

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

January 24, 2017

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, Annette Sabol-Soule and Susan Caine

Directors Absent: None

Staff Present: Open Session: Brad Hudson, Lori Moss, Leslie Cameron, and Francis Rangel
Executive Session: Brad Hudson, Lori Moss, Leslie Cameron, and Francis Rangel

Others Present: VMS Directors Marcy Sheinwold 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 Burt Baum 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 REPORT

President diLorenzo Dickins welcomed and stated that the Board was starting the year with ten out of the eleven Board Members. The Board election will be held on February, 14 and there are currently three applicants.

APPROVAL OF THE MINUTES

Director Parsons moved to approve the December 20, 2016, Regular Open Board meeting minutes. By a vote of 9-0-0 the motion carried.

CONSENT CALENDAR

Without objection, the Board approved the Consent Calendar as written, and the Board approved the following Resolutions and Recommendations:

Maintenance and Construction Common Area - Variance Request Resolutions:

RESOLUTION 03-17-01

Common Area - Variance Request

WHEREAS, Ms. Susan Kramer of 3393-A Punta Alta, 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 January 24, 2017 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 03-17-02

Filing of Separate Small Claims Court Case

WHEREAS, the Finance Committee recommends filing separate Small Claims Court cases of \$2,500 (or less) in an attempt to collect delinquent assessments by way of a judgment or stipulation against members/owners in Third Laguna Hills Mutual; and

NOW THEREFORE BE IT RESOLVED, January 24, 2017, that the Board of Directors hereby approves the filing of a separate Small Claims Court case for Member ID 934-500-45 and Member ID 932-121-08 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:

- | | |
|---------|--|
| 3363-3E | Approve request for tree removal at the Mutual's Expense (Item # 15 pages 1 and 2) |
| 3249-Q | Deny request for tree removal (Item #15 page 2) |
| 4014-3C | Deny request for tree removal (Item#15 page 2) |

UPDATE FROM VMS – DIRECTOR MARCY SHEINWOLD

Director Sheinwold provided an update on VMS pay scale that found that VMS is aligned with the surrounding area. The strategic plan was reviewed and VMS identified activities that will define priorities going forward. Focus is on staff safety, staff succession, and communication with the residents.

REPORT OF THE CEO – BRAD HUDSON

Mr. Brad Hudson, CEO/General Manager, Stated that he is two days away from his one year anniversary and appreciated all of the feedback and support he has received in the past year. The rain has exposed some leaks in just about every Clubhouse. The gate Pilot programs at gates 5 and 6 are going well. The clubhouse 5 Fitness Center is open and a reminder was given to everyone to bring your card for access. A Customer Service expert has been brought in for improvement and efficiency to implement a modern Customer Service Call Center. The TV6 town hall will be a good venue to discuss programming desired by residents. RIFD stickers go out this week. The Community Center Gym should be open the end of February.

MEMBER COMMENTS

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

- Katherine Baum (3276-A) commented on the crews out looking for damage from the storms and the damage due to drainage issues where the area had some flooding. Ms. Baum also reported that her neighbor was out all night sweeping mud away from the drains so the area didn't flood.

- Marvin Rawitch (5510-3B) commented on the landscaping vacuums as he has not seen them yet and that that keys to the roof padlocks should be with a building captain for immediate access in case of emergency.
- Chris Collins (3306-Q) of The Laguna Woods Foundation thanked the Board, the Social Services Department and the Clubs for their support of the Laguna Woods Foundation.
- Hio Rumschlag (2386-1H) spoke about mold damage on her wall and that it wasn't taken care of properly.
- Frank Givens (3279-N) Commented on a red stripe in front of his unit for the handicapped.
- Lynn Jarrett (4010-1b) commented on the appreciation for the new directory boxes.

DIRECTORS' RESPONSES TO MEMBER COMMENTS

The Directors briefly responded to Member Comments.

Staff will contact Ms. Rumschlag to address the issues of mold in her Unit.

UNFINISHED BUSINESS

Entertain Motion to Approve the Third Mutual Care Provider Policy and Forms – **Resolution (the 30 day notification requirement has been satisfied)**

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

RESOLUTION 03-17-03

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 made a motion to approve the Third Mutual Care Provider Policy and Forms. Director Parsons Seconded. Discussion Ensued. By a vote of 9-0-0 the motion carried.

Annette Watts () commented on the Third Mutual Care Provider Policy and Forms. Director Baum responded.

Ed McGill (902-C) Commented on the communications to the Residents of the Third Mutual Care Provider Policy and Forms.

Katherine Baum (3276-A) Commented on the Third Mutual Care Provider Policy and Forms.

President diLorenzo Dickins, Directors Baum and Carpenter, and Ms. Francis Rangel, Compliance Supervisor, responded to the Members' comments.

Entertain Motion to Change the Plug in Electrical Vehicle (PEV) to a Flat Fee of \$240 – **Resolution (the 30 day notification requirement has been satisfied)**

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 03-17-04

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 or leasing 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 the revisions to the Plug in Electrical Vehicle (PEV) to a Flat Fee of \$240. An amendment to the original motion was made by Director Moldow to change wording from, "**WHEREAS**, the State of California and the US Government offer significant financial incentives to buyers to encourage their purchase of PEVs" to.

“WHEREAS, the State of California and the US Government offer significant financial incentives to buyers to encourage their purchase **or leasing** of PEVs”.

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

Marty Lopata (2398-1B) commented on the PEV Vehicles Permitted to Utilize 120 Volt Outlets in the Common Areas in regards to golf carts, the extension cords, and charging box.

President Rosemarie diLorenzo Dickins commented that comments given will be considered when the golf carts policy is created.

Entertain Motion to Approve the Third Mutual Non-Smoking Policy – **Resolution (the 30 day notification requirement has been satisfied)**

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

RESOLUTION 03-17-05

WHEREAS, Laguna Woods Village is within the City of Laguna Woods and City Code Section Municipal sets forth Prohibition of smoking in public places; and

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 Parson moved to approve to add a first whereas for clarification that the City of Laguna Woods has a smoking policy to the Third Mutual Non-Smoking Policy. Director Baum seconded the motion. Staff will make the addition.

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

Entertain Motion to Approve Revisions to the Third Mutual Committee Appointments – **Resolution**

RESOLUTION 03-17-06

Mutual Committee Appointments

RESOLVED, January 24, 2017 that the following persons are hereby appointed to serve on the committees and services of this Corporation; and

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

Architectural Standards and Control Committee

Bert Moldow, Chair

~~Joe Camera~~

Burt Baum

John Frankel

Bill Walsh

Steve Parsons

Rosemarie diLorenzo Dickins, Alternate

Susan Caine, Alternate

Mike Butler, Advisor

Roger Morris, Advisor

Governance Committee

Rosemarie diLorenzo Dickins, Chair

James Tung

Burt Baum

Bert Moldow

Non-Voting Advisor: Kathleen Baum

Communications Committee

Burt Baum, Chair

~~Bert Moldow~~

Annette Sabol-Soule

Bill Walsh

Bunny Carpenter

Non-Voting Advisors: Carol St. Hillaire

Energy and Technology Committee

Bill Walsh, Chair

Bert Moldow, Co-Chair

~~Joe Camera~~

~~Burt Baum~~

Susan Caine

John Frankel

Non-Voting Advisors: Steven Leonard, Leon St. Hillaire

Executive Hearing Committee

Rosemarie diLorenzo Dickins, Chair
James Tung, Co-Chair
~~David Finley~~
Bunny Carpenter
John Frankel
Steve Parsons, Alternate
Susan Caine, Alternate

Finance (Committee of the Whole)

Steve Parsons, Chair
Rosemarie diLorenzo Dickins, Vice Chair
Non-Voting Advisors: Colin Johnston, John Hess, Wei-Ming Tao

Garden Villa Recreation Room Subcommittee

~~Joe Camera, Chair~~
Bert Moldow, ***Chair***
Bunny Carpenter
Rosemarie diLorenzo Dickins, Alternate
Voting Advisors: Lynn Jarrett, Sharon Molineri, Stuart Hack

Laguna Woods Village Traffic Hearings

John Frankel
Annette Sabol-Soule

Landscape

James Tung, Chair
Bunny Carpenter – Vice Chair
John Frankel
Annette Sabol-Soule
~~Bill Walsh, Alternate~~
Non-Voting Advisors: John Dudley, Bob Figeira

Maintenance and Construction (Committee of the Whole)

Bert Moldow, Chair
John Frankel, 2nd Vice Chair
~~Joe Camera, Vice Chair~~
~~David Finley~~
Bunny Carpenter
Bill Walsh
Rosemarie diLorenzo Dickins
Non-Voting Advisors: ~~Robert Sherinian~~ ***Jules Zalon***

Meet and Confer & Resident Problem Resolution

Rosemarie diLorenzo Dickins

James Tung
Burt Baum

New Resident Orientation

Per Rotation List

Water Conservation Committee

James Tung, Chair

~~Joe Camera~~

Annette Sabol-Soule

John Frankel

Non-Voting Advisor, Jules Zalon

RESOLVED FURTHER, that Resolution 03-16-115, adopted November 15, 2016 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 the purpose of this resolution.

Director Walsh made a motion to approve the Revisions to the Third Mutual Committee Appointments. Seconded by Director Parsons

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

Entertain Motion to Approve Revisions to the GRF Committee Appointments – **Resolution**

RESOLUTION 03-17-07

GRF Committee Appointments

RESOLVED, January 24, 2017, that in compliance with Article 7, Section 7.3 of the Golden Rain Foundation Bylaws, the following persons are hereby appointed to serve on the committees of the Golden Rain Foundation:

Business Planning Committee

Rosemarie diLorenzo Dickins

Steve Parsons

Community Activities Committee

Burt Baum

~~Joe Camera~~

Annette Sabol-Soule

Finance Committee

Steve Parsons

Rosemarie di Lorenzo Dickins
Annette Sabol-Soule, Alternate

Landscape Committee

James Tung
Bunny Carpenter
John Frankel, Alternate

Maintenance and Construction Committee

John Frankel
Bert Moldow
~~David Finley, Alternate~~
~~Joe Camera, Alternate~~
Bill Walsh, Alternate
Susan Caine, Alternate

Media and Communication Committee

Bunny Carpenter
Burt Baum
~~Bill Walsh, Alternate~~
Annette Sabol-Soule, Alternate

Mobility and Vehicles Committee

Steve Parsons
John Frankel
Bert Moldow, alternate

Security and Community Access Committee

Steve Parsons
James Tung
Susan Caine, Alternate

RESOLVED FURTHER, that Resolution 03-16-116, adopted November 15, 2016 is hereby superseded and canceled.

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

Director Baum made a motion to approve the Revisions to the GRF Committee Appointments. Seconded by Director Caine.

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

NEW BUSINESS

Entertain Motion to Approve Catherine Laster to Replace Kim Taylor as Authorized Agent to Sign on behalf of the Corporation; Lease Permits, Lease Extensions, and Lease Addendums

RESOLUTION 03-16-08

Appoint Pamela Bashline and Catherine Laster as Authorized Agents for the Purpose of Signing Specific Documents

WHEREAS, the Lease Permits, Extensions and Addendums are signed on a daily basis on behalf of the Corporation;

NOW THEREFORE BE IT RESOLVED, January 24, 2017 that the Board of Directors of this Corporation hereby authorizes Pamela Bashline and Catherine Laster as Authorized Agents to sign on behalf of the Corporation; Lease Permits, Lease Extensions and Lease Addendums, effective immediately; and

RESOLVED FURTHER, that resolution 03-16-83, approved August 16, 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 the purpose of this resolution.

Director Baum made a motion to Appoint Pamela Bashline and Catherine Laster as Authorized Agents for the Purpose of Signing Specific Documents. Seconded by Director Moldow

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

COMMITTEE REPORTS

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

RESOLUTION 03-17-XX

Revision to Deactivation of Cable Service at a Delinquent Member's Unit, when a Member becomes ~~7560~~-Days Delinquent

WHEREAS, Third Laguna Hills Mutual desires to strengthen delinquency collection procedures; and

WHEREAS, the Collection and Lien Enforcement Policy And Procedures For Assessment and Fine Delinquencies states “Failure to pay the assessments or failure to pay interest, a late fee, and/or the Administrative Collection Fee may also result in suspension of Membership in and the ability to use the facilities or services provided by the Golden Rain Foundation of Laguna Woods or by this Mutual”; and

WHEREAS, the GRF Board adopted Resolution 90-15-09 which authorizes GRF, at the request of the Mutual, to take disciplinary or suspension action against a Mutual Member which includes, but is not limited to, the suspension of the Mutual Member’s right to use the cable TV system; and

NOW THEREFORE BE IT RESOLVED, on **March 21, 2017** that the Board of Directors hereby approves deactivation of cable service at a delinquent member’s unit, when a Member becomes **7560**-days delinquent, currently or hereafter, except when a member’s payment plan is approved by the Board and remains current; and

RESOLVED FURTHER, that Resolution **03-15-100 adopted July 21, 2015** is hereby superseded and cancelled; and

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

Director Parsons made a motion that the resolution be restricted to non-payment of assessments and he (Director Parsons) would research the financial benefit of fees seconded by Moldow.

By a vote of 9-0-0 the motion passed unanimously.

January initial Notification

Should the Board endorse the proposed revisions, Staff recommends that a motion be made and seconded to accept the resolution allow discussion to ensure that the resolution reads to the satisfaction of the Board. Staff then recommends that a Board Member postpones the resolution to the next available Board Meeting no less than 30-days from the postponement to comply with Civil Code §4360.

Director James Tung reported from the Landscape Committee.

Director James Tung reported from the Water Committee.

Director Moldow reported from the Maintenance and Construction Committee.

Entertain Motion to Approve Instituting a Red Curb Reset per the Parking Assessment guidelines created by Bill Larson of Urban Crossroads

Director Moldow made a motion to approve instituting the recommendations of the Red Curb Reset per the Parking Assessment guidelines created by Bill Larson of Urban Crossroads. Seconded by Director Parsons.

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

Report of the Architectural Control and Standards Committee – Bert Moldow
Director Moldow gave a brief update.

Report of the Energy and Technology Committee – Bert Moldow
Director Moldow gave a brief update.

Report of Resident Problem Resolution Services – Burt Baum
Director Baum gave a brief update.

Report of the Laguna Woods Village Traffic Hearings – John Frankel
Director Frankel gave a brief update.

Report of the Communications Committee – Burt Baum
Director Baum gave a brief update.

Report of the Resident Policy and Compliance Task Force – Burt Baum
Director Baum gave a brief update.

GRF COMMITTEE HIGHLIGHTS

The Directors provided brief overviews of GRF Committee highlights. GRF Finance is now meeting every other month and the next meeting is February 28, for Blackrock.

DIRECTORS' COMMENTS

Director Frankel spoke about an e-mail on the Parking Task Force

ADDITIONAL MEMBER COMMENTS

The Board recessed at 12:31 PM and reconvened into Executive Session at 1:19 PM.

ADJOURNMENT

With no further business before the Board of Directors, the meeting was adjourned at 4:13 PM.

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

During the December 20, 2016, – Regular Executive Session Board Meeting, the Board approved the minutes of the November 15, 2016 – Regular Executive Session, November 11, 2016 – Special Executive Session, December 8, 2016 – Special Executive Hearing Committee Session; heard three (3) Disciplinary Hearings and imposed \$775 in Fines for Violations of the Mutual's Rules and Regulations; discussed other Member Disciplinary matters; discussed leasing matters; discussed Member Delinquency matters; discussed one (1) write-off; discussed Personnel matters; and discussed Litigation matters.

During the December 8, 2016, Special Executive Hearing Committee Board meeting the Board held thirteen (13) 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.

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? <input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>			

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.