENT: Manuel Armendariz

ADVISORS PRESENT: None

ADVISORS ABSENT: Mary Stone and Bevan Strom

OTHERS PRESENT: Dick Rader, Elsie Addington, Maggie Blackwell, Anthony Liberatore, and Jeff Beaumont, Esq. of Beaumont Tashjian

STAFF PRESENT: Francis Gomez, Pamela Bashline, and Debbie Ballesteros

CALL TO ORDER

Andre Torng, Chair, called the meeting to order at 1:39 p.m.

ACKNOWLEDGEMENT OF PRESS

The Media was not present.

APPROVAL OF THE AGENDA

President Margolis made a motion to approve the agenda as presented. Director Ardani seconded the motion.

By unanimous vote the motion carried.

Without objection, the Committee agreed to take items out of order.

APPROVAL OF MEETING REPORTS

President Margolis made a motion to approve the February 20, 2020 meeting report as presented. Director Skillman seconded the motion.

By unanimous vote the motion carried.

CHAIR'S REMARKS

Chair Torng stated we are in a new age and requested feedback from the Committee on virtual meetings. Director Torng also discussed the different kinds of resolutions, need for a complete set of resolutions, and requested for a central depository of resolutions.

The Committee commented and asked questions. The website has a resolution index where all resolutions are listed and an operating rules handbook that includes selected resolutions.

Director Skillman directed staff to develop a user friendly operating rules handbook and report back to the Committee. Director Margolis seconded the motion.

With a vote of 3-1-0 (Director Achrekar opposed), the motion carried.

MEMBER COMMENTS ON NON-AGENDA ITEMS

None

RESPONSE TO MEMBER COMMENTS ON NON-AGENDA ITEMS

None

REPORTS

Governing Document Study Report

Juanita Skillman discussed the hierarchy of governing documents. The Committee commented and asked questions.

ITEMS FOR DISCUSSION AND CONSIDERATION

California Civil Code Web Link

The Committee discussed the California Civil Code Web Link. The Committee members commented and asked questions.

Without objection, the Committee directed staff to add the California Civil Code web link on the Laguna Woods Village website.

Review and Discuss Membership Election & Voting Policy

The Committee reviewed and discussed the Membership Election & Voting Policy. The Committee members commented and asked questions.

Without objection, the Committee called a special meeting for Thursday, April 23, 2020, at 1:30 p.m. to review the Membership Election & Voting Policy.

Review Guide for Operating Rules

The Committee reviewed Guide for Operating Rules. The Committee members commented and asked questions.

Appeal Policy

The Committee discussed the Appeal Policy. The Committee members commented and asked questions.

President Margolis made a motion to approve the Appeal Policy. Director Ardani seconded the motion.

By unanimous vote the motion carried.

Review 3rd Sales Financial Qualifications Policy

The Committee took no action.

Establish Legal Support Requirement Resolution

The Committee took no action.

Mr. Beaumont left the meeting at 3:09 p.m.

Committee Member Comments

There were no comments.

Future Agenda Items

- Discuss standardizing Village-wide working groups which aren't specific to certain Mutual a uniformed structure and scope of work
- Requirements for heirs to become members
- Appeals Policy
- Roles, responsibilities and protocols
- Mission, vision, and strategic directives
- Review and Discuss Committee Advisor Qualification Procedure and Policy

The Committee directed staff to add 'Define Exclusive Use Common Area' under Future Agenda Items.


Date of next Meeting

The next special meeting is scheduled for Thursday, April 23, 2020 at 1:30 p.m. via virtual meeting.

The next meeting is scheduled for Thursday, May 21, 2020 at 1:30 p.m. via virtual meeting.

Adjournment

With no further business before the Committee, the Chair adjourned the meeting at 3:36 p.m.


Andre Torng, Chair
United Laguna Woods Mutual

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OPEN MEETING

**SPECIAL MEETING OF THE UNITED LAGUNA WOODS MUTUAL
GOVERNING DOCUMENTS REVIEW COMMITTEE**

Thursday, April 23, 2020 – 1:30 p.m.
VIRTUAL MEETING
Laguna Woods Village Community Center
24351 El Toro Road, Laguna Woods, CA 92637

MEMBERS PRESENT: Andre Torng - Chair, Sue Margolis, and Neda Ardani

MEMBERS ABSENT: Manuel Armendariz, and Juanita Skillman

ADVISORS PRESENT: None

ADVISORS ABSENT: Mary Stone and Bevan Strom

OTHERS PRESENT: Dick Rader and Maggie Blackwell

STAFF PRESENT: Francis Gomez, Pamela Bashline, Carlos Rojas, Siobhan Foster, and Debbie Ballesteros

CALL TO ORDER

Andre Torng, Chair, called the meeting to order at 1:30 p.m.

ACKNOWLEDGEMENT OF PRESS

The Media was not present.

APPROVAL OF THE AGENDA

President Margolis made a motion to approve the agenda as presented. Director Ardani seconded the motion.

By unanimous vote the motion carried.

CHAIR'S REMARKS

Chair Torng discussed the hierarchy of governing documents and encouraged attendees to sign up for a CAI class.

MEMBER COMMENTS ON NON-AGENDA ITEMS

None

RESPONSE TO MEMBER COMMENTS ON NON-AGENDA ITEMS

None

REPORTS

None

ITEMS FOR DISCUSSION AND CONSIDERATION

Review and Discuss Membership Election & Voting Policy

The Committee reviewed and discussed Membership Election & Voting Policy. The Committee made the following changes:

Director Margolis made a motion to change Section 1, Definitions – spell out SOP. Director Ardani seconded the motion.

Without objection the motion passed.

Director Margolis made a motion to change Section 5, Candidate Equal Access to Corporation Media to include the terms as outlined in the “Policy for Distribution of Materials by Residents and Resident Organizations”; remove section (a) regarding the 30 day limit; and remove section (b) regarding need to appear in person to the Meet the Candidates forum. Director Ardani seconded the motion.

Without objection, the motion passed.

Director Margolis made a motion to change Section 8, Secret Ballot Return Instructions by removing section (d). Director Ardani seconded the motion.

Without objection the motion passed.

Director Margolis made a motion to change Section 9, Election Mailing Materials by adding “special” and removing “increases” from section (b). Director Ardani seconded the motion.

Without objection the motion passed.

Director Margolis made a motion to change Section 9, Election Mailing Materials by removing section (c). Director Ardani seconded the motion.

Without objection the motion passed.

Director Margolis made a motion to approve the Membership Election & Voting Policy and direct staff to send to legal counsel for final review. Director Ardani seconded the motion.

Without objection the motion passed.

Committee Member Comments

None

Future Agenda Items

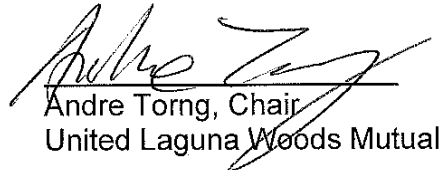
- Discuss standardizing Village-wide working groups which aren't specific to certain Mutual a uniformed structure and scope of work
- Requirements for heirs to become members
- Appeals Policy
- Roles, responsibilities and protocols
- Mission, vision, and strategic directives
- Review and Discuss Committee Advisor Qualification Procedure and Policy

Date of next Meeting

The next meeting is scheduled for Thursday, May 21, 2020 at 1:30 p.m. via virtual meeting.

Adjournment

With no further business before the Committee, the Chair adjourned the meeting at 2:30 p.m.


Andre Torng, Chair
United Laguna Woods Mutual

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