

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

December 20, 2016

The Regular Meeting of the Third Laguna Hills Mutual Board of Directors, a California non-profit mutual benefit corporation, was held on Tuesday, December 20, 2016, at 9:30 AM, at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Rosemarie diLorenzo Dickins, Burt Baum, Bill Walsh, Steve Parsons, James Tung, John Frankel, Bert Moldow, Bunny Carpenter and Susan Caine

Directors Absent: Annette Sabol-Soule and Gayan Inayat-Khan

Staff Present: Open Session: Brad Hudson, Lori Moss, Kim Taylor, and Francis Rangel
Executive Session: Brad Hudson, Lori Moss, Kim Taylor, and Francis Rangel

Others Present: VMS Directors Dennis O'Connor and Denver Andrews Jr. Esq.,
Law Offices of Denver R. Andrews, Jr.

CALL TO ORDER

Rosemarie diLorenzo Dickins, President of the Corporation, chaired and opened the meeting, and stated that it was a Regular Meeting held pursuant to notice duly given. A quorum was established, and the meeting was called to order at 9:30 A.M.

PLEDGE OF ALLEGIANCE

Director Steve Parsons led the Membership in the Pledge of Allegiance.

ACKNOWLEDGEMENT OF MEDIA

The Globe and the Channel 6 Camera Crew, by way of remote cameras, were acknowledged as present.

APPROVAL OF AGENDA

Without objection, the agenda was approved as written.

CHAIR'S REMARKS

President diLorenzo Dickins provided an overview of the past year with VMS Inc. and commented on changes with the Management and stated that the Third Board is still very much looking forward to the year to come. President diLorenzo Dickins wished everyone Happy Holidays.

APPROVAL OF THE MINUTES

Director Parsons moved to approve the November 15, 2016, Regular Open Board meeting minutes and the November 18, 2016 Special Open meeting as amended on page 2 change "United" to "Third". Director Frankel seconded the motion. By a vote of 6-0-0 the motion carried.

APPOINTMENT TO THIRD BOARD TO FILL TWO (2) VACANCIES (TERMS ENDING 2018 and 2019)

Applicant Susan Caine provided a brief summary of her qualifications. Gayan Inayat-Khan was not present for the appointment.

Director Baum moved to appoint Susan Caine to the 2019 term and to appoint Gayan Inayat-Khan to the 2018 term. Director Frankel seconded the motion. By a vote of 7-0-0 the motion carried.

Director Susan Caine was seated with the rest of the Board.

CONSENT CALENDAR

Without objection, the Board approved the Consent Calendar as written, and the Board took the following actions:

Maintenance and Construction Common Area - Variance Request Resolutions:

RESOLUTION 03-16-119

Common Area - Variance Request

WHEREAS, Michael Cunningham of 3374-B, Third Laguna Hills Mutual, submitted a request for a variance to construct an alteration on Common Area as defined in the Declaration of Covenants, Conditions and Restrictions (CC&Rs); and

WHEREAS, Third Laguna Hills Mutual Board of Directors (the Board) has considered the request utilizing the Common Area Use Policy as approved by the Board via Resolution 03-15-155 as revised in accordance with California Civil Code § 4600 on October 20, 2015;

NOW THEREFORE BE IT RESOLVED, on December 20, 2016, the Board of Directors hereby approves the request for a variance to grant exclusive use of the subject common area to the requesting member due to the finding that the proposed alteration meets the following criteria:

1. Compliance with Community Standards.
2. Neighbor Awareness Forms were submitted from affected neighbors.
3. The area of the proposed alteration is located at least partially in Common Area.
4. The alteration would relieve the Mutual of the burden of management and maintenance of an area which is generally inaccessible and not of general use to the other members of Third.
5. The member is required to complete the Agreement Regarding Permitted Alteration of Common Area (the "Common Area Agreement").

RESOLVED FURTHER, the member is required to comply with all of the contingencies as presented in the report and approved by the Board; and

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

RESOLUTION 03-16-120

Common Area - Variance Request

WHEREAS, Lawrence and Rosalind Marino of 5494-A, Third Laguna Hills Mutual, submitted a request for a variance to construct an alteration on Common Area as defined in the Declaration of Covenants, Conditions and Restrictions (CC&Rs); and

WHEREAS, Third Laguna Hills Mutual Board of Directors (the Board) has considered the request utilizing the Common Area Use Policy as approved by the Board via Resolution 03-15-155 as revised in accordance with California Civil Code § 4600 on October 20, 2015;

NOW THEREFORE BE IT RESOLVED, on December 20, 2016, the Board of Directors hereby approves the request for a variance to grant exclusive use of the subject common area to the requesting member due to the finding that the proposed alteration meets the following criteria:

1. Compliance with Community Standards.
2. Neighbor Awareness Forms were submitted from affected neighbors.
3. The area of the proposed alteration is located at least partially in Common Area.
4. The alteration would relieve the Mutual of the burden of management and maintenance of an area which is generally inaccessible and not of general use to the other members of Third.
5. The member is required to complete the Agreement Regarding Permitted Alteration of Common Area (the "Common Area Agreement").

RESOLVED FURTHER, the member is required to comply with all of the contingencies as presented in the report and approved by the Board; and

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

RESOLUTION 03-16-121

Common Area - Variance Request

WHEREAS, Steven Bayne and Diana Faulkner of 5588-A, Third Laguna Hills Mutual, submitted a request for a variance to construct an alteration on Common Area as defined in the Declaration of Covenants, Conditions and Restrictions (CC&Rs); and

WHEREAS, Third Laguna Hills Mutual Board of Directors (the Board) has considered the request utilizing the Common Area Use Policy as approved by the Board via Resolution 03-15-155 as revised in accordance with California Civil Code § 4600 on October 20, 2015;

NOW THEREFORE BE IT RESOLVED, on December 20, 2016, the Board of Directors hereby approves the request for a variance to grant exclusive use of the subject common area to the requesting member due to the finding that the proposed alteration meets the following criteria:

1. Compliance with Community Standards.
2. Neighbor Awareness Forms were submitted from affected neighbors.
3. The area of the proposed alteration is located at least partially in Common Area.
4. The alteration would relieve the Mutual of the burden of management and maintenance of an area which is generally inaccessible and not of general use to the other members of Third.
5. The member is required to complete the Agreement Regarding Permitted Alteration of Common Area (the "Common Area Agreement").

RESOLVED FURTHER, the member is required to comply with all of the contingencies as presented in the report and approved by the Board; and

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

Finance Committee Recommendations:

RESOLUTION 03-16-122

Recording of a Lien

WHEREAS, Member ID 933-050-07 is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

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

NOW THEREFORE BE IT RESOLVED, December 20, 2016, that the Board of Directors hereby approves the recording of a Lien for Member ID 933-050-07; 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.

RESOLUTION 03-16-123

Recording of a Lien

WHEREAS, Member ID 932-951-07 is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

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

NOW THEREFORE BE IT RESOLVED, December 20, 2016, that the Board of Directors hereby approves the recording of a Lien for Member ID 932-951-07; 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.

RESOLUTION 03-16-124

Recording of a Lien

WHEREAS, Member ID 932-200-07 is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

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

NOW THEREFORE BE IT RESOLVED, December 20, 2016, that the Board of Directors hereby approves the recording of a Lien for Member ID 932-200-07; 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.

RESOLUTION 03-16-125

Recording of a Lien

WHEREAS, Member ID 931-510-33 is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

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

NOW THEREFORE BE IT RESOLVED, December 20, 2016, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-510-33; 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.

RESOLUTION 03-16-126

Recording of a Lien

WHEREAS, Member ID 931-580-41 is currently delinquent to Third Laguna Hills Mutual with regard to the monthly assessment; and

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

NOW THEREFORE BE IT RESOLVED, December 20, 2016, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-580-41; 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.

Landscape Committee Recommendations:
3498-1C Deny request for tree removal

UPDATE FROM VMS – DIRECTOR DENNIS O’CONNOR

President diLorenzo Dickins introduced Director Dennis O’Connor, of Village Management Services, Inc. (VMS). Director O’Connor provided an update on the work done by PayScale which presented a Compensation Base Pay Plan to VMS at the beginning of December. Some of the items discussed were share market results, introduction of base pay structure, and proved implementation options for Compensation pay. Director O’Connor answered questions from the Board.

REPORT OF THE CEO – BRAD HUDSON

Mr. Brad Hudson, CEO/General Manager, welcomed the new Third Mutual Board Director Susan Caine. Mr. Hudson stated that he has enjoyed the past year working with the Board and everyone in the Community and wished everyone a Happy Holiday. Mr. Hudson stated that during the holidays staff will be in the building taking Resident Services calls on December 24, 2016, December 26, 2016 and during the New Year week as well.

Mr. Hudson introduced the new interim Director of General Services, Bruce Hartley. Mr. Hartley provided a brief overview of his background and stated that he is currently working on addressing the priority issues and thanked the Board.

Mr. Hudson commented on the changes with the bus system. He stated that issues are being addressed and that many issues are a result of a resident getting on the wrong bus. Mr. Hudson stated that the bus trip to the Spectrum was a great success and announced that in the near future there will be busses going to many places outside the Community such as museums, theatres, etc. Mr. Hudson commented on the new Gate arms which were tested last week at Gate 6 and issues were noted. The pilot will continue next week for a few hours at a time and implementation is underway throughout the community. Remodeling of gate houses is underway and it is anticipated that most of the gate houses will be complete this coming year. The fitness center at Clubhouse 5 is scheduled to open this Friday.

MEMBER COMMENTS

Third Mutual Members were given the opportunity to speak to items that are not on the agenda.

- Marvin Rawitch (5510-3B) asked about moving away from leaf blowing in the Mutual.
- Mareka Raima-Montegnies (5519-3C) wished everyone a happy holiday season and a happy 2017.
- Katherine Baum (3276-A) thanked Brad Hudson for bringing fairness to the Community, commented on staffing at Clubhouse 5, asked if the bus excursions could go to LA and wished everyone a happy New Year.

- Marcy Sheinwold (5155), President of the Laguna Woods Foundation Board, thanked everyone for their generous contributions and talked about what the contributions do to help the community.

DIRECTORS' RESPONSES TO MEMBER COMMENTS

The Directors briefly responded to Member Comments.

UNFINISHED BUSINESS

Discuss Contractor List – Lori Moss

Ms. Lori Moss, Community Manager, provided an overview of the updated Third Contractor list. Ms. Moss stated that a Third Mutual Contractor list has been available to residents for more than 10 years. The Third Task Force met and recommended that staff write to all of the contractors on the list and inform them that the document was being updated. The update required those on the existing list to provide two referrals from current Laguna Woods's residents. The list is now complete and available to residents. Ms. Moss answered questions from the Board.

NEW BUSINESS

Discuss and Consider Appointing Donna Dwaileebe to the VMS Board, Effective 2016 VMS Annual Meeting, Term Ending 2019

Director Moldow moved to appoint Donna Dwaileebe to the VMS Board, Effective 2016 VMS Annual Meeting, term ending 2019. Director Walsh seconded the motion.

Donna Dwaileebe provided a brief summary of the past year and thanked the Board for the opportunity to be on the VMS Board.

By a vote of 8-0-0 the motion carried.

Discuss and Consider Changing the Date of the Third Regular Board Meeting in January, From January 17, 2017 to January 24, 2017

Director Parsons moved to change the Date of the Third Regular Board Meeting in January, From January 17, 2017 to January 24, 2017. Director Tung seconded the motion. By a vote of 8-0-0 the motion carried

Entertain Motion to Approve the Third Mutual Care Provider Policy and Forms – Resolution (initial notification – must postpone to January to conform to the 30 day notification requirement)

Director Burt Baum, Secretary of the Corporation, read a proposed resolution approving the Third Mutual Care Provider Policy and Forms:

RESOLUTION 03-17-XX

WHEREAS, the Residency Policies and Compliance Task Force has recommended revising the *Care Provider Policy*, to fairly and reasonably address part-time, long-term, and terminal health care providers; and

WHEREAS, the current Permitted Health Care Provider policy addresses live-in care providers only:

NOW THEREFORE BE IT RESOLVED, January 24, 2017, that the Board of Directors of this Corporation hereby amends the “Permitted Health Care Provider Policy,” and renames it to “Care Provider Policy,” as attached to the official minutes of this meeting; and

RESOLVED FURTHER, that Resolution 03-05-37 adopted November 15, 2005 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.

Director Baum moved to amend the policy, change the name to “Permitted Health Care Provider Policy” and approve postponement of the resolution for no less than 30 days to comply with Civil Code §4360. Director Parsons seconded the motion. Discussion ensued.

By a vote of 8-0-0 (Director Carpenter was absent for the vote) the motion carried and the Board postponed the revisions to the **January 24, 2017** meeting to comply with Civil Code §4360.

Entertain Motion to Change the Plug in Electrical Vehicle (PEV) to a Flat Fee of \$240 – Resolution (initial notification – must postpone to January to conform to the 30 day notification requirement)

Director Burt Baum, Secretary of the Corporation, read a proposed resolution approving Change the Plug in Electrical Vehicle (PEV) to a Flat Fee of \$240:

RESOLUTION 03-17-xx

PEV Vehicles Permitted to Utilize 120 Volt Outlets in the Common Areas

WHEREAS, the State of California and the US Government offer significant financial incentives to buyers to encourage their purchase of PEVs (Plug-In Electric Vehicles) due to reduced greenhouse gases, Laguna Woods should do what it can to support the government’s environment objectives; and

WHEREAS, all PEVs support charging using a 120 volt circuit; it places a charging load similar to that of a golf cart and in some cases actually requires lower power demand than some golf carts; and

WHEREAS, no data is available to ascertain the circuit capacity utilized on the 120 volt circuits, and it would be costly to hire a consultant to identify all 120 volt circuits and the existing power demand on those circuits, it is deemed more reasonable to take any corrective action at the time an excessive loading condition occurs; and

WHEREAS, on September 15, 2015 the Board authorized resident owned or leased PEVs to utilize 120 Volt outlets in the common areas at a fee; and

WHEREAS, a recommendation has been made to lower the fee and eliminate the tracking of mileage and calculated usage;

NOW THEREFORE BE IT RESOLVED, on January 24, 2017 that the following amendment is made to the Third Laguna Hills Mutual VEHICLE, TRAFFIC, AND PARKING RULES:

7.13 PLUG IN ELECTRIC VEHICLES (PEV)

NON-RESIDENT PEVs are prohibited from connecting to common area outlets, except for self-contained, fee-per-use charging stations.

Any PEV connected to a common area outlet without authorization may be disconnected by Security staff, in addition to the other enforcement actions allowed in these rules.

Owners of PEVs are solely responsible for the proper use and maintenance of their vehicle and any associated equipment used in charging the vehicle and may not make any unauthorized alterations to Mutual outlets, wiring, circuit breakers or electric service panels.

RESIDENT VEHICLES that are battery electric powered GOLF CARTS may connect to Mutual common area electricity upon payment of the electrical use fee set by the BOARD. A GRF decal is not authorized on any GOLF CART when the electrical use fee is not paid.

RESIDENT PEVs of other types (e.g. battery electric and plug-in hybrid vehicles) are allowed to connect to Mutual electricity upon payment of the electrical use deposit and fee set by the BOARD, and properly display on the vehicle a Third Mutual issued Electric Vehicle decal.

- An electricity usage flat fee of \$240 is required for every PEV registered to any MANOR that does not have a private garage, or a private charging station per the requirements of the BOARD-approved Alteration Standard Section 44 Electric Vehicle Charging Stations.
- Participating PEVs will be issued a Mutual authorized decal, affixed by staff to the exterior of the rearmost window in the lower corner furthest from the driver.

- The decal is the property of Third Mutual and may be revoked upon expiration, withdrawal or termination from program, or non-compliance with these rules.



- The decal signifies the PEV is authorized to connect to outlets in the Third Mutual common area.
 - Connection to outlets controlled by GRF, United, or Mutual Fifty is prohibited, except for self-contained, fee-per-use charging stations.
 - Connection to an outlet metered at any individual MANOR is prohibited without the controlling RESIDENT'S express permission.

7.14 EXTENSION CORDS

In the interest of safety, unattended extension cords may not be used IN THIRD for any purpose. Any unattended extension cord may be disconnected by Security staff, in addition to the other enforcement actions allowed in these rules.

7.15 FINES

Fines for violation of §7.13 – 7.14 are as follows:

- First Offense: \$0
- Second Offense: \$25
- Each Subsequent Offense: \$50

RESOLVED FURTHER, that Resolution 03-15-129 approved September 15, 2016 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 this resolution as written.

Director Baum moved to approve postponement of the resolution for no less than 30 days to comply with Civil Code §4360. Director Moldow seconded the motion. Discussion ensued.

By a vote of 9-0-0 the motion carried and the Board postponed the revisions to the **January 24, 2017** meeting to comply with Civil Code §4360.

COMMITTEE REPORTS

Director Steve Parsons reported from the Finance Committee, he gave the Third Mutual Financial Report, and commented on the Resale Activities Report.

Discuss and Consider Merrill Lynch Certification of Authority

Director Parsons moved to approve updating the names on the Merrill Lynch Certification of Authority to Betty Parker, Brad Hudson, and Solange Backes. Director Moldow seconded the motion. Discussion ensued.

By a vote of 9-0-0 the motion carried.

Discuss and Consider Maintenance Operating Expenditures Variance

Director Steve Parsons updated the Board on Maintenance Operating Expenditures Variances. Director Parsons stated that on September 15, 2015, the Board approved the 2016 Business Plan, of which \$3,919,142 was assessed for Maintenance Operating programs. Based on conservative projections provided by Staff, an unfavorable year-end variance of approximately (\$195,960) or (5%) is currently anticipated for Maintenance Programs. Although the Maintenance Operation expenses are anticipated to come in over the total budget of \$3.9 Million, savings in other areas of Mutual operations provide an offset and additional funding is not required.

Director James Tung reported from the Landscape Committee.

Entertain Motion to Approve Revisions to the Landscape Committee Charter – Resolution

Director Burt Baum, Secretary of the Corporation, read a proposed resolution approving revisions to the Landscape Committee Charter. Director Baum moved to approve the resolution. Director Tung seconded the motion.

By a vote of 9-0-0 the motion carried and the Board approved the following resolution:

RESOLUTION 03-16-127

Landscape Committee Charter

WHEREAS, the Landscape Committee has been established pursuant to Article VII, Section 1 of the bylaws of this Corporation;

NOW THEREFORE BE IT RESOLVED, December 20, 2016, that the Board of Directors of this Corporation hereby assigns the duties and responsibilities of this Committee as follows:

1. Ensure that the level of service provided by the Landscaping Division, and the funds needed to accomplish this, are adequate to maintain Third Mutual landscaping in an aesthetically pleasing, environmentally appropriate and cost-effective manner.
2. Determine service levels and capital and operating budget requirements for the Community and to review annual landscape budgets prepared by the managing agent and make recommendations to the Board of Directors.
3. Ensure that the rules and regulations as listed in the Landscape Maintenance Manual are enforced uniformly throughout Third Laguna Hills Mutual.
4. Work with the Golden Rain Foundation (GRF) Landscape Committee to:
 - a. Help them determine (as accurately as possible) the water needed for varying types of landscape developments that would maintain the beauty of the grounds throughout the Community and to help them set up some long range plans for future landscape developments and practices that would work best with the anticipated future water supplies available for irrigation uses in the Community.
 - b. Promote the optimum and most efficient use of water in the Third Laguna Hills Mutual.
5. Work with the United Laguna Woods Mutual Landscape Committee, the Golden Rain Foundation Landscape Committee and our managing agent to:
 - a. Update the rules and regulations in the Community's Landscape Manual.
 - b. Develop policies with regard to control of pests such as ants, rodents, etc.
 - c. ~~Promote and oversee recycling programs and provide for optimum trash pickup and disposal services at reasonable and customary costs.~~
6. Review each petition for a change in landscape and visit those sites (1) for which clarification is deemed necessary and (2) for which a denial is being considered. Based upon information supplied by a qualified staff member, a petition may be granted without an on-site visit.
7. Perform such tasks as may be assigned or referred to this committee by the Third Laguna Hills Mutual Board of Directors.

RESOLVED FURTHER, that Resolution 03-12-146, adopted December 18, 2012 is hereby superseded and cancelled.

Director James Tung reported from the Water Committee.

Director Bert Moldow reported from the Maintenance and Construction Committee.

Director Bert Moldow reported from the Architectural Control and Standards Committee.

Entertain Motion to Approve the Architectural Control and Standards Committee Charter

Director Burt Baum, Secretary of the Corporation, read a proposed resolution approving the Architectural Control and Standards Committee Charter. Discussion ensued.

Director Walsh moved to approve the Architectural Control and Standards Committee Charter. Director Baum seconded the motion. By a vote of 9-0-0 the motion carried and the Board approved the following resolution:

THIRD LAGUNA HILLS MUTUAL
ARCHITECTURAL CONTROL AND STANDARDS COMMITTEE CHARTER

RESOLUTION 03-16-128

Third Mutual Architectural Control and Standards Committee Charter

RESOLVED, that pursuant to Article 7, of the Bylaws and Article X of the Amended and Restated Declaration of Covenants, Conditions and Restrictions, the Architectural Control and Standards Committee is hereby established as a standing committee of this Corporation; and

RESOLVED FURTHER, December 20, 2016, that the Board of Directors of this Corporation hereby assigns the duties and responsibilities of the Architectural Control and Standards Committee of the Corporation as follows:

1. The Architectural Control and Standards Committee shall have the responsibility to recommend approval or denial of all requests for nonstandard alterations and modifications, or alterations that have generated neighbor objection. Final recommendations shall be noted on the Mutual's monthly Board meeting Agenda Consent Calendar.
2. In their decision, the Committee shall consider the following criteria:
 - Compliance with existing standards
 - Aesthetic effect
 - Cost impact on the Mutual
 - Conformity with Local and State Building Codes
 - Compliance with applicable law
 - Value impact

3. The Mutual Board may choose to become involved in a Member's appeal of the Committee's decision. Should the Board become involved, prior to the review of the appeal, the Committee will document justification of their decision. If necessary, the Committee has the authority to consult with the Mutual Legal Counsel for advice.
4. The Committee shall have the authority to recommend new Architectural Standards or any revisions of all Mutual Architectural Standards. Final approval will rest with the Mutual Board.
5. The Committee shall require Neighbor Awareness and Approval forms for all alteration requests including requests that appear to conform to standards.
6. The Committee shall review advancements in technology and methods that could result in increased efficiencies and/or cost savings to the Mutual.
7. The Committee may impose contingencies upon approvals to ensure the structural, architectural, or common area integrity of the Members' request.
8. The Committee shall insure that all structural alterations, including any internal and external physical changes, performed or caused to be performed by a Member, shall not be performed without prior written consent of the Mutual. Consent is given either by proper processing of approved alteration standard, or use of the variance request process. The Committee will recommend a Disciplinary Hearing for all alterations preceding approval or deviation from approved changes.
9. The intended activities of the Committee may include but may not be limited to meeting when necessary, meeting on a monthly basis, reviewing staff recommendations regarding compliance with architectural standards or variance requests, conducting tours, and providing communications to the Community.
10. This committee shall exist and function in accordance with bylaws and CC&Rs.
11. This Committee shall be comprised of no more than five Directors.
12. This committee may appoint up to three voting advisors, subject to the approval of the Board.

Director Bill Walsh reported from the Energy and Technology Committee.

Director Burt Baum reported from Resident Problem Resolution Services.

Director John Frankel reported from the Laguna Woods Village Traffic Hearings.

Director Burt Baum reported from the Communications Committee.

Director Burt Baum reported from the Resident Policy and Compliance Task Force.

Entertain Motion to Approve the Third Mutual Non-Smoking Policy – Resolution (initial notification – must postpone to January to conform to the 30 day notification requirement)

Director Burt Baum, Secretary of the Corporation, read a proposed resolution approving the Third Mutual Non-Smoking Policy:

RESOLUTION 03-17-XX

WHEREAS, the Residency Policies and Compliance Task Force has recommended adopting a Non-Smoking Policy, to fairly and reasonably address smoking in Laguna Woods Village; and

WHEREAS, Third Laguna Hills Mutual has received numerous complaints from various residents concerning odors and annoyance in and around manors caused from residents second-hand smoke and smoke infiltration;

NOW THEREFORE BE IT RESOLVED, January 24, 2017, that the Board of Directors of this Corporation hereby adopts the “Non-Smoking Policy,” as attached to the official minutes of this meeting; 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.

Director Baum moved to approve postponement of the resolution for no less than 30 days to comply with Civil Code §4360. Director Moldow seconded the motion. Discussion ensued.

By a vote of 9-0-0 the motion carried and the Board postponed the revisions to the **January 24, 2017** meeting to comply with Civil Code §4360.

Director Bunny Carpenter reported from the Purchasing Task Force.

GRF COMMITTEE HIGHLIGHTS

The Directors provided brief overviews of GRF Committee highlights.

DIRECTORS' COMMENTS

The Directors made their final comments.

ADDITIONAL MEMBER COMMENTS

No additional Member Comments were made.

The Board recessed at 12:35 PM and reconvened into Executive Session at 1:20 PM.

ADJOURNMENT

With no further business before the Board of Directors, the meeting was adjourned at 5:00 PM.

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

During the November 15, 2016, - Regular Executive Session Board Meeting, the Board approved the minutes of the October 18, 2016 – Special Executive Session, October 25, 2016 – Special Executive Hearing Committee Session, and the October 21, 2016 – Special Executive Session; heard two (2) Disciplinary Hearings and imposed \$1,000 in Fines for Violations of the Mutual's Rules and Regulations; discussed other Member Disciplinary matters; discussed Occupancy matters; discussed Member Delinquency matters; discussed two (2) recording notice of sales; discussed Personnel matters; discussed and considered Contractual matters; and discussed Litigation matters.

During the November 8, 2016, Special Executive Hearing Committee Board meeting the Board held fourteen (14) member Disciplinary Hearings; and held four (4) Common Area Damage Reimbursement Hearings.

During the November 11, 2016, Special Executive Session meeting the Board discussed and considered personnel matters.

During the November 18, 2016, Special Executive Session Workshop the Board held a Resale Membership Application Workshop.

Burt Baum, Secretary
Third Laguna Hills Mutual

Care Provider Policy
Adopted Month, Day, 2017
Resolution 03-17-XX

I. Purpose

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

II. Definitions

For the purposes of this policy:

- a. Care Provider, also known as Caregiver and Home Care Aide, is a person who has been approved by TLHM in writing on the basis of being a provider of primary support to the Resident. Care Provider services include, but are not limited to, assistance with the following:
 - bathing
 - dressing
 - feeding
 - exercising
 - positioning
 - transferring
 - ambulating
 - personal hygiene and grooming
 - toileting and incontinence care
 - housekeeping
 - assisting with medication
 - meal planning and preparation
 - laundry
 - transportation
 - correspondence
 - making telephone calls
 - shopping for personal care items or groceries
 - companionship
- b. Resident is defined as any person who has been approved by the Board of Directors for occupancy.
- c. Community Facilities are defined as the facilities and services operated by the Golden Rain Foundation (GRF).
- d. Community Rules are defined as the Bylaws, Covenants, Conditions, and Restrictions (CC&R's), Articles of Incorporation, or any rules and regulations of TLHM and of GRF.

III. Conditions

- a. All Care Provider(s) must be Board approved in writing **prior** to commencing support.
- b. A licensed medical physician must certify that the Resident has a need for care.
- c. The Care Provider must be 18 years old or older.

- d. The Care Provider must provide part-time, live-in, long-term or terminal health care for daily activities, medical treatment, or both to the Resident.
- e. The Care Provider must be registered with the California Department of Social Services Home Care Registry.
- f. The Care Provider must provide a copy of a government issued photo ID with the application.
- g. The Care Provider 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.
- h. The Care Provider permit is approved for a period of up to one year. Residents are required to re-apply and obtain a new certification statement from a licensed medical physician annually.
- i. The total number of persons residing in a unit shall not exceed the number of bedrooms, plus one (i.e. no more than two persons in a one-bedroom unit; no more than three persons in a two-bedroom unit). Fees for third and fourth parties will be assessed.
- j. Each Care Provider shall not have been convicted of a felony or a misdemeanor involving moral turpitude (e.g., fraud, perjury, criminal threats).
- k. The Resident and/or Mutual Member is responsible for the conduct of the Care Provider, and shall ensure that he/she complies with all community rules, regulations, and policies.
- l. Upon approval by the Board of Directors, a one year renewable pass shall be issued to the Care Provider that will permit gate access into the community, if needed.
- m. The Care Provider must wear in clear sight the Laguna Woods Village ID at all times. If a gate pass is supplied, it must be displayed on their car dashboard at all times.
- n. The Care Provider ID and gate pass may not be transferred or lent to anyone.
- o. The Care Provider is authorized to use the Community Facilities **only** as necessarily incidental to provide support to the Resident.
- p. Part-time Care Providers may only use the laundry facilities for the Resident's use. Full-time Care Providers may use the laundry facilities for their personal use and the Residents use.
- q. The live-in Care Provider 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 Care Provider be allowed to remain in order to be present when the Resident returns to reside in the unit. [Civil Code §51.11.b.7]
- r. Care Providers may not bring family members, pets or guests into the Community.
- s. The Resident must surrender the Care Provider ID and vehicle pass to the Resident Services Department at the conclusion of the care service.

- t. The Care Provider shall meet all applicable GRF requirements relating to operating a motor vehicle within the community.

IV. Procedures

- a. The Resident must complete and submit "Application for Care Provider Permit" for Board review.
- b. The Resident must complete and submit "Physician's Certification of Need for Care Provider"
- c. Application and Physician Certification can be submitted to the Resident Services Department located in the Laguna Woods Village Community Center.
- d. The Board will review the application and approve or deny request.
- e. The Resident Services Department will notify the Resident of the results within 5 – 7 business days. Special circumstances may be granted.
- f. Upon request for renewal, the Community Services Department will check if the Resident has received notices of rules violations.

Physician's Certification of Need for a Care Provider Permit

Return completed certification to: Resident Services Department, 24351 El Toro Road, Laguna Woods, CA 92637; Phone: 949-597-4600, E-mail: residentservices@vmsinc.org

Resident/Patients Information (To be Completed by Resident)

Name:	
Address:	
Telephone:	Cell Phone:
E-mail:	

Authorization to Release Information (To be Completed by the Resident)

I authorize the physician named below to release information about me to a representative of Laguna Woods Village only for the purpose of confirming my request for a Care Provider Permit. I understand that my authorization will remain effective for one year from the date of my signature, and that the information will be handled confidentially in compliance with all applicable laws. I understand that I may revoke the authorization at any time by written, dated communication.

Residents Signature: _____ Date: _____

Physician's Information (To be Completed by Physician)

Name:	Office Stamp:
Address:	
Telephone:	
License#:	

The person named above is a resident of an active senior Community. The Community is age-restricted. The information you provide is used for approval of an application for a Care Provider. Please refer to the back of this certification for definitions and further information.

Are you the applicant's treating physician? Yes No

If yes, length of time you've been treating the patient: _____

Does the applicant have a mental or physical disability: Yes No

Does the applicant need the services of a care provider: Yes No

If yes, please answer the following:

What is the recommended expected duration of the Care Provider?

- Temporary
 Permanent
 Terminal Health Care

What is the recommended schedule of the Care Provider?

- Part-Time/Day Only
 Part-Time/Night Only
 Full-Time/24 hours/day

When is care expected to end?

I certify that the information provided herein is true and accurate to the best of my knowledge.

Physician's Signature (required): _____ Date: _____

The person named is a resident of an age-restricted community. The information that you provide is used for approval of a permit for a care provider. Please refer to these definitions from **CAL. GOV. CODE Sections 12926 and 12926.1**:

Medical Condition means either of the following:

1. Any health impairment related to or associated with a diagnosis of **cancer**, or a record or history of cancer.
2. Genetic characteristics, including (a) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is **known to be a cause** of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder. (b) **Inherited characteristics** that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a **statistically increased risk** of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

Mental Disability includes, but is not limited to, all of the following:

1. Having any mental or **psychological disorder or condition**, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability, **that limits a major life activity**. For purposes of this section: (a) **Limits**" shall be determined **without regard to mitigating measures**, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. (b) **A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.** (c) **Major life activities**" shall be broadly construed and shall include physical, mental, and social activities and working.

Mental Disability also includes:

1. Any other mental or psychological disorder or condition not described in paragraph (1) that **requires special education or related services**.
2. Having a record or **history** of a mental or psychological disorder or condition.
3. Being regarded or treated as having, or having had, any mental condition that **makes achievement of a major life activity difficult**.
4. Being regarded or treated as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that **may become a mental disability** as described in paragraph (1) or (2).

Physical Disability includes, but is not limited to, all of the following:

1. Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following: (a) **Affects** one or more of the following **body systems**: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine. (b) **Limits a major life activity**.
2. Being regarded or treated as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but **may become a physical disability** as described in paragraph (1).

Mental Disability and Physical Disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

If the definition of "disability" used in the Americans with Disabilities Act, or in Cal. Gov. Code Section 12926.1 would result in broader protection of the civil rights of individuals with a mental disability or physical disability, or would include any medical condition not included within those definitions, then that broader protection or coverage shall prevail.

Application for Care Provider Permit

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

Resident Information			
Name:		<input type="checkbox"/> Member <input type="checkbox"/> Occupant	
Address:			
Telephone:		Cell Phone:	
E-mail:			
What is the expected duration of the Care Provider?			
<input type="checkbox"/> <u>Temporary</u> <input type="checkbox"/> Permanent <input type="checkbox"/> Terminal Health Care			
What is the expected schedule of the Care Provider?			
<input type="checkbox"/> <u>Part-Time/Day Only</u> <input type="checkbox"/> Part-Time/Night Only <input type="checkbox"/> Full-Time/24 hours/day			
When is the Care Provider service expected to end?			
What is the service the Care Provider is expected to provide? (check all that apply)			
<input type="checkbox"/> bathing <input type="checkbox"/> housekeeping <input type="checkbox"/> dressing <input type="checkbox"/> assisting with medication <input type="checkbox"/> feeding <input type="checkbox"/> meal planning and preparation <input type="checkbox"/> exercising <input type="checkbox"/> laundry <input type="checkbox"/> positioning <input type="checkbox"/> transportation <input type="checkbox"/> transferring <input type="checkbox"/> correspondence <input type="checkbox"/> ambulating <input type="checkbox"/> making telephone calls <input type="checkbox"/> personal hygiene and grooming <input type="checkbox"/> shopping for personal care items or groceries <input type="checkbox"/> toileting and incontinence care <input type="checkbox"/> companionship <input type="checkbox"/> Other: _____			
Care Provider Information			
Name:			
Address:			
Telephone:		Cell Phone:	
Relationship to Resident:			
<input type="checkbox"/> Employee; Name of Agency (if any) _____ <input type="checkbox"/> Family Member; Relationship _____			
Driver License No:		Expiration Date:	
Vehicle Color:	Make:	Model:	License:
Insurance Company:		Expiration Date:	
What is the Care Provider's state registration ID number?			
Has the Care Provider been convicted of a felony? <input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>			

Has the Care Provider been convicted of a misdemeanor involving moral turpitude? Yes No

Care Provider Permit Agreement

The undersigned acknowledges that the issuance of a Care Provider Permit does not constitute approval of the Care Provider nor does it represent any direct or indirect liability on behalf of United Laguna Woods Mutual, a California non-profit mutual benefit corporation, and the Golden Rain Foundation of Laguna Woods, a California non-profit mutual benefit corporation, and Village Management Services, Inc. a California corporation, and each of their respective directors, officers, employees, and agents. Further, I/we have read and received a copy of the Care Provider Policy and agree to wear the ID 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: _____
 Members Signature: _____ Date: _____
 Care Provider Signature: _____ Date: _____

For Office Use Only

Received By:	WO#:
Reviewed By:	<input type="checkbox"/> WO Updated
Requirements :	<input type="checkbox"/> ID <input type="checkbox"/> Gate Pass <input type="checkbox"/> Other _____
Will approval cause the unit to exceed the no. of occupants permitted?	<input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>
Is state registration active for the Care Provider?	<input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>
Was Physician's Certification verified?	<input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>
Has the resident received notices of rules violation?	<input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>
Does staff recommend approval of this application?	<input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>
<u>If No, state reason:</u>	

For Board of Directors Use Only

Application DENIED	Application APPROVED
The Board of Directors of this Mutual Corporation has reviewed this application. Based on the information provided, the application is denied .	The Board of Directors of this Mutual Corporation has reviewed this application. Based on the information provided, the application is approved .
SIGNATURE	SIGNATURE
SIGNATURE	SIGNATURE
SIGNATURE	SIGNATURE

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

Non-Smoking Policy
Adopted Month, Day, 2017
Resolution 03-17-XX

V. Purpose

The purpose of this document is to define the policies of Third Laguna Hills Mutual (TLHM) regarding smoking in private units and common area.

VI. Definitions

For the purposes of this policy:

- a. Common area means the area which is available for use by more than one person.
- b. Community Rules are defined as the Bylaws, Covenants, Conditions, and Restrictions (CC&R's), Articles of Incorporation, or any rules and regulations of TLHM.
- c. Enclosed is defined as an area closed in by a roof and contiguous walls or windows, connected floor to ceiling with appropriate opening for ingress and egress.
- d. Member is defined as any person entitled to membership in TLHM.
- e. Multi-unit residential facility means a building or portion thereof that contains more than one dwelling unit.
- f. Private residence is defined as that portion of any Condominium which is not owned in common with other owners.
- g. Smoking is defined as inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, e-cigarette, pipe, cannabis, or other substances in any manner or in any form.
- h. Smoking products are defined as Tobacco and marijuana.

VII. Condition

Smoking is prohibited in the following areas:

- a. Enclosed areas of all public places, including lobbies, elevators, hallways and other areas used by members of the public.
- b. Elevators, hallways, recreation rooms, laundry rooms, stairs, and other common areas in multi-unit residential facilities.

- c. Unenclosed hallways, entryways, breezeways, stairways and other common areas accessible and useable by more than one residence.
- d. Balconies and patios in residential facilities. For the purpose of this policy, balconies and patios shall include unenclosed and screened patios and balconies as well as enclosed patios and balconies unless windows and doors are closed to prevent the escape of smoke.
- e. Carports and underground parking areas.
- f. In an enclosed vehicle.
- g. Any common area within 20 feet from any building so long as smoke does not enter any enclosed area in which smoking is prohibited.
- h. Private residence with open windows and/or doors.
- i. Smoking marijuana is only permitted inside a residence.

VIII. Enforcement

TLHM is authorized to take disciplinary action against a Member found to be in violation of the Non-Smoking Policy. When a violation occurs the Board is obligated to evaluate and impose if appropriate, member-discipline as set forth in the governing documents. The Board of Directors 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 rules, regulations, and policies are following by anyone they allow into the community. This includes any Co-occupant, lessee, guest, care provider, vendor, invitee or contactor.

Furthermore, the following guidelines define the responsibility for remediation costs associated with second-hand smoke infiltration:

- a. Remediation costs considered reasonable would be paid for by the Member responsible for the second-hand smoke.
- b. Remediation costs due to defects or damages to property which is TLHM responsibility would be paid for by TLHM.
- c. Remediation costs beyond those which would be construed as reasonable would be borne by the reporting party.

A complaint may be registered with the Compliance Department by calling 949-268-CALL or by calling the Security Department at 949-580-1400.

