

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

**November 16, 2010**

The Regular Meeting of the Third Laguna Hills Mutual Board of Directors, a California non-profit mutual benefit corporation, was held on Tuesday, November 16, 2010 at 9:30 A.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Carol Moore, John Paulus, Kathryn Freshley, Carol Skydell, Lucy Shimon, Dominic Burrasca, Dick Palmer, Denny Welch, Isabel Muennichow, Rae Tso, Sy Wellikson

Directors Absent: None

Others Present: Jerry Storage, Patty Kurzet  
Executive Session: Jerry Storage, Patty Kurzet, Luis Rosas

**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**

Representatives of the American Legion Post 257 led the Membership in the Pledge of Allegiance to the Flag.

**ACKNOWLEDGEMENT OF PRESS**

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

**APPROVAL OF AGENDA**

Without objection the Board approved the agenda as amended by removing *5(a) El Toro Water District Sewer report*.

**CHAIR'S REPORT—Carol Moore**

President Moore thanked the American Legion Post 257 for leading the Pledge of Allegiance to the Flag and thanked all special volunteers for their services in the Community.

**APPROVAL OF THE MINUTES**

Director Freshley made a motion to approve the minutes of the Organizational Meeting of October 18, 2010. Director Shimon seconded the motion and the motion carried by a vote of 10-0-0.

Director Freshley made a motion to approve the minutes of the Regular Meeting of October 19, 2010. Director Shimon seconded the motion and the motion carried by a vote of 10-0-0.

## **CONSENT CALENDAR**

Without objection, the Board approved the Consent Calendar as amended by removing the Landscape Committee Recommendations *5212/5191 Approval of modified version of request for off-schedule trimming at the Mutual's expense* since the issues have been resolved, and the Board took the following actions as amended:

### Maintenance & Construction Committee Recommendations:

- 2324-A Approval of request to extend patio slab and install enclosure
- 2335-A Approval of request for Mutual to exclude common area interior walls of patio from being painted during the Mutual's 2010 Exterior Paint Program, with contingencies
- 2346-C Approval of request for Mutual to exclude painting the interior facing side of two walls of patio where a decorative mural exists during the Mutual's 2010 Exterior Paint Program, with contingencies
- 3033-N Approval of request to retain living room window to sliding glass door conversion and entry door sidelight, with contingencies
- 3486-1B Approval of request to retain a painted mural on exterior wall in entry area, with contingencies
- 3486-1C Approval of request to retain a painted mural on exterior wall in entry area, with contingencies
- 4002-2D Approval of request to replace existing dining room sliding glass door with larger sliding glass door, with contingencies
- 5393-B Approval of request to enclose entry portico, living room extension, bedroom one extension, bedroom two extension, extend kitchen into garage and remove fireplace, with contingencies
- 5544-A Approval of request to retain retrofit sliding glass doors with almond colored frames, with contingencies

### Landscape Committee Recommendations

- 3528-C Uphold previous decision and deny request for tree removal
- 3250-A Denial of request for tree removals and approve option of off-schedule trimming at the Mutual Member's expense
- 5131 Denial of request for plant replacements and approve option to add plants which will include some removal of the ivy ground cover at the Mutual member's expense
- 5393-A Approval of request for tree removal including a replacement tree at the Mutual member's expense contingent upon the Maintenance & Construction Committee's approval of a room addition

### Finance Committee Recommendations

**RESOLUTION 03-10-164**

**WHEREAS**, Member ID 931-481-06 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 16, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-481-06; 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 03-10-165**

**WHEREAS**, Member ID 931-511-29 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 16, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-511-29; 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 03-10-166**

**WHEREAS**, Member ID 931-530-29 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 16, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-530-29; 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 03-10-167**

**WHEREAS**, Member ID 931-631-53 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 16, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 931-631-53; 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 03-10-168**

**WHEREAS**, Member ID 933-190-43 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 16, 2010, that the Board of Directors hereby approves the recording of a Lien for Member ID 933-190-43; 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.

**GENERAL MANAGER'S REPORT**

Mr. Storage reported on the ongoing projects in the Community that impact Third residents; updated the Board on the Plan-A-Ride Program and the projected savings to the community;

reminded residents to sign up for the Laguna Woods Village newsletter on the website to receive by way of email information which promotes more communication with the residents; and announced that staff and certain Board Members attended a Community Association Institute (CAI) legal forum.

President Moore described the Board decorum for Member Comments.

### **THIRD MUTUAL MEMBER COMMENTS and PUBLIC FORUM**

- Corkey Eley (2401-2E) commented on not receiving a copy of the Mutual's operating budget and a members' right to vote on the construction of the new Golf Building.
- Bud Nesvig (2393-3H) commented on the cost of the new Golf Building project.
- Mike Straziuso (4006-2E) commented negatively on a Directors' Corner article placed in the Globe announcing a Third Mutual victory over PCM in their lawsuit; commented on the rising legal costs; and encouraged the Board to withdraw the lawsuit.

### **DIRECTORS' RESPONSES TO MEMBER COMMENTS**

- President Moore responded to Mr. Straziuso's comments made about the lawsuit and its victory over PCM regarding the most recent filing.
- Director Freshley responded to Ms. Eley's and Mr. Nesvig's comments about the golf building project.
- Director Palmer questioned the ADA requirements for the new golf building.

### **OLD BUSINESS**

No old business came before the Board.

### **NEW BUSINESS**

The Secretary of the Corporation, Director Carol Skydell, read a proposed resolution approving the Mutual Committee appointments. Director Skydell moved to approve the resolution. Director Freshley seconded the motion and discussion ensued.

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

### **RESOLUTION 03-10-169**

**RESOLVED**, November 16, 2010, 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:

#### **Board Operating Rules Ad Hoc Committee (Committee of the Whole)**

Carol Skydell, Chair

Sy Wellikson, Vice Chair

*Non-Voting Advisors, Pat Feeney, Stanley Feldstein*

**Community Revitalization (Committee of the Whole)**

Lucy Shimon, Chair

Carol Moore

*Non-Voting Advisors: Debra Green, Bea McArthur*

**Exterior Paint Colors Ad Hoc Committee**

Isabel Muennichow, Chair

*Non-Voting Advisors: Ann Souza, Nina Brice, Debra Green*

**Finance (Committee of the Whole)**

Kathryn Freshley, Chair

Rae Tso, Vice Chair

*Non-Voting Advisors: Jim Hart, Rosemarie diLorenzo Dickins, Margaret Klein*

**Garden Villa Recreation Room Ad Hoc Committee**

John Paulus, Chair

Denny Welch, Vice Chair

*Non-Voting Advisors: Harry Curtis, Shari Horne, Jeanne Barnett*

**Information Access Ad Hoc Committee (Committee of the Whole)**

Denny Welch, Chair

Carol Skydell, Vice Chair

*Non-Voting Advisors: Pat Feeney, Mary Robertson*

**Laguna Canyon Foundation Representative**

Sy Wellikson

**Landscape (Committee of the Whole)**

Lucy Shimon, Chair

Isabel Muennichow, Vice Chair

*Non-Voting Advisors: Gerald Figliuzzi, John Dudley, Shari Horne, Mike Matzenbacher*

**Long Range Planning (Committee of the Whole)**

Isabel Muennichow, Chair

Denny Welch, Vice Chair

**Joint Long Range Planning**

Isabel Muennichow, Chair

Denny Welch, Vice Chair

**Maintenance and Construction (Committee of the Whole)**

John Paulus, Chair

Sy Wellikson, Vice Chair

*Non-Voting Advisor: Art Harris, Rosemarie DiLorenzo Dickins, Margaret Klein*

**Management Agreement Ad Hoc Committee (Committee of the Whole)**

**New Resident Orientation**

Per Rotation List

**Plumbing Ad Hoc Committee (Committee of the Whole)**

Sy Wellikson, Chair  
John Paulus, Vice Chair

**Problem Solutions Ad Hoc Committee (Committee of the Whole)**

John Paulus, Chair  
Sy Wellikson, Vice Chair

**Resident Problem Resolution Services**

John Paulus, Chair  
Dominic Burrasca, Vice-Chair

**Smoking Complaint Ad Hoc Committee (Committee of the Whole)**

Denny Welch, Chair  
Isabel Muennichow, Vice Chair

**Standards Sub-Committee (Committee of the Whole)**

Denny Welch, Chair  
John Paulus, Vice Chair

**Select Audit**

Kathryn Freshley  
Rae Tso

**Traffic**

Dominic Burrasca, Chair  
Rae Tso, Vice-Chair  
3<sup>rd</sup> Person Per Rotation List

**Water Conservation Ad Hoc Committee (Committee of the Whole)**

Richard Palmer, Chair  
Carol Skydell, Vice Chair  
*Non-Voting Advisor: LeLeng Isaacs*

**Water Heater Electrical Requirements Ad Hoc Committee**

John Paulus  
Dick Palmer  
Kathryn Freshley  
Carol Moore

**RESOLVED FURTHER**, Resolution 03-10-121, adopted August 17, 2010 is hereby superseded and canceled.

The Secretary of the Corporation read a proposed resolution approving the appointments to GRF committees. Director Skydell moved to approve the resolution. Director Shimon seconded the motion and discussion ensued.

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

**RESOLUTION 03-10-170**

**RESOLVED**, November 16, 2010, that in compliance with Article 7, Section 7.3 of the Golden Rain Foundation Bylaws, adopted May 2006, the following persons are hereby appointed to serve on the committees of the Golden Rain Foundation:

**Broadband Services Committee**

Lucy Shimon  
Rae Tso

**Business Planning**

Kathryn Freshley  
Carol Moore

**Bus Services Committee**

Lucy Shimon  
Denny Welch

**Community Activities**

Denny Welch  
Sy Wellikson

**Finance**

Kathryn Freshley  
Rae Tso

**Golf Building Ad Hoc Committee**

Kathryn Freshley  
Richard Palmer

**Government and Public Relations**

Carol Skydell  
Isabel Muennichow

**Landscape Committee**

Lucy Shimon  
Carol Moore

**Land Use Ad Hoc Committee**

Kathryn Freshley  
Carol Skydell

**Maintenance and Construction**

John Paulus  
Sy Wellikson

**Security and Community Access**

Carol Skydell  
Isabel Muennichow

**RESOLVED FURTHER**, Resolution 03-10-105, adopted July 20, 2010 is hereby superseded and canceled.

**FINANCE REPORT**

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

Director Freshley updated the Board on the legal expenses incurred to date relative to the lawsuit filed against PCM, Inc. et al. She explained the rulings made thus far by the court in Third Mutual's favor.

Mr. Storage responded to Director Freshley's comments about the Board's viewpoints of the lawsuit.

President Moore commented on Paul van Hoomisen's conduct.

Director Skydell indicated that the Board has been able to work effectively with the PCM staff onsite at the Village, to which Director Moore agreed. Director Moore indicated that she was privy to email exchanges that indicate the problems encountered with PCM's attorney.

Director Welch requested a copy of Director Freshley's statement and emails referenced by President Moore pertaining to Paul Van Hoomisen's behavior. Director Freshley stated that Director Welch will receive a copy of the statement, but not the emails. Director Welch requested from President Moore copies of the emails pertaining to Paul Van Hoomisen's behavior. President Moore commented that she did not have the emails with her, and Director Welch indicated she would like to receive them at a later date.

Members Rhoda Friedman (2268-P) asked that the Board drop the lawsuit because of her inability to receive a home loan; Margaret Klein (3487-A) stated that home loan rejections have nothing to do with litigation where the Board is the plaintiff; and Bud Nesvig (2392-3H) thanked the Board for pursuing the lawsuit.

## **COMMITTEE REPORTS**

Director Lucy Shimon reported from the Landscape Committee.

Director John Paulus reported from the Maintenance and Construction Committee.

Director Paulus made a motion to direct Staff to proceed with a parking study in a different area of cul-de-sac 306. Director Welch seconded the motion and the motion carried by a vote of 10-0-0.

Director Skydell reported from the Board Operating Rules Ad Hoc Committee.

Director Palmer reported from the Water Conservation Ad Hoc Committee.

Member Karel Brouwer (3189-C) commented on water conservation.

Director Paulus reported from Resident Problem Resolution Services.

Director Welch reported from the Information Access Ad Hoc Committee.

Director Burrasca reported from the Traffic Committee.

## **GRF COMMITTEE REPORTS HIGHLIGHTS**

- Director Paulus reported from the Maintenance and Construction Committee.
- Director Welch reported from the Broadband Committee.

## **DIRECTORS' COMMENTS**

- Director Welch announced the Medicare Marketplace to be held on November 17, 2010 at CH 5 and invited the residents to attend.
- Director Wellikson commented on getting acclimated from vacation.
- Director Skydell commented on a phone scam.
- Director Muennichow commented on blind copying friends when sending emails to prevent scams.

The Board recessed at 12:00 P.M. and reconvened into Executive Session at 1:11 P.M.

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

During its Regular Executive Session meeting of October 19, 2010 the Board reviewed and approved the minutes of September 21, 2010; heard three (3) disciplinary hearings; approved recording Notices of Default for Member ID 933-040-33, Member ID 933-800-62, and Member ID 935-050-55; approved two (2) delinquency write-offs; approved filing two separate Small Claims Cases of \$2,500 (or less); discussed the legal matters of Ellen Moss v. Third Mutual, Victoria Pullman v. Third Mutual, Third Mutual v. PCM, Inc., and Dolores Fruchtman v. Third Mutual; and discussed other member disciplinary and legal matters.

The Traffic Committee of the Board met in Executive Session on October 27, 2010 to discuss member disciplinary issues.

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

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Carol Skydell, Secretary