

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF  
LAGUNA WOODS MUTUAL NO. FIFTY  
A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION**

**August 21, 2008**

The Board of Directors of Laguna Woods Mutual Fifty, a California non-profit mutual benefit corporation, met at 2:00 P.M. on Thursday, August 21, 2008 at 24055 Paseo del Lago West, Laguna Woods, California.

**Directors Present:** Ruth Mervis, Chair; Janet Schwartz; Keith Wallace; Dick Gray; Richard Wurzel

**Directors Absent:** None

**Others Present:** Judie Zoerhof, Milt Johns, Patty Kurzet

**1. Call to Order:**

Ruth Mervis, Chair, stated that it was a regular meeting of the Corporation and that a quorum was present. The meeting was called to order at 2:00 P.M.

**2. Pledge of Allegiance to the Flag:**

Director Wurzel led the membership in the Pledge of Allegiance to the Flag.

**3. Approval of the Minutes:**

The minutes of the Regular meeting of July 17, 2008 were approved as submitted.

**4. President's Comments**

President Mervis advised the membership on the time limit for member comments and discussions on motions.

**5. Old Business**

**a. Final Approval of Policy for Use of Personal Transportation Devices in Community**

The Secretary of the Corporation, Director Keith Wallace, read a proposed resolution approving a policy for use of Segways in the Community. Director Wallace made a motion to approve the resolution. Director Wurzel seconded the motion.

By a vote of 4-0-0, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION M50-08-39**

**WHEREAS**, Mutual Fifty desired an evaluation of Electronic Personal Assistive Mobility Devices (EPAMDs), as defined by the State of California, to ensure equal treatment of both existing and emerging technologies

affecting safe personal transportation needs of its members and adult guests; and

**WHEREAS**, of particular interest is an EPAMD with the commercial name of "Segway," and

**WHEREAS**, the Segway meets the state of California's definition of an EPAMD; and

**WHEREAS**, The State of California encourages the use of EPAMDs in an effort to reduce the state's traffic and air pollution problems and declares that the EPAMD is part of the state's program to use no-emission vehicles;

**NOW THEREFORE BE IT RESOLVED**, August 21, 2008 that the Board of Directors of this Corporation hereby allows the use of Electronic Personal Assistive Mobility Devices (EPAMDs) within the Mutual, with the following contingencies to which each operator of such device shall agree to:

- 1) Operate the EPAMD at a speed that is reasonable and prudent but never faster than 4.5 MPH on sidewalks and crosswalks in the community;
- 2) Not operate an EPAMD at a speed that endangers the safety of persons or property, or with willful or wanton disregard for the safety of persons or property;
- 3) Operate an EPAMD in such a way as to yield the right-of-way to all pedestrians on foot, including persons with disabilities using assistive devices and service animals that are close enough to constitute a hazard;
- 4) Operate the EPAMD only on sidewalks and cross walks in the Community,
- 5) Indemnify, defend and hold harmless the Mutual and their agent for loss arising out of the ownership, maintenance or use of the EPAMD, and
- 6) Abide by all state and local laws and community rules

**RESOLVED FURTHER**, that in order to endeavor to ensure safe operation of the devices, an annual permit shall be required for operation of EPAMDs on sidewalks in the community, which shall include:

- 1) A written statement signed by the operator's physician that the operator has consulted with their physician and that they are in satisfactory health to operate the EPAMD. Medical consultation is at the member's cost.
- 2) Proof of Homeowners' Liability Insurance, Personal Liability Insurance, or Personal Umbrella Liability Insurance, with limits per person or combined single limit of not less than \$500,000 per occurrence.

**RESOLVED FURTHER**, that a one time permit processing fee of \$10.00 shall be charged to the applicant at the time of original application; and

**RESOLVED FURTHER**, that the use of skate boards, roller skates, in-line skates and any skateboard-based scooters within the Community shall be prohibited; 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.

**b. Final Approval of Policy to Disallow Parking Motorized Wheelchairs in Common Area**

The Secretary of the Corporation read a proposed resolution disallowing parking motorized wheelchairs in common area. Director Wallace made a motion to approve the resolution. Director Wurzel seconded the motion.

By a vote of 4-0-0, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION M50-08-40**

**RESOLVED**, August 21, 2008, that the Board of Directors of this Corporation on behalf of the corporation hereby approves a policy denying the use of Common Area Hallways and Elevator Lobbies for the purpose of parking wheelchairs, Segways, or any other device used for mobility, or storage for any one individual resident; 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.

**c. Final Approval for Monthly Sunday Brunch**

The Secretary of the Corporation read a proposed resolution approving monthly Sunday Brunches. Director Wallace made a motion to approve the resolution. Director Wurzel seconded the motion.

By a vote of 4-0-0, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION M50-08-41**

**WHEREAS**, the Board of Directors of this Corporation expressed an interest in adding a monthly Sunday Brunch to food services for Tower residents, their guests, and the greater community in the Crystal Dining Room; and

**WHEREAS**, the Board of Directors would like to extend such service to the residents of the Laguna Woods Village Community to create a favorable public relations event that showcases the Towers and its amenities;

**NOW THEREFORE BE IT RESOLVED**, August 21, 2008, that the Board of Directors of this Corporation hereby approves offering a monthly Sunday Brunch, available to Tower residents, their guests, and other members of Laguna Woods Village at a cost of \$20 per person; and

**RESOLVED FURTHER**, that the Board further authorizes \$12,000 in unbudgeted operating expenditures, which shall be offset by anticipated revenues from brunch ticket sales, and

**RESOLVED FURTHER**, that in order to maintain the condition of revenue offsetting expenses, Reservations, paid in advance with no refund, will be required; and

**RESOLVED FURTHER**, that such service shall require a permit from the City of Laguna Woods, 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.

**d. Final Approval of Policy Regarding Minimum Length of Time to Lease Units**

The Secretary of the Corporation read a proposed resolution approving a policy regarding the minimum length of time a unit in the Towers may be leased. Director Wallace made a motion to approve the resolution. Director Wurzel seconded the motion.

By a vote of 4-0-0, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION M50-08-42**

**WHEREAS**, Resolution M50-90-23 dated April 12, 1990 established 60 days as the minimum period of time a Towers unit may be leased; and

**WHEREAS**, the Laguna Woods Mutual No. Fifty Board of Directors has requested information regarding the use of Mutual owned units to be used for short term leases;

**NOW THEREFORE BE IT RESOLVED** August 21, 2008 that the Board of Directors of this Corporation hereby establishes a Policy in which units of the Towers may be leased for a period of time shorter than 60 days; and

**RESOLVED FURTHER**, that Resolution M50-90-23 dated April 12, 1990 shall be cancelled and rescinded; 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.

## **6. New Business**

### **a. Approve Maxim Health Care to Provide Flu Shots**

The Secretary of the Corporation read a proposed resolution approving Maxim Health Care to provide flu shots at the Towers. Director Wallace moved to approve the resolution. Director Gray seconded the motion.

By a vote of 4-0-0 the motion carried and the Board of Directors adopted the following resolution:

### **RESOLUTION M50-08-43**

**WHEREAS**, Mutual Fifty has provided venue for health care providers to offer flu shots to the residents of Mutual Fifty; and

**WHEREAS**, legal counsel has opined that there may be a risk to the Mutual with regard to providing venue for this service; and

**WHEREAS**, Maxim Health Care has provided flu shots for Mutual Fifty for the last four years and has expressed the desire to do so again;

**NOW THEREFORE BE IT RESOLVED**, August 21, 2008 the Board of Directors of this Corporation hereby grants permission for Maxim Health Care to provide flu shots and pneumonia shots to the residents; and

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

### **b. Approve Supplemental Appropriation for Marketing Plan**

Director Wallace read a proposed resolution approving a supplemental appropriation for a marketing plan for the Towers. Director Wallace moved to approve the resolution. Director Schwartz seconded the motion.

Member Herb Parker (308) commented on the funding source.

By a vote of 4-0-0 the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION M50-08-44**

**WHEREAS**, Mutual Fifty is experiencing vacancies in many units and units are listed for sale for long periods of time; and

**WHEREAS**, an informal poll of the local senior living competition shows that Mutual Fifty prices are more than competitive in the Real Estate Market yet the sales price for units continues to drop; and

**WHEREAS**, the current economy is experiencing a down turn and demand for units is low;

**NOW THEREFORE BE IT RESOLVED**, August 21, 2008 the Board of Directors of this Corporation hereby approves a Supplemental Appropriation in the amount of \$38,000 from the Unappropriated Expenditure Fund for the purpose of contracting with a Marketing Firm to market the Towers senior living in a nation-wide and world-wide market; and

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

**c. Approve Rules for Residents Parking in Guest Parking Area**

Director Wallace read the following proposed resolution approving rules for residents parking in the guest parking area:

**RESOLUTION M50-08**

**WHEREAS**, Mutual Fifty has very limited Guest Parking in the parking circle directly in front of the Towers; and

**WHEREAS**, this space has been designated "Guest Parking" and guests who visit the Towers park for a shorter visit time than residents who have designated carport space;

**NOW THEREFORE BE IT RESOLVED**, October 16, 2008 that the Board of Directors hereby assigns the semi-circle of parking places directly in front of the Towers as Guest Parking only with the following exception:

On the rare occasion when a resident arrives home late at night and wishes to park in front of the Towers rather than risk the carport area in the dark, violations will not be issued if the car is moved by 9:00 a.m. the following morning;

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

Director Wallace moved to approve the resolution. Director Gray seconded the motion

Without objection the Board tabled the resolution to the October Meeting to satisfy the required statutory thirty-day notice requirements.

**d. Approve Policy of Residents to Notify Maintenance Prior to Proceeding with Contracted Work**

Director Wallace read the following proposed resolution approving a policy for residents to notify Maintenance before proceeding with contracted work in manors:

**RESOLUTION M50-08**

**WHEREAS**, the electrical wiring within the walls and the plumbing within the walls is the property of Mutual Fifty; and

**WHEREAS**, changes made in this plumbing or wiring can affect all of the residents by nuisance, repair costs, and complications after resale;

**NOW THEREFORE BE IT RESOLVED**, October 16, 2008 the Board of Directors of this Corporation hereby approves the policy that ALL work done in every unit that requires changes in plumbing or electrical wiring MUST be brought to the attention of the Maintenance Department and the necessary Permits must be obtained; and

**RESOLVED FURTHER**, that failure to notify the Maintenance Department of alterations shall be cause for disciplinary action which may include monetary penalties; and

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

Director Wallace moved to approve the resolution. Director Gray seconded the motion.

Without objection, the Board tabled the resolution to the October Meeting to satisfy the required statutory thirty-day notice requirements.

**e. Approval to Allow Two Pets in Manors**

Director Wallace read the following proposed resolution allowing only two pets in manors:

## **RESOLUTION M50-08**

**WHEREAS**, Mutual Fifty has an existing Pet Policy with regard to pets permitted in the Towers; and

**WHEREAS**, the Board has recently considered requests from individuals who wish to be allowed two small pets;

**NOW THEREFORE BE IT RESOLVED**, October 16, 2008 that the Board of Directors of this Corporation hereby approves the following Pet Policy:

### **Policy Statement**

A pet must be licensed, inoculated and spayed or neutered. A copy of the license and a veterinarian's certificate verifying the aforementioned must be presented when applying for a permit. The pet must weigh no more than twenty (20) pounds with Board approved exceptions.

All dogs, cats or other household pets authorized to be kept within a dwelling unit are required to have a permit issued by the Mutual.

The pet owner is required to appoint a pet guardian who will be responsible for the care of the pet in case of an emergency or when the owner is not available. If the guardian is not available within 24 hours of the emergency, or owner's absence, the animal shelter will be notified.

An identity collar must be on the animal at all times, identifying the owner, manor, and pet's name.

The pet owner must submit a current Certificate of Insurance with their application, which provides homeowner's insurance coverage for any damage done by the pet to persons or Mutual property with a minimum coverage of \$250,000 per occurrence.

**Rules for two dogs or two cats – The Pet Policy shall apply to those requesting to purchase or move-in with two pets.**

### **Rules and Regulations**

The ability of a resident to keep a pet is, as set forth above, subject to the following rules and regulations which are founded on health and safety considerations of all Mutual residents, visitors and guests.

1. No pet shall be permitted within the common area outside and/or inside the buildings unless restrained by a leash, not to exceed six (6) feet, and in the charge of a person competent to restrain and control the pet. Owners with two pets shall use the elevator to the tunnel exit exclusively and

avoid the common area lounges. This request is made so that the control of multiple dogs on a leash does not cause a trip hazard.

2. Pets are only permitted in interior common areas when leaving their residence to the elevator and from the elevator to the nearest exit and must be on a leash at all times.

3. No pet shall be permitted to urinate or defecate within the common area except within the grass areas north of Tower I and west of Tower II. Fecal waste shall be removed forthwith and placed in a sealed double plastic bag by the owner or person in charge of the pet before placing in the trash chute.

4. Pet owners shall not allow their pets to obstruct or interfere with the right of other residents, guests or visitors, or annoy them by unreasonable noises at any time.

5. At the loss or demise of one pet, the owner shall maintain only one pet.

6. Pets must be kept free of fleas at all times.

7. The Mutual's staff is not responsible for the cleanup or disposal of pet refuse.

8. During housekeeping services, the pet must be restrained or out of the manor.

9. Pet litter is never to be disposed of in toilets. Pet owners will receive a service charge if toilets become clogged because of the above.

10. There will be a \$25 cleanup charge to the owner of the pet who soils the common area.

11. Visitors with pets must comply with all rules pertaining to pets in Common Area.

12. Pet owners must comply with all pet related requirements of Laguna Woods Mutual Fifty and the City of Laguna Woods.

**Disciplinary Procedures:**

All pet related complaints will be investigated. After due notice of hearing, and opportunity for the resident to present his or her case, the matter will be considered by the Mutual's Board of Directors. The Board may take all disciplinary action authorized by the Mutual's bylaws including, but not limited to, 1) a fine; 2) payment of the corporation's attorney fees incurred in

enforcing the pet regulations; 3) removal of the pet; or 4) termination of the occupancy of the resident in Mutual Fifty.

***All Guide Dogs and personal assistance animals are exempt.***

**RESOLVED FURTHER**, that Resolution M50-07-09 dated March 15, 2007 is hereby superseded and canceled; and

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

Director Wallace moved to approve the resolution. Director Gray seconded the motion.

Without objection, the Board tabled the resolution to the October Meeting to satisfy the required statutory thirty-day notice requirements.

**f. Approve Policy for Clean-up of Bio-Hazardous Waste in Manors**

Director Wallace read the following resolution approving a policy for cleaning up bio-hazardous waste in manors:

**RESOLUTION M50-08**

**WHEREAS**, Blood born pathogens are considered hazardous material and can cause illness in those who clean up body fluids; and

**WHEREAS**, there are costs associated with this clean-up and those costs are the responsibility of the resident;

**NOW THEREFORE BE IT RESOLVED**, October 16, 2008 the Board of Directors of this Corporation hereby approves the rate for cleaning bio-hazardous material to be the Chargeable Service rate based on time required for clean up, including the period of time taken to disinfect the extractor, the towel replacement rate charged by the vendor, and the rate for the Bio-hazard kit;

**RESOLVED FURTHER**, that at the discretion of the Facilities Supervisor the clean up task may be contracted out at the expense of the resident; and

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

Director Wallace moved to approve the resolution. Director Gray seconded the motion.

Member Lorna Ingram (1161) inquired on bio-hazards.

Director Gray made a motion to table the resolution to the October Meeting to satisfy the required statutory thirty-day notice requirements. Director Wallace seconded the motion and the motion carried without objection.

**g. Approve Policy for Disposal of Large Items**

Director Wallace read the following resolution approving a policy for the disposal of large items:

**RESOLUTION M50-08**

**WHEREAS**, from time to time Residents request Staff to dispose of large items for the Resident; and

**WHEREAS**, the trash hauler charges Mutual Fifty for disposing of large items at the rate of \$20 per item regardless of the size of the item; and

**NOW THEREFORE BE IT RE RESOLVED**, October 16, 2008 that the Board of Directors of this Corporation hereby approves the policy for disposing of large items to be at the Chargeable Service rate plus any amount charged to Mutual Fifty by the trash hauler for disposal of these items;

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

Director Wallace moved to approve the resolution. Director Schwartz seconded the motion.

Director Gray made a motion to table the resolution to the October Meeting to satisfy the required statutory thirty-day notice requirements. Director Wurzel seconded the motion and the motion carried without objection.

**h. Approval of Policy for Additional Resident Owned Door Locks**

Director Wallace read the following resolution approving a policy with regard to the installation of individual unit door locks:

**RESOLUTION M50-08**

**WHEREAS**, Mutual Fifty's Covenants, Conditions, and Restrictions, (CC&R's) Article I, Section 22 provide that the doors and windows are the property of the Mutual member; and

**WHEREAS**, the CC&R's do not state that the individual members own the locks and that the Mutual has maintained control of the locks and the distribution of keys since the inception of the Towers; and

**WHEREAS**, Mutual Fifty Board of Directors has a duty to exercise due care for the residents safety in those areas under their control; and

**WHEREAS**, the CC&R's Article III, Subsection 5 provides that the Mutual or any person authorized by the Mutual may enter any Unit in the event of any emergency involving illness or potential danger to life or property or when necessary in connection with any maintenance or construction for which it is responsible; and

**WHEREAS**, such entry shall be made with as little inconvenience to the Owner as practicable;

**NOW THEREFORE BE IT RESOLVED**, October 16, 2008 the Board of Directors hereby approves the following policy with regard to the installation of individual unit door locks;

1. The Mutual shall keep the master keys in a secured area, for the use only by authorized staff;
2. If a Mutual Member installs an additional lock (or locks), the Member shall be required to provide the Mutual with keys to all such locks, which keys should also be stored in a secured area;
3. The Mutual would be entitled to use the keys solely for the purposes set forth in the Mutual's CC&R's, Article III Subsection 5. Except in emergency circumstances, the Mutual should provide written notification to the Unit owner; and obtain the resident's written permission to enter the Unit whenever possible in the operation of their responsibilities for maintenance;
4. If a Member installs an additional lock (or locks), and fails to provide appropriate keys therefore to the Mutual, the Mutual shall take disciplinary action which may include a monetary penalty;
5. If it is necessary for the Mutual or health care providers to enter a Unit, and damage occurs because the Member has installed an additional lock or locks but has not provided the Mutual with keys therefore, the Member will be solely responsible for the cost of all repairs that are necessary.

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

Director Wallace moved to approve the resolution. Director Gray seconded the motion.

Director Wallace made a motion to table the resolution to the October Meeting to satisfy the required statutory thirty-day notice requirements. Director Gray seconded the motion and the motion carried without objection.

**i. Approve Recording of Delinquent Assessment Lien for Member ID 932-961-10**

Director Wallace read a proposed resolution approving the recording of a delinquent assessment lien for Member ID 932-961-10. Director Wallace moved to approve the resolution. Director Wurzel seconded the motion.

By a vote of 4-0-0 the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION M50-08-45**

**WHEREAS**, Member ID 932-961-10 is currently delinquent to Laguna Woods Mutual Fifty 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**, August 21, 2008 that the Board of Directors hereby approves the recording of a Lien for Member ID 932-961-10; 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.

**7. Discussion**

- a.** Judie Zoerhof announced that the Towers will be hosting an Open House for the residents of Laguna Woods Village on September 4, 2008 at 1:00 P.M., and indicated that those interested in acting as a host or hostess should contact the Administration Office.

Member Lorna Ingram (1161) commented on advertising the event in the Register.

- b.** Without objection, the Board appointed Dick Gray to the GRF Customer Service Survey Ad Hoc Committee.

**8. Member Comments**

- None

**9. Financial and Budget Report:**

Director Wurzel presented the Treasurer's report and announced the upcoming budget meeting.

**10. City of Laguna Woods:**

Dr. Brenda Ross reported on behalf of the City of Laguna Woods.

**11. Standing Committee Reports:**

- a. **Activities Committee:** Lorna Ingram reported on behalf of the Activities Committee.
- b. **Business Planning Committee:** No report was given.
- c. **Information and Orientation Committee:** Freda Sullivan reported on behalf of the Information and Orientation Committee
- d. **Architectural Control Committee:** No report was given

**12. GRF Committees:**

- a. **Community Activities Committee:** No report was given.
- b. **Finance:** No report was given.
- c. **Broadband Services Committee:** Keith Wallace reported on behalf of the Broadband Services Committee.
- d. **Government and Public Relations Committee:** No report was given.
- e. **Bus Services Committee:** No report was given.
- f. **Select Audit Committee:** No report was given.

**13. Golden Rain Foundation**

Mr. Milt Johns reported on the August 5, 2008 Golden Rain Foundation Board Meeting.

**14. Resale and Leasing Reports**

Mr. Johns reported on the year-to-date resale and leasing activity.

**15. Administrator's Report**

No report was given.

**16. Discussion Items:**

No discussion items came before the Board.

**17. Directors' Forum**

No comments were made under Directors' Forum.

**Recess**

The meeting recessed at 3:00 P.M. and reconvened into Executive Session at 3:05 P.M.

During its July 17, 2008 Regular Executive Session Board Meeting, the Board reviewed and approved the Minutes from the June 19, 2008 Regular Executive Session, approved a delinquent assessment payment plan; and considered foreclosure sales.

There being no further business to come before the Board, the meeting was adjourned at 3:15 P.M.

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Keith Wallace, Secretary