

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

**April 20, 2010**

The Regular Meeting of the Third Laguna Hills Mutual Board of Directors, a California non-profit mutual benefit corporation, was held on Tuesday, April 20, 2010 at 9:30 A.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Carol Moore, John Paulus, Kathryn Freshley, Mary Robertson (via telephone), Carol Skydell, Dominic Burrasca, Lucy Shimon, Mike Straziuso, Don Lippert, Stanley Feldstein, Noel Hatch

Directors Absent: None

Others Present: Jerry Storage, Patty Kurzet  
Executive Session: Jerry Storage, Patty Kurzet, Cris Robinson, Sandy Meyer

**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 9:30 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 John Paulus led the Membership in the Pledge of Allegiance to the Flag.

President Moore acknowledged Mary Robinson as present by way of telephone.

**ACKNOWLEDGEMENT OF PRESS**

Ms. Claire Webb from the Laguna Woods Globe was not present at the time of acknowledgement, and the Channel 6 Camera Crew, by way of remote cameras, were acknowledged as present.

**APPROVAL OF AGENDA**

The Board postponed agenda item 12(a) *Entertain Motion to Ratify Officers by adding Jerry Storage as Vice President* to next month, removed agenda item 12(c) *Discussion re Committee Roles*; and added, although not in accordance with the Davis-Stirling Act, agenda item 11(a) *Entertain Motion to Appoint Denny Welch as Chair of the Nominating Committee*.

Director Straziuso made a motion to remove agenda item 12(d) *Entertain Motion to Establish an Executive Committee to Act as Liaison between Board and Legal Counsel*, and spoke to the reasons for his motion. Director Hatch seconded the motion and discussion ensued.

Directors Lippert and Feldstein commented on Staff's involvement with legal opinions and their providing a summary of such opinions, and expressed their sentiments with receiving a copy of the entire opinion versus receiving a summary filtered through Staff.

Director Hatch provided his interpretation of the resolution to establish the Executive Committee to act as liaison between Board and legal counsel.

The Board discussed the need for the Executive Committee to prevent other Directors from contacting the Board's attorneys directly.

Director Straziuso commented on the secretiveness of contacting counsel without using PCM's legal liaison.

Member Bud Nesvig (2392-3H) commented on the length of the discussion to remove this item from the agenda.

By a vote of 1-8-1 (Director Straziuso voted in favor and Director Robertson abstained), the motion to remove the resolution from the agenda failed.

By a vote of 8-1-1 (Director Straziuso opposed and Director Robertson abstained), the agenda was approved as amended.

#### **CHAIR'S REPORT—Carol Moore**

President Moore commented on moving forward with a positive outlook and working together with residents and other Directors; encouraged residents to attend the budget meetings; and invited residents to pick up an application and run for the upcoming board election in October.

#### **APPROVAL OF THE MINUTES**

Without objection, the Board reviewed, revised, and approved the minutes of the Regular Meeting of March 16, 2010.

Without objection, the Board reviewed and approved the minutes of the Special Meeting of March 29, 2010.

#### **CONSENT CALENDAR**

The Board approved the Consent Calendar, with Director Feldstein abstaining, and took the following actions:

##### Maintenance & Construction Committee Recommendations:

- |         |  |
|---------|--|
| 3000-B  | Approval of request to retain original master bedroom sliding glass door   |
| 3336-3D | Denial of request for reversal of charges billed for dry-down and damage restoration and reaffirm the Mutual damage restoration policy |
| 3390-A  | Approval of request to retain rear patio extension, slump stone block wall, wrought iron gate and tile, with contingencies             |

- 3509-B Approval of request to construct room addition and patio extension adjacent to garage, with contingencies
- 5462-A Approval of request to perform patio extension, construct patio enclosure, and perform window modifications, with contingencies
- 5522-B Approval of request to construct room addition adjacent to the kitchen, with contingencies

Landscape Committee Recommendations

- 5558-A Approval of request for tree removal at the Mutual's expense
- 5558-B Denial of request for tree removal

Finance Committee Recommendations

**RESOLUTION 03-10-46**

**WHEREAS**, Member ID 931-680-63 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**, April 20, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-680-63; 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 03-10-47**

**WHEREAS**, Member ID 931-720-66 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**, April 20, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-720-66; 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 03-10-48**

**WHEREAS**, Member ID 931-900-37 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**, April 20, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-900-37; 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 03-10-49**

**WHEREAS**, Member ID 933-611-82 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**, April 20, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 933-611-82; 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.

President Moore reminded the Board of the proper Board decorum.

**THIRD MUTUAL MEMBER COMMENTS**

- Corkie Eley (2401-2E) commented on GRF's decision to decline Ms. Heidi Cortese's offer to GRF to reuse the community name.

- Lucie Falk (3377-A) commented on PCM's use of credit cards and requested that PCM reimburse the residents, and commented on resolving issues by getting rid of PCM and the General Manager.
- Pat Feeney (2399-1E) commented on her emergency water leak.
- Bud Nesvig (2392-3H) commented on unresolved maintenance issues and long range planning.
- Kay Margason (510-C) commended the Board for being volunteers and protecting themselves by retaining legal counsel.
- Art Harris (3244-1G) commented on Director Robertson's attendance at the meeting by way of telephone.

Claire Webb of the Laguna Woods Globe entered the meeting at 10:31 A.M.

### **RESPONSES TO MEMBER COMMENTS**

- Director Freshley responded to Mr. Nesvig's comments on long range planning and explained that PCM carries out the directives from the Boards and that PCM should not be blamed for not carrying out the projects without Board approval.
- Director Lippert commented on giving direction to PCM and not getting feedback from staff.
- Director Feldstein commented on PCM performing work without Board direction and is hopeful that the new administration will follow Board direction.
- Director Hatch commented on the long range planning document he put together years ago and invited the United Board to join them in carrying out their plan, and to use the Board's 30-year plan to pay for such projects.
- Mr. Storage commented on the history of the long range planning report and responded to Ms. Feeney's water leak.
- President Moore commented on stabilizing the integrity of the Community and the need for reserves, and expressed her sentiments with the amenities the Community offers.
- Director Feldstein commented on financial requirements and the need to keep the costs down.

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

Mr. Storage commented on the success of Phases One and Two of the Plan-A-Ride bus program roll-out, and encouraged residents to attend the upcoming budget meetings to discuss Maintenance and Landscape service levels.

Member Bud Nesvig (2392-3H) addressed Mr. Storage on his Plan-A-Ride report.

### **OLD BUSINESS**

The Secretary of the Corporation read the proposed resolution postponed from last month approving the revised Traffic Rules and Regulations. Director Skydell moved to approve the resolution and Director Feldstein seconded the motion.

By a vote of 10-0-0, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION-03-10-50**

**WHEREAS**, by way of Resolution M3-02-32, and 03-07-60 the Board of Directors of this Corporation have adopted standards for traffic enforcement and parking enforcement, and in an effort to provide comprehensive traffic rules and regulations enforceable to the residents of Third Mutual, both standards have been consolidated to improve consistency within the community; and

**WHEREAS**, the Traffic Rules and Regulations are intended to adhere to and not contradict the California Vehicle Code and/or Davis-Stirling Act;

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, that the Board of Directors of this Corporation hereby adopts the Third Laguna Hills Mutual Traffic Rules and Regulations, as attached to the minutes of this meeting; and

**RESOLVED FURTHER**, that Resolutions 03-07-60 adopted June 19, 2007, 03-03-31 adopted April 15, 2003, and M3-02-32 adopted June 18, 2002 are 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.

The Secretary of the Corporation read the proposed resolution postponed from last month adopting standard procedures for scheduled implementation of the Mutual's fumigation process. Director Skydell moved to approve the resolution. The motion was seconded.

Without objection, the Board amended the resolution to include the word "shall" in the body of the resolution to specify Board direction to Staff.

By a vote of 10-0-0, the motion carried and the Board of Directors adopted the following resolution as amended:

**RESOLUTION 03-10-51**

**WHEREAS**, during the course of the Mutual's Pest Control for Termites Program, a limited number of residents have historically requested postponement or cancellation of the Mutual's use of fumigation as a method of whole structure termite treatment due to medical conditions; and

**WHEREAS**, in order to protect the structural integrity of a termite infested building, and based on advice from legal counsel, the fumigation process should not be delayed indefinitely and should be implemented within a specified and reasonable period of time;

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, the Board hereby adopts the following procedure with regard to the scheduling and implementation of the fumigation process as part of the Mutual's Pest Control for Termites Program:

1. Mutual **shall** provide members and tenants of buildings scheduled for treatment with four (4) weeks advance written notice specifying:
  - (a) Mutual's intent to perform fumigation in accordance with the Mutual's authorized standard practice.
  - (b) Each member or tenant has the option of arranging for accommodations, in addition to any accommodations which may be provided by the Mutual during the fumigation process, and taking any additional steps that they believe are necessary and appropriate at their own expense.
2. If the Mutual receives, at its mailing address, no less than two weeks prior to the scheduled fumigation, a written request from a member or tenant to delay fumigation, and if the written request is due to a documented medical reason, signed by a licensed physician, prohibiting the resident from vacating the unit:
  - (a) The Mutual **shall** allow for a one-time rescheduling of the fumigation on behalf of the requesting resident.
  - (b) Staff **shall** work with the resident and reschedule fumigation. Considerations affecting the rescheduling include the nature of the medical issue and the timing of request within the program year. Requests made late in a program year may preclude fumigation until the following program year.
  - (c) Staff will refer residents who request a second rescheduling of fumigation to the Board for action.
  - (d) Staff **shall** issue a letter to members and tenants of an affected building advising that the fumigation of the building has been postponed and will be rescheduled by the Mutual at the earliest date possible and that they will be advised of that date in accordance with the notification procedure.

**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 approving changes to the Nominating Committee appointments by appointing Denny Welch as the Chair. Director Skydell moved to approve the resolution. Director Shimon seconded the motion.

By a vote of 7-3-0 (Directors Lippert, Feldstein and Skydell opposed), the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 03-10-52**

**RESOLVED**, April 20, 2010, that the following persons are hereby appointed to serve on the Nominating Committee of this Corporation:

**Denise Welch, Chair**

Faye Pearl  
Wendy Burry  
Sarah Hunter  
Margaret Klein  
Jerry Sheinblum  
JoAnn Zelko

**RESOLVED**, that Resolution 03-10-40, adopted March 16, 2010 is hereby superseded and cancelled.

**NEW BUSINESS**

Director Skydell made a motion to disband the CC&R Review Ad Hoc Committee. Director Shimon seconded the motion and discussion ensued. By a vote of 7-1-2 (Director Straziuso opposed, and Directors Robertson and Lippert abstained), the motion carried.

The Secretary of the Corporation read a proposed resolution establishing an Executive Committee to act as a liaison between the Board and legal counsel. Director Skydell moved to approve the resolution. Director Freshley seconded the motion and discussion ensued.

Director Hatch amended the motion, which was seconded by Director Feldstein, to revise the last paragraph to read as follows:

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, that this Board authorizes the establishment of an Executive Committee comprised of the President and two additional officers of the Corporation to be appointed by the President and approved by the Board. The Executive Committee will act as liaison between the Board and legal counsel in all Board directed inquiries. The Committee shall make regular reports to the Board, including written opinions of counsel and the attendance of counsel at Board meetings when required as appropriate.

By a vote of 9-0-1 (Director Robertson abstained) the amendment carried.

Director Straziuso made a motion to postpone the resolution for thirty-days. The motion failed due to the lack of a second.

By a vote of 8-1-1 (Director Straziuso opposed and Director Robertson abstained), the motion carried and the Board of Directors adopted the following resolution as amended:

### **RESOLUTION 03-10-53**

**WHEREAS**, Third Laguna Hills Mutual By-Laws, Article 6 defines the POWERS of Directors; and

**WHEREAS**, 6.1.2 sets forth procedure for Delegation concluding with the words "all corporate powers shall be exercised under the direction and ultimate responsibility of the Board"; and

**WHEREAS**, communication with legal counsel is a Board directed responsibility; and

**WHEREAS**, it is inefficient to expect counsel to be available to consult with any one of the 11 Directors on the Board;

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, that this Board authorizes the establishment of an Executive Committee comprised of the President and two additional officers of the Corporation to be appointed by the President and approved by the Board. The Executive Committee will act as liaison between the Board and legal counsel in all Board directed inquiries. The Committee shall make regular reports to the Board, including written opinions of counsel and the attendance of counsel at Board meetings when required as appropriate.

### **FINANCE REPORT**

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

### **COMMITTEE REPORTS**

Director John Paulus reported from the Maintenance and Construction Committee.

The Secretary of the Corporation read a proposed resolution authorizing a supplemental appropriation in the amount of \$3,400 to pave over the grass in front of Building 5498's dumpster storage. Director Skydell moved to approve the resolution. Director Freshley seconded the motion and discussion ensued.

Director Feldstein left the meeting at 12:02 P.M.

By a vote of 9-0-0 (Director Feldstein was absent from the meeting), the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 03-10-54**

**WHEREAS**, Ms. Sonia Delafuente, lessee of 5498-C Paseo Del Lago East, requested that the Mutual, at its expense, replace the grass in front of Building 5498-C'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. Delafuente must move her parked vehicle from her driveway to provide Ware Disposal access to the dumpster:

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, that the Board of Directors of this Corporation hereby authorizes a supplemental appropriation in the amount of \$3,400 to be funded from the Unappropriated Expenditures Fund to replace the grass in front of Building 5498's dumpster storage with concrete pavement, and including any irrigation work necessary; 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 approving the reimbursement of \$1,828.41 to Ms. Weiss for moisture intrusion work performed at 3150-C. Director Skydell moved to approve the resolution. Director Hatch seconded the motion.

Director Feldstein returned to the meeting at 12:07 P.M.

By a vote of 7-0-3 (Directors Lippert, Robertson, and Freshley abstained), the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 03-10-55**

**WHEREAS**, Ms. Roselyn Weiss of 3150-C Alta Vista requested that the Mutual reimburse her \$3,658.82 for new flooring and other related expenses that resulted from an overflow of her guest bathroom toilet; and

**WHEREAS**, the account of events as stated by Ms. Weiss differs from the Mutual's record of events;

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, that the Board of Directors of this Corporation hereby approves reimbursement to Ms. Weiss \$1,828.41, which is one half of the cost of the repairs performed at 3150-C as the result of moisture intrusion damage in her manor; and

**RESOLVED FURTHER**, that the amount shall be funded from the Disaster Fund; 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 \$9,700 to construct additional drainage piping to mitigate water intrusion into the parking structure at Building 2381. Director Skydell moved to approve the resolution. Director Feldstein seconded the motion.

By a vote of 10-0-0, the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 03-10-56**

**WHEREAS**, Building 2381 has a history of experiencing water intrusion and pooling into the parking structure; and

**WHEREAS**, a consultant was contracted to assess the drainage issue of the parking structure and recommend possible improvements;

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, that the Board of Directors of this Corporation hereby authorizes a supplemental appropriation in the amount of \$9,700 to be funded from the Unappropriated Expenditures Fund to construct additional drainage piping to mitigate the water intrusion into the parking structure for Building 2381; and

**RESOLVED FURTHER**, that such additional drainage shall be constructed in two areas within the structure and shall include 1) a drain channel in the southwest corner along the south wall of the parking structure, near Via Mariposa, and 2) an area drain that would be located 45 feet north of the drain channel on the western perimeter wall, both from which drainage piping will be installed to the existing storm drain line outside of the parking structure; 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 the following proposed resolution establishing a policy for painting alterations during the Exterior Paint Program:

**RESOLUTION 03-10**

**WHEREAS**, the painting of manor alterations is the responsibility of the individual members; and

**WHEREAS**, the Mutual has historically painted some manor alterations on a case-by-case basis during execution of the Mutual's yearly Exterior Paint Program when it is cost effective and in the Mutual's best interest to paint them; and

**WHEREAS**, field Staff are faced with manor-by-manor decisions on what alterations to paint and what alterations not to paint, and some field decisions are challenged by individual manor members, which can result in costly resolution processing;

**NOW THEREFORE BE IT RESOLVED**, June 15, 2010, that the Board of Directors of this Corporation hereby establishes a policy that allows Staff on behalf of the Mutual, to effectively determine which alterations to paint or not paint during execution of the Exterior Paint Program by painting alterations that would not disrupt the paint program's work flow; and

**WHEREAS**, such policy would optimize work flow for the paint crew, provide a reliable standard for the Mutual's role in painting alterations, reduce the number of member disputes that would rise to Board level concerning what is or is not painted, and would maintain continuity of appearance of Mutual property through its uniform application; and

**WHEREAS**, the following alterations (not limited only to this list) shall not be painted by the Mutual as part of the Exterior Paint Program and would remain each member's responsibility to repair, maintain, and paint:

- Any vinyl feature
- Awning Covers
- Enclosures (vinyl or black anodized)
- Covered atriums
- Windows
- Sliding doors
- Custom entry doors
- Non-standard air conditioning units
- Wrought iron features differing from original-type construction
- Fences
- Any alteration that is too delicate to withstand preparation without damage
- Any alteration in disrepair

**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 Skydell moved to approve the resolution. Director Paulus seconded the motion and discussion ensued.

Members Pat Feeney (2399-1E), Isabel Muennichow (5285), and Bud Nesvig (2392-3H) commented on the resolution.

Director Freshley left the meeting at 12:29 P.M.

Director Skydell made a motion to postpone the resolution to the May meeting to conform to the thirty-day notification requirements. The motion was seconded and carried by a vote of 7-2-0 (Directors Lippert and Feldstein opposed, and Director Freshley was absent from the meeting).

The Secretary of the Corporation read a proposed resolution authorizing a supplemental appropriation in the amount of \$5,000 to purchase and install elevator wall protection signs in all 3-story buildings. Director Skydell moved to approve the resolution. Director Paulus seconded the motion.

Director Freshley returned to the meeting at 12:33 P.M.

By a vote of 9-1-0 (Director Lippert opposed), the motion carried and the Board of Directors adopted the following resolution:

#### **RESOLUTION 03-10-57**

**WHEREAS**, as a result of continued damage done to the elevator walls during resident moves when moving companies do not use elevator wall protection, residents have requested signs to be affixed to the wall of each elevator informing residents and other elevator users of the requirement for wall protection whenever moving large objects or furniture; and

**NOW THEREFORE BE IT RESOLVED**, April 20, 2010, that the Board of Directors of this Corporation hereby authorizes a supplemental appropriation in the amount of \$5,000 to be funded from the Unappropriated Expenditures Fund to purchase and install elevator wall protection signs in all 3-story buildings;

**RESOLVED FURTHER**, that the signs will direct everyone who will be using the elevator to transport large items or furniture that they are required to use elevator wall protection pads and to contact Property Services (or Security if after hours), for wall protection pads; 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.

No direction was given to Staff regarding drafting a report on elevator pads because none was needed.

Director Skydell stated that the Board Operating Rules Ad Hoc Committee is reviewing the Board's Bylaws and the election procedures.

Director Lucy Shimon reported from the Landscape Committee.

Director Carol Skydell did not report from the Ad Hoc Information Access Committee.

Director John Paulus reported from Resident Problem Resolution Services.

Director Dominic Burrasca reported from the Traffic Committee.

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

No reports were made.

#### **PUBLIC FORUM**

No comments were made.

#### **DIRECTOR COMMENTS**

- Director Straziuso complemented Director Robertson on her dedication to attend the meeting by way of phone on her vacation.
- Director Hatch commented on the lack of policy on lodging residents displaced during an emergency.

The Board recessed at 1:00 P.M. and reconvened into Executive Session at 1:39 P.M.

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

During its March 16, 2010 Regular Executive Session Board meeting, the Board reviewed and approved the Minutes of the Regular Executive Session meeting of February 16, 2010; heard two (2) disciplinary hearings; approved recording Notices of Default for Member ID 931-510-06 and Member ID 935-100-68; discussed the Rita Thompson v. Third Mutual litigation matter; discussed other member disciplinary matters; and discussed contractual and litigation matters in the absence of Staff.

The Traffic Committee of the Board did not meet in Executive Session on March 24, 2010 to discuss member disciplinary issues.

During its March 31, 2010 Special Executive Session Board meeting the Board discussed contractual and potential litigation matters regarding hard surface flooring matters.

With no further business before the Board of Directors, the meeting was adjourned at 5:45 P.M.

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Carol Skydell, Secretary

**Third Laguna Hills Mutual, Laguna Woods**  
**TRAFFIC RULES AND REGULATIONS**  
**April 2010**  
**Resolution 03-10-50**

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The following Traffic Rules and Regulations are strictly enforced and are applicable to all **PEDESTRIANS** and persons operating **MOTOR VEHICLES** or **BICYCLES** on any real property owned or governed by Third Laguna Hills Mutual.

1.0 DEFINITIONS

- 1.1 The term "MOTOR VEHICLE" as used herein is a vehicle that is self-propelled, other than a self-propelled wheelchair, invalid tricycle, or motorized quadricycle when operated by a person who, by reason of a physical disability, is otherwise unable to move about as a PEDESTRIAN.
- 1.2 The term "IN THIRD" as used herein means on any real property owned or managed by Third Laguna Hills Mutual.
- 1.3 The term "IN LAGUNA WOODS VILLAGE" as used herein means on any real property owned or managed by the Golden Rain Foundation of Laguna Woods or the Mutual Corporations.
- 1.4 The term "RESIDENT" as used herein means any member or legal occupant living in the Laguna Woods Village Community.
- 1.5 The term "MANOR" as used herein means any condominium IN THIRD as defined in the Covenants, Conditions and Restrictions.
- 1.6 The term "EMPLOYEE" means a person who is employed by the Managing Agent either on a full-time or part-time basis.
- 1.7 The term "GOLF CART" means a MOTOR VEHICLE having not less than three wheels in contact with the ground, having an unladed weight of less than 1300 pounds, which is designed to be and is operated at no more than 15 mph and designed to carry golf equipment and passengers.
- 1.8 The term "GOLF CAR" means a vehicle having not less than three wheels in contact with the ground, having an unladed weight of less than 3000 pounds, which is designed to be and is operated at no more than 25 mph and designed to carry golf equipment and passengers. GOLF CARS may be driven on public or private streets with a maximum speed limit of 35 mph per hour. GOLF CARS are not allowed on the 27-hole golf course, and will be considered MOTOR VEHICLES herein.
- 1.9 The term PEDESTRIAN means any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

PEDESTRIAN also includes any person operating a self-propelled wheelchair, invalid tricycle, electric personal assistive mobility device, or motorized quadricycle, and by reason of physical disability, is otherwise unable to move about as a PEDESTRIAN.

- 1.10 The term BICYCLE means a device, upon which any person can ride, propelled exclusively by human power through a belt, chain, or gears and having one or more wheels.
- 1.11 The term "ASSIGNED PARKING" means any parking area that is owned or managed by Third Laguna Hills Mutual that is appurtenant to a particular MANOR and is used exclusively by a RESIDENT, such as a carport, parking garage space, or driveway.
- 1.12 The term "UNASSIGNED PARKING" means any parking area that is owned or managed by Third Laguna Hills Mutual and is not appurtenant to a particular MANOR and is not used exclusively by any RESIDENT and is not designated as guest parking.
- 1.13 The term "GUEST PARKING" means any parking area that is clearly marked as such and which is reserved for visitors to the area.
- 1.14 The term "INOPERABLE VEHICLE" means any vehicle that lacks current/valid regular on-street/highway DMV license or registration; lacks an engine, transmission, wheels, tires, doors, windshield, or equipment necessary to operate safely on the streets; and any vehicle that creates a nuisance as determined by the Third Laguna Hills Mutual Board of Directors.
- 1.15 The term "ABANDONED VEHICLE" means any vehicle that is deserted, neglected or inoperable, positioned in an unassigned or assigned parking space or curbside that has not been moved within a twenty-one day period, unless previously receiving authorization from the Security Division for extended parking exceeding the twenty-one day period.

## 2.0 APPLICABILITY OF REGULATIONS

- 2.1 Except as otherwise stated herein, Division 11, Rules of the Road and Division 12, Equipment of Vehicles of the most current California Vehicle Code and all amendments or revisions thereto apply IN LAGUNA WOODS VILLAGE to all PEDESTRIANS and persons operating MOTOR VEHICLES or BICYCLES.
- 2.2 The exception to Section 2.1 is no driver's license or vehicle registration is required to operate a GOLF CART IN LAGUNA WOODS VILLAGE.

## 3.0 LICENSING / REGISTRATION REQUIREMENTS

- 3.1 All resident-owned MOTOR VEHICLES must be registered with the Golden Rain Foundation.
- 3.2 Any applicant for a business pass, caregiver pass, temporary pass or publication (or other type of distribution) pass who intends to operate a MOTOR VEHICLE IN LAGUNA WOODS VILLAGE shall be required to present a valid Drivers License prior to issuance of the pass.
- 3.3 Any person operating a MOTOR VEHICLE IN LAGUNA WOODS VILLAGE shall be required to have a valid driver's license in their possession when operating said MOTOR VEHICLE and is further required to present such license to any member of the Security Division upon request.
- 3.4 Any MOTOR VEHICLE, with the exception of a golf cart, operated IN LAGUNA WOODS VILLAGE shall be required to display current on-street/highway registration on the license plate.
- 3.5 Issuance by the Community Access Department personnel of a RESIDENT decal will be contingent upon presentation of the following:
  - 3.5.1 Current vehicle registration listing the Laguna Woods Village RESIDENT as the registered owner. If the Laguna Woods Village RESIDENT is not listed as the owner, a letter from the RESIDENT stating that the vehicle is for the exclusive use of the RESIDENT must accompany the registration.
  - 3.5.2 Current RESIDENT identification card.
- 4.0 AREAS OF AUTHORIZED USE FOR MOTOR VEHICLES
  - 4.1 Except as provided in Sections 8.2, 8.3, 8.4, 9.2 and 9.4, no MOTOR VEHICLE or BICYCLE shall be operated IN LAGUNA WOODS VILLAGE except on streets, cul-de-sacs, driveways, and designated parking areas designed for such use.
- 5.0 SPEED LIMITS
  - 5.1 The maximum speed limit on all Laguna Woods Village streets is 25 miles per hour (MPH), unless otherwise posted.
  - 5.2 The speed limit in all Laguna Woods Village cul-de-sacs and parking areas is 15 MPH, unless otherwise posted.
- 6.0 USE OF HEADLIGHTS
  - 6.1 All MOTOR VEHICLES approaching and/or entering any Laguna Woods Village gate shall utilize low beam headlamps.

## 7.0 PARKING

- 7.1 RESIDENT-OWNED MOTOR VEHICLES may only be parked, for a seven (7) day period without being moved, in clearly marked spaces designated for such purpose or against a curb or sidewalk designated as a limited parking area as outlined in Section 7.2; and must be registered with the Golden Rain Foundation. At no time may a MOTOR VEHICLE be parked with any portion of the MOTOR VEHICLE on a sidewalk.
- 7.2 For the purpose of identifying parking limitations, the following curb markings shall be applicable:
- |             |   |
|-------------|---|
| Red Curb:   | No Parking  |
| Green Curb: | Not to exceed 10 minutes or as posted<br>(Unlimited parking in Green Zone with Handicapped Placard) |
| White Curb: | Loading and unloading only  |
| Yellow:     | Commercial loading and unloading only   |
| Unpainted:  | Parking permitted unless posted   |
- 7.3 The following MOTOR VEHICLES are permitted to be parked IN THIRD: Standard passenger vehicles including automobiles, vans designed to accommodate ten (10) or fewer people, golf carts, golf cars, motorcycles (street licensed), off-road vehicles (street licensed) and pick-up trucks having a manufacturer's rating or payload capacity of one ton or less. Vehicle dimensions cannot exceed the boundaries/footprint of the parking space in which the vehicle is parked. No vehicle overall length in excess of 22 feet is allowed.
- 7.4 The following motor/recreational vehicles or trailers are prohibited from parking IN THIRD: Vans designed to accommodate more than ten (10) people, boats, jet skis, off-road motorcycles (not street licensed), off-road vehicles (not street licensed), any vehicle that exceeds the boundaries/footprint of the parking space in which the vehicle is parked, vehicles in excess of 22 feet overall length, INOPERABLE VEHICLES or vehicle parts, MOTOR VEHICLES displaying advertising, MOTOR VEHICLES used primarily for the storage of personal property, and/or aircraft.
- 7.5 The following commercial-type motor vehicles are prohibited from parking IN THIRD: Vehicles designed to accommodate more than ten (10) people, vehicles displaying advertising of any kind, vehicles having more than two (2) axles, vehicles of a type used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property (e.g. stake bed trucks, tank trucks, dump trucks, step vans, concrete trucks, limousines, taxi cabs).

- 7.6 No camper, motor home or trailer of any sort, as defined in the California Vehicle Code shall be parked IN LAGUNA WOODS VILLAGE except for the purpose of loading or unloading and not for a continuous period greater than six (6) hours. Parking for longer periods of time shall be confined to designated Recreational Vehicle Storage Areas.
  - 7.7 Exceptions to Section 7.6 may be granted by the Laguna Woods Village Security Division Watch Commander, Security Manager, or Security Director on a case-by-case basis. If either of these Security staff approves a vehicle for overnight parking, the vehicle must be removed by 12:00 noon the following day.
  - 7.8 INOPERABLE VEHICLES may not be parked or stored IN THIRD.
- 8.0 GOLF CARTS
- 8.1 GOLF CARTS shall follow all the provisions of the California Vehicle Code and the regulations listed in the Golden Rain Foundation of Laguna Woods Traffic Rules and Regulations. A vehicle decal is required since this is the only method of identifying a GOLF CART.
  - 8.2 Driving a GOLF CART on a sidewalk shall be permissible only from the point of origin to the nearest driveway or place of exit to the street.
  - 8.3 While driving a GOLF CART on a walkway or sidewalk, the driver of the GOLF CART shall yield the right-of-way to all PEDESTRIANS and shall not, under any circumstances, travel at a speed greater than is reasonable and prudent, having due regard for the safety of all PEDESTRIANS on the sidewalk.
  - 8.4 MOTOR VEHICLES, when utilized by the managing agent for the purpose of providing maintenance services to Laguna Woods Village Corporations, shall be permitted to travel on sidewalks, lawns, and walkways as necessary to efficiently provide such maintenance services. MOTOR VEHICLES shall not be operated at such a speed as to pose a hazard to PEDESTRIANS and, unless unavoidable, due to emergency maintenance, said MOTOR VEHICLES shall not be parked so as to block any normal PEDESTRIAN right-of-way, i.e., sidewalk, walkway, or carport.
  - 8.5 Any non-resident driving a GOLF CART must be age 16 years or older and be accompanied by a RESIDENT.
- 9.0 BICYCLES (NON-MOTORIZED)
- 9.1 All provisions of the California Vehicle Code pertaining to operation of a BICYCLE shall apply within the confines of Laguna Woods Village, Laguna Woods.

- 9.2 Riding a BICYCLE on the sidewalk is permitted only from the point of origin to the nearest driveway or place of exit to the street. BICYCLES may be used on sidewalks to deliver newspapers. They are not permitted on lawns.
- 9.3 BICYCLES may not be ridden within the confines of Clubhouses or manors. BICYCLES must be walked in internal corridors, sidewalks, and breezeways.
- 9.4 While riding a BICYCLE on a sidewalk, the rider shall yield the right-of-way to all PEDESTRIANS and shall not, under any circumstances, travel at a speed greater than is reasonable and prudent, having due regard for the safety of all PEDESTRIANS on the sidewalk.

#### 10.0 PEDESTRIANS IN ROADWAYS

- 10.1 Every PEDESTRIAN upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

#### 11.0 REPORTING OF ACCIDENTS

- 11.1 The driver of any MOTOR VEHICLE or BICYCLE involved in any accident that causes death or injury to any person shall immediately stop and notify the Orange County Sheriff's Department and the Laguna Woods Village Security Division of their identity and the particulars of the accident.
- 11.2 The driver of any MOTOR VEHICLE or BICYCLE involved in any accident resulting in damage to property, (including but not limited to damage to another MOTOR VEHICLE), shall identify themselves to the owner or individual in control of said property, if present, and they shall notify the Laguna Woods Village Security Division of their identity and the particulars of the accident.

#### 12.0 PARKING USE RULES AND RESTRICTIONS

- 12.1 All MOTOR VEHICLES must be of dimensions that fit within a parking space, and shall not interfere with other vehicles.
- 12.2 MOTOR VEHICLES may not be rebuilt, and major service may not be performed nor may fluids be changed IN THIRD.
- 12.3 ASSIGNED PARKING spaces may not be rented to NON-RESIDENTS or to RESIDENTS intending to park MOTOR VEHICLES that are not registered with the Golden Rain Foundation.
- 12.4 RESIDENTS and/or their temporary guests must first utilize their ASSIGNED PARKING space before utilizing any UNASSIGNED PARKING space.

- 12.5 All parking spaces which have been designated "guest parking" spaces may not be used by a RESIDENT without the prior written consent of the Board.
- 12.6 MOTOR VEHICLES may not be stored or parked in an UNASSIGNED PARKING or GUEST PARKING area IN THIRD without having been moved within a seven (7) day period.
  - 12.6.1 Should a RESIDENT leave a MOTOR VEHICLE parked for a period longer than seven (7) days due to a planned extended leave, the RESIDENT should notify the Security Division accordingly, including the date of return and the date the vehicle will be moved, in order to prevent the potential towing of the vehicle.
- 12.7 The storage of abandoned and inoperable MOTOR VEHICLES in ASSIGNED PARKING is prohibited. An abandoned and inoperable vehicle stored in ASSIGNED PARKING that has not been moved within a seven-day (7) period is subject to disciplinary action which may include towing of the vehicle.
- 12.8 ASSIGNED PARKING IN THIRD shall not be used by any EMPLOYEE of the Managing Agent for any purpose other than cleaning and maintenance.

### 13.0 ENFORCEMENT

- 13.1 Enforcement of these Traffic Rules and Regulations shall be the responsibility of the Laguna Woods Village Security Division unless otherwise designated by law. Security Officers shall issue Notices of Violation for non-compliance with these Traffic Rules and Regulations. The Board of Directors of the Corporation shall establish disciplinary penalties for violations of these regulations. Disciplinary penalties may be greater for repeated violations within a three-year period.
- 13.2 RESIDENTS AND NON-RESIDENTS – MOVING AND PARKING VIOLATIONS
  - 13.2.1 Following a Notice of Violation for a moving or parking violation, a RESIDENT or NON-RESIDENT shall be sent a letter notifying him/her of the hearing date. This letter shall be sent at least fifteen (15) days prior to the hearing date. If the RESIDENT or NON-RESIDENT chooses to attend the hearing, he/she shall notify the Security Division at least five (5) business days prior to the date of the hearing.

Handicapped parking violations shall be dismissed with presentation to the Security Division of a handicapped placard

and handicapped placard registration paperwork that verifies the issuance of the handicapped placard to the resident or non-resident that was valid at the time of the violation.

#### 13.2.2 TRAFFIC HEARINGS

13.2.3.1 Traffic hearings for residents and non-resident owners for any traffic violations will be held by the Traffic Hearing Committee of the Mutual in which the alleged violator resides or is a member.

13.2.3.2 Traffic hearings for non-residents for any traffic violations will be held by the Traffic Hearing Committee of the Mutual in which the alleged violation occurred.

13.2.3.3 At the hearing, the Traffic Hearing Committee shall hear testimony from those RESIDENTS and NON-RESIDENTS who choose to attend and from the Security Officers issuing the Notices of Violation. If the Security Officer cannot be present, the Traffic Hearing Committee may reschedule the hearing for that violation or dismiss the violation. After each hearing the Traffic Hearing Committee shall render a decision. For those RESIDENTS and NON-RESIDENTS who choose not to attend the hearing, the Traffic Hearing Committee shall make its decision based on the Notice of Violation.

13.2.3.4 Within ten (10) days following the hearing a letter shall be sent to all violators stating the decision of the Traffic Hearing Committee. If the Traffic Hearing Committee finds the RESIDENT or NON-RESIDENT is guilty of the violation, the letter shall inform him/her of the penalty and give him/her the choice of paying the fine or attending Traffic School. Traffic School is available once during any three-year period.

13.2.3.5 Reports of the proceedings shall be taken at all Traffic Hearing Committee hearings.

#### 13.2.4 TRAFFIC SCHOOL

13.2.4.1 Laguna Woods Village Traffic School shall be a two-hour class covering traffic safety and designed for Laguna Woods Village drivers.

13.2.4.2 The Laguna Woods Village Security Division will provide instructors to teach the Laguna Woods Village Traffic School in Laguna Woods Village.

13.2.4.3 The class size shall be limited to a minimum of five (5) and a maximum of twenty-five (25) persons who shall each pay, prior to attending the class, an administration fee of \$20.00.

### 13.3 EMPLOYEES - ALL VIOLATIONS

13.3.1 A copy of any Notice of Violation issued to an EMPLOYEE of the managing agent shall be forwarded to his/her Division Director and Human Resources.

13.3.2 Penalties for traffic violations shall be determined by Human Resources Policies and Procedures, and by the Division Director.

### 13.4 OTHER NON-RESIDENTS – VIOLATIONS

13.4.1 Violations by newspaper carriers shall be dealt with at the discretion of the Security Director and the General Manager, and shall be subject to review by legal counsel.

### 13.5 MONETARY PENALTIES

13.5.1 All monetary penalties shall be in accordance with the latest monetary penalty schedule approved by the Board of Directors of the Corporation and distributed annually to all members in compliance with Davis-Stirling.

13.5.2 Payments of traffic penalties shall be mailed or presented to the Laguna Woods Village Security Division. Checks shall be made payable to the Golden Rain Foundation.

### 14.0 TOWING POLICY

14.1 The Security Division has been authorized by the Third Laguna Hills Mutual Board of Directors to enforce these traffic rules, in compliance with the California Vehicle Code § 22658, which may result in the towing of a vehicle at the vehicle owner's expense.

14.1.1 The Community has complied with the provisions of California Vehicle Code Section 22658 as to proper signage indicating that unauthorized vehicles may be towed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a general

towing authorization agreement with Third as the owner of the property.

- 14.2 The Security Division is authorized to tow NON-RESIDENT abandoned, stored and/or inoperable MOTOR VEHICLES in UNASSIGNED PARKING after requesting compliance to remove the vehicle, and no compliance is made within 15 days of written notification.

14.2.1 This 15 days of written notification is substantially more than the 96 hours that must, by statute, have elapsed since issuance of a notice of parking violation before towing may legally occur.

- 14.3 The Security Division may be authorized to tow RESIDENT abandoned and inoperable MOTOR VEHICLES on a case-by-case basis under the direction of the Third Laguna Hills Mutual Board of Directors. If removal of the abandoned and inoperable vehicle has been requested and not been done within 15 days, the RESIDENT will be subject to disciplinary action by the Third Laguna Hills Mutual Board of Directors. If the Board determines that the RESIDENT is guilty of a parking violation, it may authorize the Security Division to tow the vehicle.

14.3.1 MOTOR VEHICLES parked in a No Parking zone, vehicles parked in handicapped spaces without a proper placard, vehicles parked in front of fire hydrants, and vehicles blocking entrances and exits may be towed immediately at the registered owner's expense.