

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

**November 17, 2009**

The Regular Meeting of the Third Laguna Hills Mutual Board of Directors, a California non-profit mutual benefit corporation, was held on Tuesday, November 17, 2009 at 9:30 A.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Carol Moore, John Paulus, Stanley Feldstein, Kathryn Freshley, Mary Robertson, Carol Skydell, Dominic Burrasca, Noel Hatch, Lucy Shimon, Mike Straziuso

Directors Absent: Don Lippert

Others Present: Milt Johns and Patty Kurzet

**CALL TO ORDER**

Director Carol Moore, President of the Corporation, chaired the meeting and stated that it was a regular meeting held pursuant to notice duly given and that a quorum was present. The meeting was called to order at 9:40 A.M.

A moment of silence was held to honor the US Troops serving our country and those placed in harm's way.

**PLEDGE OF ALLEGIANCE**

Director Noel Hatch led the Membership in the Pledge of Allegiance to the Flag.

**ACKNOWLEDGEMENT OF PRESS**

Ms. Clair Webb from the Laguna Woods Globe was present, and the Channel 6 Camera Crew, by way of remote cameras, were acknowledged as present.

**APPROVAL OF AGENDA**

Without objection, the Board approved the agenda as amended by substituting a revised resolution for Agenda Item 19(a) *Entertain Motion to Waive the \$10.00 Service Charge for Repair of Leaking Plumbing.*

**CHAIR'S REPORT—Carol Moore**

President Moore commented on the Board's goals to work together to improve the Community.

**APPROVAL OF THE MINUTES**

The Board reviewed the minutes of the Regular Meeting of October 20, 2009. Director Freshley moved to approve the minutes. Director Paulus seconded the motion and the motion carried unanimously.

**THIRD MUTUAL MEMBER COMMENTS**

- Shari Horne (2354-3C) updated the Board on the City's recycling pilot program
- Ken Ryberg (2312-B) commented on a recent burglary at his manor

- Richard Palmer (3031-O) reported on water conservation
- Lucie Falk (3377-A) commented on lighting near her manor and her landscaping request
- Bud Nesvig (2392-3H) commented on his disciplinary hearing for water heater damage
- Ken Harrison (2387-1E) commented on hard surface flooring nuisance
- Harry Williams (2259-A) commented on hard surface flooring nuisance
- Ralph Vanderlinde (4011-1C) commented on hard surface flooring acoustic noise
- Yingtao Gan-Vanderlinde (4011-1C) commented on loss of peace and enjoyment due to a neighbor's hard surface flooring
- Jerry Sheinblum (3488-C) announced the topic of the next CCA town hall meeting
- Toni Mandell (31-C) commented on hard surface flooring nuisance
- Karel Brouwer (3189-C) commented on closed session meetings

### **RESPONSES TO MEMBER COMMENTS**

- Director Feldstein addressed the comments on hard surface flooring nuisances
- President Moore encouraged residents with issues on hard surface flooring to attend the Maintenance and Construction Committee meeting
- Director Robertson commented on obtaining a legal opinion on hard surface flooring
- Director Paulus commented on the hard surface flooring complaints
- Director Freshley commented on finding solutions to hard surface flooring nuisances
- Directors Hatch, Skydell, Straziuso and Shimon encouraged residents to attend the Maintenance and Construction Committee meeting

### **GENERAL MANAGER'S REPORT**

Mr. Johns gave a Power Point presentation on the November 29, 2009 implementation of the Plan-A-Ride demand response bus program.

### **CONSENT CALENDAR**

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

#### Maintenance & Construction Committee Recommendations:

- |         |  |
|---------|--|
| 2359-C  | Denial of request to reverse water heater chargeable services charges and re-affirm Mutual's chargeable services policy              |
| 3013-C  | Approval of request to convert living room window to sliding glass door, with contingencies  |
| 4025-3G | Approve request for Mutual to install alteration handrail and curb at middle entry path to Building 4025 at the Member's expense     |
| 5504-C  | Denial of request to retain original bedroom sliding glass doors after retrofitting living room sliding glass door on same elevation |

#### Landscape Committee Recommendations

- |        |  |
|--------|--|
| 3111-D | Denial of appeal request for two (2) tree removals or off-schedule trimming                                  |
| 5430   | Denial of appeal request for plant replacements at Mutual's expense, but approval at Mutual Member's expense |

2360-C	Approval of request for tree topping at the Mutual's expense
2380-A	Approval of request for tree removal at the Mutual's expense
3013-C	Approval of request for tree removal at Mutual Member's expense (if alteration is approved)
3037-A	Denial of request for tree removal
3267-B	Denial of request for tree removal
3291-A	Approval of request for tree removal at the Mutual's expense
3332-A	Denial of request for tree removal
3332-A	Denial of request for tree plant replacements
3377-A	Approval of request for off-schedule trimming at the Mutual member's expense
5331-Q	Denial of request for tree removal
5379-C	Approval of request for plant replacements at the Mutual member's expense
5438	Denial of request for replacement of turf

Finance Committee Recommendations

**RESOLUTION 03-09-141**

**WHEREAS**, Member ID 931-590-25 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**, November 17, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-590-25; 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.

**RESOLUTION 03-09-142**

**WHEREAS**, Member ID 931-900-16 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**, November 17, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-900-16; 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.

**RESOLUTION 03-09-143**

**WHEREAS**, Member ID 932-200-90 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**, November 17, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 932-200-90; 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.

**RESOLUTION 03-09-144**

**WHEREAS**, Member ID 932-720-03 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**, November 17, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 932-720-03; 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.

**RESOLUTION 03-09-145**

**WHEREAS**, Member ID 933-611-96 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**, November 17, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 933-611-96; 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.

**FINANCE REPORT**

Director Kathryn Freshley gave the Treasurer's and the Finance Committee Reports, and commented on the Resale & Lease Activities.

Director John Paulus reported from the Maintenance and Construction Committee.

The Secretary of the Corporation, Director Skydell, read a proposed resolution authorizing a supplemental appropriation in the amount of \$2,970 to replace the grass and associated irrigation in front of Building 3362's dumpster storage. Director Skydell moved to approve the resolution. Director Feldstein seconded the motion and discussion ensued.

By a vote of 9-0-0, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 03-09-146**

**WHEREAS**, Ms. Loretta Sheppard-Hirst of 3362-A Monte Hermoso requested that the Mutual, at its expense, replace the grass in front of Building 3362's dumpster storage with pavement; and

**WHEREAS**, currently Ware Disposal is unable to roll the trash containers over the grass that is directly in front of the dumpster and Ms. Sheppard-Hirst must move her parked vehicle from her driveway to provide Ware Disposal access to the dumpster:

**NOW THEREFORE BE IT RESOLVED**, November 17, 2009, that the Board of Directors of this Corporation hereby authorizes a supplemental appropriation in the amount of \$2,970 to be funded from the Unappropriated

Expenditures Fund to replace the grass and associated irrigation in front of Building 3362's dumpster storage with concrete pavement; 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.

The Secretary of the Corporation read a proposed resolution authorizing a supplemental appropriation in the amount of \$32,700 to complete foundation repair work. Director Skydell moved to approve the resolution. Director Feldstein seconded the motion.

By a unanimous vote, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 03-09-147**

**WHEREAS**, by way of Resolution 03-08-94, Third Mutual has allocated funds to begin addressing apparent foundation damage identified in ten buildings; and

**WHEREAS**, upon return of the construction bids, an additional amount of \$32,700 was found to be necessary to complete the repairs at all of the 10 buildings;

**NOW THEREFORE BE IT RESOLVED**, November 17, 2009, that the Board of Directors hereby authorizes a supplemental appropriation in the amount of \$32,700 to be funded from the Disaster Fund to complete the foundation repair work in accordance with the plans and specifications dated 04.24.09 as prepared by Ficcadenti & Waggoner Consulting Structural Engineers, Inc. (Project No. A08-471) titled, "Laguna Woods Village, Third Laguna Hills Mutual - Foundation Repairs."; 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.

The Secretary of the Corporation read a proposed resolution authorizing an unbudgeted expenditure of \$4,500 to paint the surface of the roof to reduce the roof's reflectivity, at Building 2228. Director Skydell moved to approve the resolution. Director Hatch seconded the motion and discussion ensued.

Without objection, the Board agreed to add the following phrase at the end of the first paragraph "which complaint was verified by physical inspection by the Board of Directors."

By a unanimous vote, the motion carried and the Board of Directors adopted the following resolution as amended:

**RESOLUTION 03-09-148**

**WHEREAS**, in July 2009, a new white, Title 24 compliant, PVC cool roof was installed at Building 2228, however, as a result, neighboring residents complained about sunlight reflecting off the roof of Building 2228 into their manor during the day; **which complaint was verified by physical inspection by the Board of Directors;**

**NOW THEREFORE BE IT RESOLVED**, November 17, 2009, that the Board of Directors of this Corporation hereby authorizes an unbudgeted expenditure of \$4,500 to be funded from the Replacement Fund to paint the surface of the roof, to reduce the roof's reflectivity, at Building 2228 by applying a grey colored premium grade exterior acrylic paint to the white PVC cool roof membrane; and

**RESOLVED FURTHER**, that to reduce reflectivity, colored (tan or gray) PVC roof materials are to be used in place of the white, Title 24 compliant, PVC cool roof materials when it is adjudged by Staff, in the field, that a building directly overlooks another; 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 Paulus made a motion and the motion was seconded to table the following proposed resolution amending the "Care & Maintenance of Patios, Balconies, Breezeways & Walkways Policy and return it back to the Maintenance and Construction Committee for further review:

**RESOLUTION 03-10-**

**WHEREAS**, by way of Resolution M3-94-32, the Board of Directors of this Corporation adopted the "Landscape Maintenance Manual;" and

**WHEREAS**, the Third Laguna Hills Mutual Landscape Committee has recommended revising "Care & Maintenance of Patios, Balconies, Breezeways & Walkways", a section of said Manual:

**NOW THEREFORE BE IT RESOLVED**, January 19, 2010, that the Board of Directors of this Corporation hereby amends the "Care & Maintenance of Patios, Balconies, Breezeways & Walkways Policy," as attached to the official minutes of this meeting; and

**RESOLVED FURTHER**, that Resolution M3-94-32 adopted March 15, 1994 is hereby amended, and Resolution M3-02-06 adopted January 15, 2002 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 this resolution as written.

The Chair advised that the motion to table was the appropriate motion as the intent was to kill the resolution.

Member Barbara Marsh (3433-B) commented on the potential liability of hanging plants

By a vote of 8-1-0 (Director Straziuso opposed) and the motion carried.

Member Richard Palmer (3031-O) addressed Director Paulus on measuring water conservation.

Director Stanley Feldstein reported that the Board Operating Rules Ad Hoc Committee did not meet and commented on amending the Bylaws.

Director Mary Robertson reported from the Landscape Committee.

Director Carol Skydell reported from the Ad Hoc Information Access Committee.

Director John Paulus reported from Resident Problem Resolution Services.

Director Dominic Burrasca reported from the Traffic Committee.

#### **OLD BUSINESS**

No old business came before the Board.

#### **NEW BUSINESS**

The Secretary of the Corporation read a proposed resolution waiving the \$10.00 service charge associated with leak repairs for certain fixtures. Director Skydell moved to approve the resolution. Director Feldstein seconded the motion and discussion ensued.

Without objection, the Board agreed to substitute the words "approximate cost" with "approximate revenue loss."

Members Richard Palmer (3031-O) and Virginia Templeton (3243-1E) commented on the motion.

By a vote of 9-0-0, the motion carried and the Board of Directors adopted the following resolution as amended:

#### **RESOLUTION 03-09-149**

**WHEREAS**, by way of Resolution 03-09-95, the Board of Directors of this Corporation waived the \$10.00 service charge associated with leak repairs for

certain fixtures, at an approximate revenue loss of \$6,000 to the Mutual, for the period of August 26, 2009 through November 30, 2009; and

**WHEREAS**, the Board desires to extend the waiver;

**NOW THEREFORE BE IT RESOLVED**, November 17, 2009, that in order to foster water conservation in Third Mutual, the Board of Directors of this Corporation hereby authorizes staff on behalf of the Corporation, to waive the \$10.00 service charge associated with service orders for plumbing repairs/replacements that mitigate water supply loss, at an approximate revenue loss of \$14,000 to the Mutual, for a six month period effective December 1, 2009 through May 31, 2010; and

**RESOLVED FURTHER**, the waiver would be for the \$10 service charge only, and the Member shall be responsible for materials and labor as usual; and

**RESOLVED FURTHER**, that for repairs that would mitigate water loss, should the service technician be unable to make repairs due to the fixture being a non-standard component, then the \$10.00 service fee will still be waived, but the Member will be responsible for the technician's time; 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.

#### **GRF COMMITTEE REPORTS HIGHLIGHTS**

- Director Robertson reported from the Community Activities Committee regarding policies
- Director Shimon reported from the Bus Services Committee

#### **PUBLIC FORUM**

- Pat Feeney (2399-1E) commented on reporting unlicensed drivers to the DMV

#### **Director Comments**

- Director Feldstein commented on the recycling program
- Director Burrasca commented on investigating the installation of artificial turf
- Director Straziuso and Shimon commented on the need to abate hard surface flooring noise

The Board recessed at 12:20 P.M. and reconvened into Executive Session at 1:20 P.M.

#### **Summary of Previous Closed Session Meetings per Civil Code Section §1363.05**

During its October 20, 2009 Regular Executive Session, the Board reviewed and approved the minutes of the Regular Executive Session meeting of September 15, 2009, the minutes of the Special Executive Session meeting of September 17, 2009, the minutes of the Special Executive Session meeting of September 29, 2009, and the minutes of the Special Executive Session meeting of October 7, 2009; approved the recording of Notices of Default for

Member ID 932-600-80, Member ID 933-620-81; authorized delinquency write-offs for two units; heard two disciplinary hearings; and discussed contractual, litigation, and other disciplinary matters.

The Traffic Committee of the Board met in Executive Session on October 28, 2009 to discuss member disciplinary issues.

With no further business before the Board of Directors, the meeting was adjourned at 4:40 P.M.

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Carol Skydell, Secretary