



OPEN MEETING

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

Monday, November 26, 2018 – 1:30 p.m.
Laguna Woods Village Community Center, Sycamore Room
24351 El Toro Road, Laguna Woods, CA 92637

NOTICE & AGENDA

1. Call to Order
2. Acknowledgment of Media
3. Approval of the Agenda
4. Approval of the Report from October 22, 2018
5. Chair's Remarks
6. Member Comments (Items Not on the Agenda)

Consent:

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

None.

Reports:

None.

Items for Discussion and Consideration:

7. Review and Discuss the Proposed Caregiver Resolution/Policy
8. Review and Discuss Requesting United attorney Jeff Beaumont to Join with GRF and Third attorneys in Creating a Canvassing Policy Suitable for Mutuels and GRF
9. Discuss Chargeable Services Payment Plan Form

Concluding Business:

10. Committee Member Comments
11. Future Agenda Items
12. Discuss date of next meeting since it is currently scheduled for December 24
13. Adjournment

Maggie Blackwell, Chair
Siobhan Foster, Staff Officer



UNITED LAGUNA WOODS
M U T U A L

OPEN MEETING

**REGULAR MEETING OF THE UNITED LAGUNA WOODS MUTUAL
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Monday, October 22, 2018 – 1:30 PM
Laguna Woods Village Community Center, Sycamore Room
24351 El Toro Road, Laguna Woods, CA 92637

- MEMBERS PRESENT:** Juanita Skillman – Chair; Gary Morrison, Cash Achrekar, Maggie Blackwell, and Advisor Mary Stone
- MEMBERS ABSENT:** Advisor Bevan Strom
- OTHERS PRESENT:** Elsie Addington, Barbara Howard, Sherri Davis
- STAFF PRESENT:** Siobhan Foster, Pamela Bashline, Francis Rangel, Jacob Huanosto, Eve Morton

REPORT

1. Call to Order

Chair Skillman called the meeting to order at 1:35 p.m.

2. Acknowledgement of Press

No press was present.

3. Approval of the Agenda

Director Cash made a motion to approve the agenda. Director Blackwell seconded. There were no objections.

4. Approval of Report from the August 27, 2018, meeting (There was no meeting in September.)

Director Blackwell moved to approve the report with the correction of some Scribner errors. Director Blackwell seconded. There were no objections.

5. Chair's Remarks

Chair Skillman reported the Security and Community Access committee is discussing some issues which may eventually be brought to this committee.

6. Member Comments (Items not on the agenda)

None.

Consent Calendar:

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

None.

Reports:

None.

Items for Discussion and Consideration:

7. Review and Discuss Possible Changes to the Caregiver Policy

Ms. Bashline explained why the Caregiver Policy is being re-considered:

- To enhance community safety by knowing who has caregivers
- To ensure caregivers are registering with the Village
- To simplify and streamline the current process for registering caregivers

Discussion ensued about the changes proposed.

Director Achrekar made a motion to accept Staff's recommended changes to the Caregiver Policy and the Private Caregiver Permit form and to change any references of 30-days to 60-days throughout the Caregiver Policy. Director Morrison seconded. All were in favor except for Director Blackwell.

8. Review and Discuss Mutual's Existing Traffic Rules Regarding Commercial Vehicles

Chair Skillman stated that the fact that Members who are Uber or Lyft drivers or own trucks that look like commercial vehicles and are being cited for being parked overnight needs to be addressed.

Discussion ensued regarding the fact that Resident Services isn't aware that Members may apply for a variance when they have a truck with racks or tool boxes or are an Uber or Lyft driver. Ms. Rangel stated she will get that messaging to Resident Services.

The committee requested that Ms. Rangel inform Security that they must allow a Member's golf cart or car to park in their RV lot space without being cited while they are using their commercial vehicle which is parked there.

The committee requested some updates to the current Vehicle, Traffic, and Parking Rules.

Director Morrison made a motion for Staff to make the requested updates to United's Traffic Rules and to send them on to the Board for approval. Director Achrekar seconded. All were in agreement.

Concluding Business:

9. Committee Member Comments

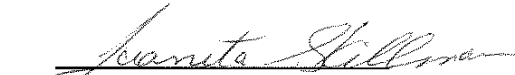
None.

10. Future Agenda Items

- Review and discuss the current election rules
- Review and discuss access to the community for political campaigning, etc.
- Review and discuss allowing financial guarantors

11. Date of next meeting - November 26, 2018

12. Adjournment at 3:50 p.m.


Juanita Skillman, Chair



STAFF REPORT

DATE: November 26, 2018
FOR: United Governing Documents Review Committee
SUBJECT: Recommended Updates to Caregiver Policy, Administrative Procedures, and Application Documents

RECOMMENDATION

That the Board adopt the attached Resolution updating and amending the Caregiver Policy, Administrative Procedure, and Application Documents.

BACKGROUND

The Mutual's Caregiver Application has been modified several times since 2006. Updates to the Policy adopted in 2017 are now recommended by an interdepartmental staff team comprised of staff from Social Services, Security, Compliance, and Resident Services. The proposed revisions would improve and streamline the Policy, Administrative Procedures and Application Documents.

The primary changes to the Caregiver Policy in 2017 included registration with the California Department of Social Services (CDSS), finger printing, background checks, issuance of caregiver ID cards, and the requirement that care providers be registered for each resident receiving care. For the most part, the changes mirrored requirements of health care organizations for agency caregivers mandated by the State of California in 2016. The impetus of the changes approved in 2017 erred on the side of safety to all Village residents—those receiving care and the neighbors of those receiving care.

Additionally in 2017, caregivers started to be recognized in the corporate records as occupants; allowing a count of those registered in the Community. Most caregivers in Laguna Woods Village provide non-medical care rather than home health care. The Applications are submitted to the Board of Directors with a staff report recommending approval or denial based upon a history of violations or lack thereof.

After several months of administering the 2017 Caregiver Policy, concerns and challenges with the Policy emerged. These included but were not limited to:

- Necessity of obtaining a physician's certification when non-medical service was needed;
- Cost of obtaining background and fingerprint clearance;
- Emergency circumstances and quickly changing medical needs that could not reasonably await application processing; and
- Request for licensed agency approval rather than individual caregivers.

The low number of registered caregivers, less than 150, illuminated the fact that the 2017 Caregiver Policy intended to provide a level of safety to Village residents yielded

disappointing results. As a result In April 2018, an interdepartmental staff team comprised of employees involved with the registration of caregivers, education of residents regarding caregiver requirements and enforcement of the Policy began meeting to discuss modifications to the Caregiver Policy, Administrative Procedure and Application documents. Accordingly, several changes have been proposed.

DISCUSSION

Lower than expected numbers of registered caregivers coupled with stakeholder input catalyzed the proposed updates to the 2017 Caregiver Policy. The proposed Policy updates include the addition of an enforcement element and the deletion of the Physician's Certification form. Since the majority of caregivers provide non-medical assistance, the requirement for a Physician's Certification entails unnecessary expense and delay in processing Applications. A physician is unlikely to deny a caregiver for a patient.

The Application has been modified to avoid Health Insurance non-medical or home health care aide, generally are sensitive about disclosing personal health information. The focus of the registration process should be more about the caregiver satisfying a background check rather than obtaining third party knowledge of a resident's medical condition.

Additionally, it is far more practical to issue a Dwelling Live business pass for caregivers employed by a licensed agency rather than an individual caregiver pass. Ingress and egress can be tracked more accurately as the new technology is introduced to every entry gate.

The proposed Policy updates maintain the requirement that all caregivers—whether private or agency employed—must pass a background check, be fingerprinted and registered with the CDSS. An ongoing educational campaign to promote the value of using only registered caregivers and importance of promoting safety for all Village residents will be launched to reinforce the goals of the proposed updates to the United Caregiver Policy. A document reflecting Frequently Asked Questions has also been revised.

FINANCIAL ANALYSIS

None.

Prepared By: Pamela Bashline, Community Services Manager

Reviewed By: Interdepartment Task Force

ATTACHMENT(S)

ATT 1 – Resolution 01-18-XX

ATT 2 - Private Caregiver Policy

ATT 3 – Instructions & Checklist for Hiring Private Caregiver

ATT 4 – Recommended Changes & Justifications to Caregiver Policy

ATT 5 – Revised Caregiver Application

ATT 6 – Frequently Asked Questions

ATTACHMENT 1

RESOLUTION 01-18-XX

Private Caregiver Policy

WHEREAS, the Governing Documents Review Committee has recommended revising the Care Provider Policy to fairly and reasonably address part-time, long-term, and terminal caregivers; and

WHEREAS, proposed changes to the current policy streamline the application requirements without compromising the quality of the caregiver registration and approval process;

NOW THEREFORE BE IT RESOLVED, December 11, 2018, that the Board of Directors of this Corporation hereby amends the “Care Provider Permit Policy,” and renames it “Private Caregiver Policy,” as attached to the official minutes of this meeting; and

RESOLVED FURTHER, that Resolution 01-17-28 adopted February 14, 2017 is hereby superseded and canceled; and

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



Private Caregiver Policy

I. Purpose

The purpose of this document is to define the policies of Third Laguna Hills Mutual (Third) regarding individuals who provide care to residents.

II. Definitions

For the purposes of this policy:

- a. Activities of Daily Living (ADL) are defined as a series of basic activities performed by individuals on a daily basis necessary for independent living at home or in the community. There are many variations on the definition of the activities of daily living, but there are five basic categories. ADLs include:
 - i. Personal hygiene – bathing/showering, grooming, nail care, and oral care
 - ii. Dressing - the ability to make appropriate clothing decisions and physically dress/undress oneself
 - iii. Eating - the ability to feed oneself, though not necessarily the capability to prepare food
 - iv. Maintaining continence - both the mental and physical capacity to use a restroom, including the ability to get on and off the toilet and cleaning oneself
 - v. Transferring/Mobility- moving oneself from seated to standing, getting in and out of bed, and the ability to walk independently from one location to another
- b. Application is the form prescribed by Third to apply for a Private Caregiver.
- c. Community is Laguna Woods Village.
- d. Community Facilities are defined as the facilities and services operated by the Golden Rain Foundation (GRF).
- e. Community Rules are defined as the Bylaws, Covenants, Conditions, and Restrictions (CC&R's), Articles of Incorporation, or any rules and regulations of Third and of GRF.
- f. Golden Rain Foundation (GRF) – the non-profit mutual benefit corporation organized to manage and maintain the Community Facilities and services for the Community.
- g. A Live-in Private Caregiver is defined as an individual who will stay overnight for more than sixty (60) days in any twelve (12) month period, including individuals who are related to the resident/member.
- h. A Live-in Private Caregiver can be a family member, paid or not paid. All rules in the Private Caregiver Policy apply.
- i. Member is a person who has been approved by Third as being entitled under the Governing Documents of Third to membership in Third and has an appurtenant right of membership in GRF.
- j. Private Caregiver, also known as a Home Care Aide or Care Provider, is a person who has been approved by Third or authorized designee in writing on the

basis of being a provider of primary caregiver support to the Resident. A Private Caregiver is a helper who assists an individual with activities of daily living or non-medical services. Non-medical home care is provided by caregivers. Unlike home health, caregivers are considered “non-clinical” and are not covered by insurance and does not need a physician order.

Private Caregiver services include, but are not limited to, assistance with the following:

- activities of daily living
 - laundry
 - light housekeeping
 - shopping for personal care items or groceries
- k. An affiliated Caregiver is a person who is employed by a licensed Home Care Organization/Agency (HCO) who provides homecare services to a resident(s).
- l. A Private Caregiver is independent and is not employed by a HCO.
- m. In-Home Supportive Service (IHSS) Caregivers are part of the Medi-Cal program and required to adhere to this policy.
- n. Resident is defined as any person who has been approved by the Board of Directors for occupancy.

III. Conditions

- a. Private Caregivers must be approved by the Board or authorized designee in writing prior to commencing support. Special circumstances may be granted.
- b. Private Caregivers must be 18 years old or older.
- c. Private Caregivers must be registered with the California Department of Social Services Home Care Services Bureau.
- d. Private Caregivers must provide a copy of a government issued photo ID with the application.
- e. Private Caregivers must provide a copy of their driver’s license, vehicle registration, and proof of vehicle insurance with the application if he/she will be operating a vehicle within Laguna Woods Village.
- f. A Private Caregiver Permit is approved for a period of up to one year. Residents are required to re-apply for approval.
- g. The total number of persons residing in a unit shall not exceed the number of bedrooms, plus one or no more than two persons in a one-bedroom unit; no more than three persons in a two-bedroom unit etc. Fees for third and fourth parties will be assessed.
- h. Each Private Caregiver shall not have been convicted of a felony or a misdemeanor involving moral turpitude (e.g., fraud, perjury, criminal threats).
- i. The Resident and/or Member are responsible for the conduct of the Private Caregiver and shall ensure that he/she complies with all community rules, regulations, and policies.
- j. Upon approval by the Board or authorized designee, a gate pass shall be issued to the Private Caregiver that will permit gate access into the community, if

- needed. If a gate pass is supplied, it must be displayed on their car dashboard at all times. This pass may include an overnight parking pass when necessary.
- k. The Private Caregiver must wear in clear sight the Laguna Woods Village picture ID at all times.
 - l. The Private Caregiver's ID and gate pass may not be transferred or lent to anyone.
 - m. The Private Caregiver is authorized to use the Community Facilities only as necessarily incidental to provide support to the Resident.
 - n. Part-time Private Caregivers may only use the laundry facilities for the Resident's use. Live-in Private Caregivers may use the laundry facilities for their limited personal use and the Residents use.
 - o. The live-in Private Caregiver requires written permission from the Board of Directors to remain in the unit without the Resident only if both of the following are applicable:
 - i. The Resident is absent from the unit due to hospitalization or other necessary medical treatment and expects to return to the unit within 90 days from the date the absence began; and
 - ii. The Resident submits a written request desiring the live-in Private Caregiver be allowed to remain in order to be present when the Resident returns to reside in the unit. [Civil Code §51.11.b.7]
 - p. Private Caregivers may not bring family members, pets or guests into the Community.
 - q. The Resident must surrender the Private Caregiver ID and vehicle pass to the Resident Services Department at the conclusion of the care service or be subject to charges.
 - r. The Private Caregiver shall meet all applicable GRF requirements relating to operating a motor vehicle within the community.
 - s. All Caregivers employed by a licensed Home Care Organization/Agency (HCO) are required to obtain a business pass.
 - t. A person living in the residence to provide short term care must obtain a sixty (60) day caregiver pass. Any person providing care beyond sixty (60) days must adhere to the private caregiver policy.
 - u. If applicant employs an In Home Supportive Services (IHSS) Caregiver and receives any correspondence related to ineligibility or violations that have occurred involving Caregiver, the applicant must notify the Resident Services Department immediately.

IV. Enforcement

Third is authorized to take disciplinary action against a Member whose property may be found in violation of the Private Caregiver Policy. When a violation occurs the Board of Directors is obligated to evaluate and impose, if appropriate, Member-discipline as set forth in the Governing Documents. The Board has the authority to impose monetary fines, suspend Member privileges, and/or bring forth legal action. The Member is entirely responsible for ensuring that the Community Rules and policies are followed by anyone they allow into the Community.

- a. The Member and Private Caregiver must read and agree to comply with and be bound by all the Governing Documents and the Community Rules.
- b. Nothing contained herein shall relieve Member of the performance of any obligation owed to Third and/or GRF under the Governing Documents.

V. Procedures

- a. The Resident must complete and submit "Application for Private Caregiver Permit" for review. The Application is available for download at www.lagunawoodsvillage.com or upon request from the Resident Services Department.
- b. Application can be submitted to the Resident Services Department located in the Laguna Woods Village Community Center.
- c. Upon receipt of an Application, the Resident Services Department will research whether the Member and/or Private Caregiver has received notices of violations or has any outstanding Charges and Assessments before approval of the application.
- d. The Board or authorized designee will review the application and approve or deny request.
- e. The Resident Services Department will notify the Resident of the results within 10 – 14 business days. Special circumstances may be granted.
- f. Office hours of operation are Monday-Friday, 8:00 A.M. to 5:00 P.M., phone number (949) 597-4323.
- g. Mailing address is P.O. Box 2220, Laguna Hills, CA 92654-2220.



Instructions and Checklist For Hiring a Private Caregiver

 UNITED

 THIRD

UNIT # _____

The Board of Directors adopted a Private Caregiver Policy to reasonably address caregivers that provide care for Residents. **All Private Caregiver Applications must be Board or authorized designee approved in writing prior to commencing support.** Please follow this checklist to ensure a smooth and efficient process.

Omission of any required items will result in delay or denial of the Private Caregiver Permit.

1. Review the Private Caregiver Policy and Submit the Required Paperwork.

- Register the Private Caregiver with the California Department of Social Services and complete the Live Scan requirements which include Background Check and Fingerprinting;
- Complete the "Application for Private Caregiver Permit";
- Provide a copy of the Private Caregiver's state issued Driver's License or ID;
- Submit "Private Caregiver Application" to the Resident Services Department.

2. Documentation Review

The Board of Directors or authorized designee will review the submitted documentation for approval or denial. The Resident Services Department will notify the Resident of the outcome within 10 to 14 business days.

- a. If approved, the Private Caregiver will be issued an ID which must be worn in clear sight at all times and obtain a Gate Pass which may include an overnight parking pass.
- b. If denied, the Shareholder/Member and Private Caregiver will be notified by the Resident Services Department.

Important information

- All documents must be received by the Resident Services Department before the application can be processed;
- The Private Caregiver cannot commence work until a Permit is obtained. Special circumstances may be granted;
- Only completed applications with the required paperwork will be reviewed;
- The Private Caregiver must be registered with the California Department of Social Services Home Care Services Bureau;
- The Private Caregiver Permit is approved for a period of up to one year and must be renewed annually;
- The Resident Services Department must be informed in writing of any deviations from an approved Private Caregiver Permit;
- Shareholder/Member is responsible for ensuring that rules, regulations, and policies are followed by anyone you allow into the Community;
- Failure to abide by the rules, regulations, and policies may result in disciplinary action including monetary fines, suspension of Shareholder/Member privileges, and/or legal action.

Attachments:

Private Caregiver Application
Private Caregiver Agreement
Frequently Asked Questions
Page 1 of 5

Rev.11-7-2018

ATTACHMENT 4

RECOMMENDED CHANGES & JUSTIFICATIONS TO CAREGIVER POLICY – 10/23/2018

1. Removal of Physicians Certification
 - a. Only needed for medical care. i.e., home health care – physical or occupational therapy, hospice care, in-home supportive services (IHSS), all in-home care requiring insurance billing, etc.
 - b. A Physician will never refuse to sign if patient requests it. They would not want to open themselves to liability.
 - c. Requires residents to make an appointment with their physician, transport to/from appointment and is a chargeable service (co-pay) for a non-medical service wanted.
 - d. Residents requiring medical care at home will be treated by a licensed professional who can present proper identification to gain access to community. Typically, these are temporary short-term visits.
2. Family caregiver revision. Do not require a Private Caregiver Application for a family member(s) or any person(s) who is/are **not** living in the unit more than 60 days.
 - a. Resident doesn't have to pay for services.
 - b. Issue a 60 day caregiver gate pass and/or overnight pass. (This would help track how long family member has been in the community).
 - c. Require Private Caregiver Application for family member who live in the unit **more than 60** days in a calendar year.
 - d. As a Private Caregiver, this will reduce chances of family members becoming occupants.
3. Home Care Organization/Agency (HCO) exemption
 - a. HCO's should be exempt from the process because HCO's have already performed background checks on their employed caregivers.
 - b. HCO's caregivers are required to be registered with the CDSS.
 - c. HCO's monitor their caregivers and are liable.
 - d. Issue a business pass to the HCO to provide to their caregivers.
4. Reduce Board review of all applications. Only submit Private Caregiver Applications to the Board when there are exceptions. If the application meets all requirements, allow Staff approval.
 - a. Reduces turnaround for the resident and Private Caregiver.
 - b. Reduces the number of staff reports submitted by Resident Services
 - c. Reduces number of applications reviewed by the Board.
5. Managing access to the Community.
 - a. Private Caregivers will be issued a picture ID card with expiration date. Thirty/sixty days prior to expiration, a letter can be sent to the Resident and/or the Private Caregiver notifying them that their ID is about to expire and needs to be renewed by _____.
 - b. Require ID's to be worn in plain sight while in the Community.
 - c. Private Caregivers will be issued a "Private Caregivers" gate pass and/or overnight parking pass, if needed.

ATTACHMENT 5



Application for
Private Caregiver Permit

UNITED

THIRD

UNIT # _____

Return completed application to: Resident Services Department – 240, 24351 El Toro Road, Laguna Woods, CA 92637; Phone: 949-597-4600, email: residentservices@vmsinc.org

Resident Information			
Name:		<input type="checkbox"/> Member <input type="checkbox"/> Occupant	
Address:			
Telephone:		Cell Phone:	
Email:			
What is the expected schedule of the Private Caregiver? <input type="checkbox"/> Day time only <input type="checkbox"/> Night time only <input type="checkbox"/> 24 Hours – no. of days per week:			
What is the service the Private Caregiver is expected to provide? (check all that apply)			
<input type="checkbox"/> activities of daily living		<input type="checkbox"/> shopping for personal care items or groceries	
<input type="checkbox"/> laundry		<input type="checkbox"/> other: _____	
<input type="checkbox"/> light housekeeping			
Is resident an In Home Supportive Services (IHSS) recipient? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, list the 7 digit County IHSS case number: _____			
Private Caregiver Information			
Name:			
Address:			
Telephone:		Cell Phone:	
Email:			
Driver's License No:		Expiration Date:	
Vehicle Color:	Make:	Model:	License Plate:
Insurance Company:		Expiration Date:	
Private Caregiver's personal state identification number:			
Has the Private Caregiver been convicted of a felony? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has the Private Caregiver been convicted of a misdemeanor involving moral turpitude (e.g., fraud, perjury, criminal threats)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is the live-in Private Caregiver a family member? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, relationship to resident:			

Private Caregiver Permit Agreement

The undersigned acknowledges that the issuance of a Private Caregiver Permit does not constitute approval of the Private Caregiver nor does it represent any direct or indirect liability on behalf of Third Laguna Hills Mutual (Third), and the Golden Rain Foundation of Laguna Woods (GRF), all California non-profit mutual benefit corporations, and Village Management Services, Inc. (VMS). a California corporation, and each of their respective directors, officers, employees, and agents. Further, I/we have read and received a copy of the Private Caregiver Policy and agree to wear the ID in clear sight and display the pass at all times while in this Community. I/we also understand that falsification of any information related to this application is subject to disciplinary action.

Resident Signature:	Date:
Member Signature:	Date:
Private Caregiver Signature:	Date:

For Office Use Only

Received By:	WO#
Requirements: <input type="checkbox"/> ID <input type="checkbox"/> Gate Pass <input type="checkbox"/> Overnight Pass <input type="checkbox"/> Other	
Will approval cause the unit to exceed the number of occupants permitted? <input type="checkbox"/> Yes <input type="checkbox"/> No	
State status of the Private Caregiver: <input type="checkbox"/> Pending <input type="checkbox"/> Registered <input type="checkbox"/> Other:	
Has the Resident received notices of rules violation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Verified IHSS Caregiver's Form SOC 2271 <input type="checkbox"/> Yes <input type="checkbox"/> No	
Does staff recommend approval of this application? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If, No, state reason:	

For Board of Directors or Authorized Designee Use Only

<p>Application DENIED</p> <p>The Board of Directors of this Mutual Corporation or authorized designee has reviewed this application. Based on the information provided, the application is denied.</p>	<p>Application APPROVED</p> <p>The Board of Directors of this Mutual Corporation or authorized designee has reviewed this application. Based on the information provided, the application is approved.</p>
Signature:	Signature:
Signature:	Signature:
Signature:	Signature:

For Office Use Only

Resident Notified By:
<input type="checkbox"/> WO Updated/Closed <input type="checkbox"/> Documents Scanned



Private Caregiver Policy Frequently Asked Questions

1. Who is a Private Caregiver?

A Private Caregiver also known as a Home Care Aide or Care Provider, is a person who has been approved by Third Laguna Hills Mutual (Third) and United Laguna Woods Mutual (United) or authorized designee in writing on the basis of being a provider of primary caregiver support to the Resident. Private Caregiver services include, but are not limited to, assistance with the following:

- activities of daily living
- laundry
- light housekeeping
- shopping for personal care items or groceries

2. What if my Private Caregiver is already registered with the California Department of Social Services (CDSS)?

If your Private Caregiver is already registered with the CDSS you will need to provide proof of registration with expiration date along with the completed *Private Caregiver Application* to the Resident Services Department.

3. How does a Private Caregiver get registered with the CDSS?

The Private Caregiver can apply as a Home Care Aide by visiting the CDSS website <http://www.cdss.ca.gov/inforesources>:

- a. Select Home Care Services listed under Community Care Licensing.
- b. Scroll down to Quick Links and select Home Care Aide Application Process.

If you have questions, please phone California Department of Social Services, Home Care Service Bureau 877-424-5778.

4. How does a Private Caregiver get a background check?

Complete the request for Live Scan fingerprinting service, form LIC 9163. Take form to a Live Scan location for processing. A criminal background check will be performed and the results will be electronically sent to the CDSS.

5. What are the costs to get registered?

The CDSS currently charges a registration fee of \$35. Other fees involved are Live Scan fingerprinting and Government criminal history background checks. The Live Scan fingerprinting operator's fee will vary depending on location of your choice and can run from \$10 up to \$35. Government fees for state and federal background checks for Private Caregivers will cost \$49. Costs are subject to change.

6. Who pays the registration costs?

That is held to the Resident's discretion. You can pay the Private Caregiver's registration fees or require the Private Caregiver that you hire pay his/her own registration fees.

7. When did the mandate take place?

The new policy began March 1, 2017

8. Why do I have to obtain a Private Caregiver Permit?

The Boards of Directors recognized a need to provide a systematic, fair, and reasonable manner to address individuals who provide care to residents.

9. Who is expected to abide by the amended Private Caregiver Policy?

All residents who hire a Private Caregiver must abide by the amended policy. Residents with existing Private Caregivers must abide by the amended policy when their current permit expires.

10. How do I find out when my current permit is up for renewal?

By calling the Resident Services Department at 949-597-4600, any customer service representative can assist you.

11. Are there any exemptions or exceptions to the Policy?

There is no set list of exemptions. If there are “special circumstances” which the Shareholder/Member would like to have taken into account, the Shareholder/Member may file this request in writing stating why they cannot abide by the policy. This Statement will be reviewed by the Board for consideration.

12. How can I file an exception/exemption to the Policy?

Shareholder/Members may file for an exception/exemption by submitting a written request to the Resident Services Department located on the first floor of the Community Center.

13. What if I hire a Caregiver from a licensed agency?

Caregivers from a licensed agency are exempt from this process because agencies are required by law to do background checks on all their caregivers. Agencies are required to obtain a business pass.

14. Who is an In Home Supportive Services (IHSS) recipient?

The IHSS Program provides in-home assistance to eligible aged, blind and disabled individuals as an alternative to out-of-home care. The IHSS Program enables recipients to remain safely in their own homes.

Juanita,

I trust this email finds you well. I reviewed GRF's proposed canvassing policy.

As you know, Civil Code Section 4515 went into effect at the beginning of this year. In sum, it allows residents of common interest developments to peacefully participate in politically expressive activities related to common interest developments within their community. This includes, but is not limited to, the ability to peacefully assemble, utilize the common areas, and to canvass and petition within the community pertaining to association elections and legislation.

Currently, United does not have a canvassing policy enacted. I previously discussed this with the Board, and at the time the Board decided a canvassing policy was not needed. However, since the Board's last meeting, GRF is in the midst of passing their own canvassing policy. Since GRF will adopt their own canvassing policy, I recommend the Board reconsider adopting a canvassing policy analogous to the GRF policy. Passing a similar canvassing policy will allow residents to follow a uniform, fixed policy across all communities. Thus, residents will not have to distinguish between two sets of regulations when they are canvassing throughout the community, giving standard and streamlined procedures for all members and the community at large.

I recommend that you discuss this with the Governing Documents Review Committee. If you and the Committee want to re-introduce this to the Board I recommend that you have me work with GRF to finalize the draft policy.

Please do not hesitate to email and contact me should you need any further information or guidance, or should you wish to talk through this in greater detail. Thank you and take good care.

Very truly yours,

Jeffrey A. Beaumont, Esq.

CANVASSING AND POLLING POLICY
(Civil Code Section 4515)

1. Civil Code Section 4515 creates a right for members and residents to canvass or petition members, the Association Board and residents of _____ in a reasonable manner and at reasonable hours.
2. Only members and residents of _____ may canvass or petition within the _____ community.
3. Information distributed may include information about common interest development living, association elections, legislation, election to public office, the initiative, referendum, or recall processes, or other issues of concern to members and residents. (“Political Speech.”)
4. The contents of canvassing materials must be 100% Political Speech, and may not include advertisements or announcements for social or commercial purposes; commercial advertisements, solicitations or reference to any particular business, including sponsorships, are prohibited.
5. Canvassing materials must be in the form of door hangers, printed on 67 pound card stock (minimum weight), including the address of the member or resident distributing the information.
6. Canvassing materials must be distributed by hanging the door hangers on doors, handing them to individuals or otherwise in a manner that does not result in litter or a violation of the law.
7. The member or resident distributing the information is responsible for ensuring the door hangers do not litter _____.
8. Members or residents shall not canvass or petition members, residents or the Board of Directors during Board meetings, or for 15 minutes before or after those meetings.
9. Canvassing and petitioning of members, residents and their guests is prohibited during events held in the _____ under standard reservations.
10. Canvassing and petitioning may only be conducted between the hours of 9:00 a.m. and 8:00 p.m. without the permission of the Board of Directors.

Canvassing and petitioning may not be conducted in any way that threatens the health, safety or welfare of _____ members, residents, guests, invitees or management, or damages _____ Association common area or association property.

Legal Considerations:

1. Allowed to limit hours of canvassing per statute:

· 10 to 5 M-Th allowing three days off: Friday, Saturday, and Sundays. Each club or member who is canvassing may not canvass more than once per week, the same area, e.g., manors. Limit paper distribution to sheet of on-line links and one brochure. Before canvassing, those canvassing must be trained by VMS. VMS to prepare a five to 10-minute max U-tube video and provide all clubs with training link (**printed training tutorial in interim**). All club officers need to print, sign and date that they have trained all their canvassing folks before beginning canvassing. Each canvasser signs and dates a sheet as one of the names indicating that they have reviewed the u-tube training (or read the printed canvassing training tutorial). Each signor understands and will obey all rules of canvassing. **If resident, member, caregiver, whoever answers the door says they don't want to be bothered...Canvassers are to stop: be quite and move-on. Canvassers are not to engage in debate. Canvassers are not selling. They are not to upset residents, assessment paying members, their family members, visitors or provide resident canvassers ideology.**

- The above hours respectfully allow retired seniors to sleep-in; and, during cloudy days or early sunsets: seniors don't fall over paperwork.
- Or more importantly, disrupt the early senior dinner hours.

2. **Opt-out of political solicitation stickers for those mutual residents/members who want to remain undisturbed under the new law should now be allowed in Village as this comports with statue chage. Suggest VMS provide opt out stickers for uniformity purposes.** VMS should include an additional opt out of leaving paperwork sticker, e.g., a red stamp out(no) with tree behind it sticker that may be adhered to original sticker, advising canvassers these folks are environmentally friendly and don't want to destroy trees unnecessarily so don't leave any of your unrequested paperwork. (Today, the majority of folks do political campaigning on-line now via donations, blogs, party affiliations and some folks on-line still wish to remain anonymous.)

3. **Now, in the interim-advise residents/members if they want to remain undisturbed they just need to make a no solicitation sign no larger than 3 inches wide by 5 inches tall. They may add leave no paperwork too if folks are desirous of nothing be left. VMS may want to provide a sample in their communications that folks can print, cut out and use** include it in eblast, Breeze, hyperlink where to find on

lagunawoodsvillage.com. Also, include Instructions on where to post on front door or in window by front door. Communicate with all clubs, members and residents (parties)- training all solicitors that the rules must be respected.

4. Many seniors of diverse backgrounds come here to live and as retirees they truly don't want to be bothered anymore; our average senior age is 78. Some desire to live here a long time and don't want to discuss politics; or be disturbed by solicitors wanting to do the same. This particular set of members feels that they too pay their monthly assessments and property taxes and don't want their residents or themselves hassled.

5. Again, suggest VMS create and provide free-of-charge from Resident Services Opt-out sticker(s).

- (include one no-solicitation opt-out sticker and one save tree sticker, providing instructions where to place with any mass mailings).

6. Train via printed communication and u-tube where solicitors are to look for these opt-out stickers before approaching and ringing a door bell.

7. Educate residents and members of these changes asap via communications,: Village Breeze, eblast, Village TV, The Globe; use phone call/texts like emergency to reach all folks we can.

8. Harassment complaints will be considered from residents and members if their requests not to be disturbed are not honored.

Will need to figure out a Solicitor Harassment Fee/Fine and what warrants Harassment.

Davis-Stirling

Effective January 1, 2018, associations must allow members and residents to assemble, meet, speak, canvass, petition, distribute and circulate information about a variety of HOA related and public topics on association property.

Assembly and Meetings. Member and residents may not be prohibited from peacefully assembling or meeting with other members, or residents, or their respective invitees or guests for purposes relating to (1) CID living, (2) association elections (generally or specific to your association), (3) legislation (everything from local ordinances to international treaties, related to California, the US, or anywhere), election to public office (local, state, US, international, or any other sovereignty), or the “initiative, referendum, or recall processes” (involving any HOA, or political body regardless of jurisdiction or sovereignty). A meeting to discuss a prospective or pending HOA board recall would likely be considered for a purpose related to the recall process. (Civ. Code §4515(b)(1).)

Public Officials, Candidates and HOA Representatives. Members and residents may not be prohibited from inviting public officials, candidates for public office (without regard for jurisdiction or sovereignty), or “representatives from homeowner organizations” to meet with members, residents, invitees and guests to speak on any matter of public interest. “Homeowner organizations” would include such groups as California Associations Institute (CAI), California Association of Community Managers (CACM), and Education Community for Homeowners (ECHO), but also could be broadly interpreted to include any homeowners association. Any “matters of public interest,” when considering the Legislative intent, would include any CID living, social, political, educational, and, to the extent it would overlap any of those categories, religious purposes. However, while meeting and speaking about religious issues in the context of politics, society or education would be permitted, exercising religious rights, such as prayer sessions or religious services, would likely fall outside the scope of this statute. (Civ. Code §4515(b)(2).)

Use of Common Area. Members and residents cannot be prohibited from using any portion of the common area, including the community or recreational hall or clubhouse, for the assembly or meetings discussed in the prior two sections. Further, members cannot be charged a fee or required to make a deposit, buy liability insurance, pay premiums or deductibles on the associations’ insurance policy when the common area is being used such purposes. A private home also may be used for the same purposes and under the same conditions, with the owner’s consent. (Civ. Code §4515(b)(3); (c).)

Canvassing and Petitioning. Members cannot be prohibited from canvassing or petitioning (1) members, (2) the association’s board, and (3) residents to participate in the above permitted activities (assembling, meeting, speaking with public figures, etc.). (Civ. Code §4515(b)(4).)

Distributing and Circulating. Members cannot be prohibited from distributing or circulating, without permission, information about (1) CID living, (2) association elections, (3) legislation, (4) election to public office, (5) the initiative, referendum, or recall processes, or (6) other issues of concern to members and residents. This is by far the broadest and most overreaching portion of the new law. The scope of information which may be distributed, without permission, is effectively unlimited. It need only be any matter which concerns a member or resident. (Civ. Code §4515(b)(5).)

Reasonable Restrictions. While the above matters may not be prohibited, they may be restricted. To prohibit is to disallow entirely. To restrict is to allow, but subject to conditions which, in this case, must be reasonable. The right to certain reasonable restrictions is provided in the statute.

1. Peaceful Assembly and Meeting. The assembly and meetings permitted in the statute to discuss CID living, etc. must be peaceful. §4515(b)(1). Associations may prohibit violence, threats, excessive noise, or other non-peaceful assemblies and meetings. While the language of §4515(b)(2) permitting meetings with public officials, etc., to speak on matters public interest does not include the same “peaceful” requirement, associations should be allowed to reasonably require those meetings to be peaceful as well.

2. Scope of Meetings and Speaking Topics. While the scope of the purpose for assembly and meetings allowed under §4515(b)(1), the scope of the subject matter of speaking at meetings allowed under §4515(b)(2), and the related canvassing and petitioning allowed under §4515(b)(4) are broad, they are not unlimited. Associations should consider adopting rules restricting such activities to this purposes expressly allowed by statute. While the same could be done as to distributing and circulating of information under §4515(b)(5), it would be less effective since the authorized subject matter– issues of concern to members and residents – is effectively unlimited.

3. Reasonable Manner and Hours. Associations may restrict the assembly and meetings relating to CID living, etc., the canvassing and petitioning, and the distributing and circulating permitted by §4515(b)(1), (4) and (5) to being undertaking in reasonable manners and at reasonable hours. While the same restrictions are not expressly provided for in §4515(b)(2), associations could reasonably restrict meetings with public officials, candidates and the like, in the same way.

i. *Reasonable Canvassing and Petitioning.* This type of activity usually involves mailing and direct contact with others. Mailing should be unrestricted. Phone contact could be unrestricted or limited to reasonable hours. Since phone numbers are not an official part of an association’s membership list, the association has no duty and should not distribute phone numbers to its members or residents. Open forums at a board meeting or at

a reasonable time during a membership meeting would be appropriate venues for such activities. Since the purpose of this statute is to allow, but not force members and residents to participate in these activities, the visiting of private residences should be allowed, at reasonable hours, subject to the right of a member or resident to opt out of such direct solicitation. Excessive unsolicited contact, after being rebuffed by a resident, could be considered harassment. Reasonable hours for such activities should be late enough that most members are home from work, but neither so early nor late as to interfere with people preparing to go work or who may be sleeping. Discrete contact in the common area (either by chance or at a pre-determined location, such as at an entrance gate or pool area), should be permitted, but associations may restrict aggressive unwanted contact to protect member/resident privacy, preserve quiet enjoyment and abate a nuisance.

ii. *Reasonable Distributing and Circulating of Information.* This activity may include mailing or sliding flyers under front doors, door mats, or behind screen doors. It may also include passively handing out flyers in the common area in the same manner as canvassing or petitioning above. Posting should also be allowed in common area bulletin boards. But associations should be able to prevent the affixing of flyers and other papers to common area walls, doors, windows and the like. Also, associations should be justified in restricting flyers from being placed on private vehicles.

Election Rules. An association's election rules may require amendment to conform to allow members to meet to discuss association elections or recall processes and distributing or circulating information about same