

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF UNITED LAGUNA WOODS MUTUAL  
A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION**

**August 14, 2012**

The Regular Meeting of the Board of Directors of United Laguna Woods Mutual, a California Non-Profit Mutual Benefit Corporation, was held on Tuesday, August 14, 2012 at 9:30 A.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Ron Beldner, Catherine Brians, Paul Vogel, Roger Turner, John Dalis, Barbara Copley, Heather Gerson, Jack Bassler, Charles Hammer, Mary Stone, Barbara B. Howard

Directors Absent: None

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

Others Present: Sandra Gottlieb of Swedelson & Gottlieb

**CALL TO ORDER**

Ron Beldner, 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 Paul Vogel led the Pledge of Allegiance to the Flag.

**ACKNOWLEDGEMENT OF PRESS**

A representative of the Laguna Woods Globe was not present, 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 submitted.

**CHAIR'S REMARKS**

President Beldner postponed his comments to after Members' Comments.

**UNITED MUTUAL MEMBER COMMENTS AND PUBLIC FORUM**

United Mutual Members were given the opportunity to speak and the Directors briefly responded to the comments.

President Beldner provided his Chair's remarks.

**APPROVAL OF MINUTES**

The Board reviewed and approved without objection the minutes of the Regular Meeting of July 10, 2012 and the minutes of the Special Meeting of July 20, 2012.

**UNFINISHED BUSINESS**

The Secretary of the Corporation, Director Copley, read a proposed resolution prohibiting placement of non-commercial signage on United Mutual common area which was postponed from the previous meeting to satisfy the 30-day notification requirement. Director Copley moved to approve the resolution. Director Gerson seconded the motion.

Members Roberta Berk (933-B), Patricia English (558-B), and Delsie Zuzak (674-A) commented on the motion.

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

**RESOLUTION 01-12-133**

**WHEREAS**, Civil Code §1353.6 states that an association cannot prohibit placement of non-commercial signs on exclusive use common area or a separate interest; and

**WHEREAS**, United Mutual does not have a policy prohibiting signage on common area;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board of Directors hereby prohibits the placement of non-commercial signage on United Mutual common area; and

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

The Secretary of the Corporation read a proposed resolution establishing an Asbestos Containing Materials Policy which was postponed from the previous meeting to satisfy the 30-day notification requirement. Director Copley moved to approve the resolution. Director Gerson seconded the motion.

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

**RESOLUTION 01-12-134**

**WHEREAS**, asbestos-containing material (ACM) is regulated at both the Federal and State levels by mandating specific testing, material handling and disposal procedures; and United Mutual, its managing agent, and hired contractors follow established protocols when performing work involving potential asbestos-containing material; and

**WHEREAS**, if a Member performs a manor alteration or otherwise disturbs the potential asbestos-containing material without first properly testing the materials, the manor may become contaminated; and

**WHEREAS**, the Mutual does not have a formal policy that addresses Member responsibility for testing and handling ACM in performing alteration to their manors;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board of Directors of this Corporation hereby establishes an Asbestos Containing Materials Policy as attached to the 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 the purpose of this resolution.

#### **NEW BUSINESS**

Director Copley moved to establish an Eligibility to Vote Executive Committee to hear disciplinary hearings on August 20, 2012 and appoint Directors Brians, Turner, and Gerson to attend. The Committee shall take final action of the Board as to Member voter eligibility. Director Dalis seconded the motion.

Members Nancy Doran (895-C) and Pamela Grundke (2214-B) commented on the motion.

The motion carried unanimously.

The Secretary of the Corporation read a proposed resolution approving criteria for the Eligibility to Vote Committee to determine a Member's voter eligibility. Director Copley moved to approve the resolution. Director Gerson seconded the motion and discussion ensued.

Member Nancy Doran (895-C) commented on the motion.

Director Vogel left meeting at 11:14 A.M.

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

#### **RESOLUTION 01-12-135**

**WHEREAS**, a number of members of United Laguna Woods Mutual are delinquent on financial obligations to the Mutual and pursuant to the governing documents may be disqualified from voting; and

**WHEREAS**, in order for the Mutual to discharge its duties in accordance with the Mutual's governing documents, it is necessary to hold hearings prior to suspending a Member's voting privileges; and

**WHEREAS**, it would be burdensome and costly to hold eligibility hearings for those Members with de minimis amounts due to the Corporation; and

**WHEREAS**, the Board of Directors deems the disqualification of Members for de minimis amounts to be unproductive and unnecessary;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board hereby approves the following criteria for the Eligibility to Vote Committee to determine a Member's voter eligibility:

- whether the Member owed any Carrying Charges or Special Assessments due to the Corporation that are more than thirty (30) days delinquent on the Board-established Record Date;
- whether the delinquent amount in question was more than \$100 at the Record Date.

**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 Vogel returned to the meeting at 11:20 A.M.

Director Gerson moved to appoint two rotating Board members to attend GRF Executive Session Meetings per GRF Bylaw §6.5.9. Director Brians seconded the motion and discussion ensued.

Director Stone moved to postpone the motion to next month. Director Gerson seconded the motion.

By a vote of 9-1-0 (Director Turner opposed), the motion to postpone carried.

President Beldner announced that United Mutual has changed its corporation name to "United Laguna Woods Mutual". Without objection, the Board directed staff to draft a subject report regarding the cost impact.

The Board considered holding quarterly joint housing mutual meetings. No action was taken.

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

Mr. Storage updated the membership on the ongoing projects in United Mutual and GRF.

Ms. Pamela Bashline, Community Services Manager, spoke to the policies and procedures on community services, financial, and resale requirements.

### **CONSENT CALENDAR**

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

#### **Maintenance and Construction Committee Recommendations:**

##### **RESOLUTION 01-12-136**

**RESOLVED**, August 14, 2012, that the request of Mr. and Mrs. Allison Roddan of 181-C Avenida Majorca to install a patio addition and perform window to door modifications at their manor is hereby approved;

**RESOLVED FURTHER**, that all future costs and maintenance associated with the subject alteration are the responsibility of the Mutual member at 181-C; and

**RESOLVED FURTHER**, that all required Mutual and City of Laguna Woods permits must be obtained and the appropriate City of Laguna Woods permit numbers must be submitted to the Mutual through the Permits and Inspections Office located in the Laguna Woods Community Center; and

**RESOLVED FURTHER**, that the flagstone patio addition must be installed as per standard construction practices; and

**RESOLVED FURTHER**, that the window to door modifications must be installed as per Section 31- *Windows and Window Attachments*; and

**RESOLVED FURTHER**, that any required landscape, irrigation, and drainage revisions are to be performed by the Landscape Division at the expense of the requesting Mutual member; and

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

##### **RESOLUTION 01-12-137**

**RESOLVED**, August 14, 2012, that the request of Ms. Gail Homer of 204-D Avenida Majorca for a reduction to her alteration re-roof bill due to damage caused by Letner Roofing is hereby denied; and

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

**RESOLUTION 01-12-138**

**WHEREAS**, by way of Resolution 01-11-62 the Board has prohibited personal furnishings to stay in the common area laundry rooms; and

**WHEREAS**, residents residing near Laundry Room #201 at CDS 204 requested a variance to such policy to retain the bookcase/library;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board of Directors hereby approves the request from residents residing near Laundry Room #201 to retain the bookcase and medical scale in Laundry Room #201; and

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

**RESOLUTION 01-12-139**

**RESOLVED**, August 14, 2012, that the request of Mr. Ki Bae Jun of 258-A Calle Aragon to perform a bathroom remodel at his manor is hereby approved; and

**RESOLVED FURTHER**, that all future costs and maintenance associated with the subject alteration are the responsibility of the Mutual Member(s) at 258-A; and

**RESOLVED FURTHER**, that all required Mutual and City of Laguna Woods permits must be obtained and the appropriate City of Laguna Woods building permit number must be submitted to the Mutual through the Permits and Inspections Office located in the Laguna Woods Village Community Center; and

**RESOLVED FURTHER**, that the Board has, from time to time, received complaints of noise transference due to alterations within the interior of neighboring manors. For example, alterations to walls that allow noise to travel differently, alterations to plumbing that cause water noises within the shared walls, or alterations to floor coverings. The Board should advise the member that should the Board receive such a complaint concerning an alteration, the requesting member may be subject to member disciplinary proceedings and could be required to take additional noise mitigating measures, up to and including removing the alteration and restoring to original; and

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

**RESOLUTION 01-12-140**

**RESOLVED**, August 14, 2012, that the request of Mr. and Mrs. Duane Smith of 385-C Avenida Castilla for the entry slab extension, patio extension and enclosure at their manor is hereby approved; and

**RESOLVED FURTHER**, that all future costs and maintenance associated with the subject alteration are the responsibility of the Mutual member at 385-C; and

**RESOLVED FURTHER**, that all required Mutual and City of Laguna Woods permits must be obtained and the appropriate City of Laguna Woods permit numbers must be submitted to the Mutual through the Permits and Inspections Office located in the Laguna Woods Community Center; and

**RESOLVED FURTHER**, that the patio slab must be installed as per United Mutual Alteration Standard Section 22 - *Patio Slab Extensions*. The patio enclosure must be installed as per Section 26 - *Solariums and Garden Rooms*; and

**RESOLVED FURTHER**, that any required landscape, irrigation, and drainage modifications associated with the alteration are to be performed by the Landscape Division at the expense of the requesting Mutual member; and

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

**RESOLUTION 01-12-141**

**RESOLVED**, August 14, 2012, that the request of Mr. David Olney of 910-N Ronda Sevilla for reimbursement for automobile detail cleaning is hereby denied; 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:**

917-A Denial of **appeal** request for a gathering garden in CDS 62

- |       |   |
|-------|---|
| 96-A  | Denial of request for tree removal  |
| 218-D | Approval of request for mortarless block garden wall at Mutual Member's expense |
| 807-B | Approval of request for mortarless block garden wall at Mutual Member's expense |

**Finance Committee Recommendations:**

None.

**COMMITTEE REPORTS and SERVICES**

**FINANCE REPORT**

Director Mary Stone reported from the Finance Committee, gave the Treasurer's Report, Delinquency Report, and commented on the Resale & Lease Activities.

Director Bassler reported from the Maintenance and Construction Committee.

Director Dalis left the meeting at 12:00 P.M.

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

The Secretary of the Corporation read a proposed resolution authorizing a supplemental appropriation for the Mutual to complete dry rot repairs/replacements in CDS 23. Director Copley moved to approve the resolution. Director Stone seconded the motion.

By a vote of 8-0-0 (Directors Dalis and Turner were absent from the meeting), the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 01-12-142**

**WHEREAS**, by way of Resolution 01-10-227, the Board authorized a supplemental appropriation for dry rot inspections of buildings last painted in 2007, which included 155 buildings and 30 laundries in 15 cul de sacs; and

**WHEREAS**, issues discovered during the inspections were to be scheduled for repair under the Dry Rot Repairs line item of the 2011 Business Plan; and

**WHEREAS**, the mid paint cycle dry rot inspections conducted in 2011 identified a significant amount of repair/replacement work that needed to be done, much more than the Dry Rot Repairs line item could cover; and

**WHEREAS**, deriving definitive estimates for all repair/replacement work on each of the 155 buildings and 30 laundries has proven difficult;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board of Directors hereby authorizes a supplemental appropriation of \$120,000 to be funded from the Replacement Fund for the Mutual to complete dry rot repairs/replacements in one CDS (CDS 23); and

**RESOLVED FURTHER**, that the cost of these repairs will be used to build a more accurate estimation model for the cost of completing repairs/replacements at all 155 buildings and 30 laundries in 15 cul de sacs last painted in 2007; 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 Turner returned to the meeting at 12:04 P.M.

Director Gerson moved to rename the CDS 208 Manor Paint Color Subcommittee to United Paint Color Selection Subcommittee and authorize the Subcommittee to make color recommendations for buildings to be painted in CDS 206. Director Brians seconded the motion and the motion carried unanimously.

Director Dalis returned to the meeting at 12:05 P.M.

The Board considered a proposed resolution establishing the Paint Color Selection Procedure for CDS 208 Building Painting Pilot Program.

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

**RESOLUTION 01-12-143**

**WHEREAS**, by way of Resolution 01-12-132, the Board approved primary and alternate exterior paint color palettes for buildings in Cul-de-Sac 208 planned for painting as part of the Mutual's 2012 Exterior Paint Program; and

**WHEREAS**, the Paint Color Subcommittee recommends that paint color notification and color change request procedures be established and followed with respect to CDS 208 building painting;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board of Directors of this Corporation hereby establishes the attached Paint Color Selection Procedure for CDS 208 Building Painting Pilot Program; 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.

The Board considered a proposed resolution approving the removal of the bulletin board and locking glass enclosure from the back of the Directory Sign at CDS 67. Director Copley moved to approve the resolution. Director Stone seconded the motion.

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

**RESOLUTION 01-12-144**

**WHEREAS**, the United Laguna Woods Mutual Board of Directors approved Resolution 01-11-230 to upgrade CDS 67 including installing two new signs, a Neighborhood identity Sign and a Directory Sign; and

**WHEREAS**, in the regular July United Laguna Woods Mutual Maintenance & Construction committee meeting, the Committee recommended to remove the bulletin board and the locking glass enclosure from the back of the Directory Sign;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board of Directors approves to remove the bulletin board and locking glass enclosure from the back of the Directory Sign at CDS 67; and

**RESOLVED FURTHER**, that Resolution 01-11-230, adopted December 13, 2011 is hereby amended; 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.

The Secretary of the Corporation read a proposed resolution approving the removal of the block wall planter at Building 307. Director Copley moved to approve the resolution. Director Brians seconded the motion.

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

**RESOLUTION 01-12-145**

**WHEREAS**, residents of Building 307 requested that a lemon tree and a block wall planter be removed from the common area patio at the Mutual's expense; and

**WHEREAS**, the Landscape Committee approved removal of the lemon tree as a chargeable service, but denied the request to remove the planter; and

**WHEREAS**, after the tree was removed, it was determined that the wall to the planter could not be repaired and would have to be demolished and rebuilt;

**NOW THEREFORE BE IT RESOLVED**, August 14, 2012, that the Board of Directors hereby approves the removal of the block wall planter at Building 307 and that the area be filled with concrete to match the grade of the existing slab, to be funded from the operating budget; 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 Brians reported from the United Paint Color Selection Sub-Committee.

Director Hammer reported from the Walkway Lighting Sub-Committee.

Director Copley reported from the Landscape Committee.

Director Gerson provided a summary of the number of disciplinary cases that have come before the Board.

#### **GRF HIGHLIGHTS**

- Director Dalis reported from the Community Activities Committee.

#### **DIRECTORS' FORUM**

- The Directors provided final comments.

#### **MEETING RECESS**

The Regular Open Session Meeting recessed at 12:31 P.M. and reconvened into the Regular Executive Session at 1:26 P.M.

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

During its Regular Executive Session meeting of July 10, 2012, the Board reviewed and approved, without objection, the minutes of the Regular Executive Session meeting of June 12, 2012, and the Special Executive Session meeting of July 3, 2012. The Board heard four disciplinary hearings and imposed fines totaling \$650 for violations of the Mutual's rules and regulations; and discussed litigation, contractual, and other member disciplinary matters.

During its Special Emergency Executive Session meeting of July 30, 2012, the Board discussed contractual issues.

During its Special Executive Session meeting of July 30, 2012, the Board discussed contractual issues.

During its Special Executive Session joint meeting of August 1, 2012, the Board discussed contractual issues.

During its Special Emergency Executive Session of August 13, 2012, the Board discussed potential litigation.

**ADJOURNMENT**

With no further business before the Board of Directors, the meeting was adjourned at 6:00 P.M.

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Barbara Copley, Secretary

## **ASBESTOS CONTAINING MATERIALS POLICY**

### **1.0 PURPOSE, DEFINITIONS, SCOPE**

#### **1.1 PURPOSE**

The purpose of this document is to define the policies of United Laguna Woods Mutual regarding asbestos containing materials (ACM) handling pertaining to alterations within United's dwelling units.

#### **1.2 DEFINITIONS**

1.2.1 Asbestos Containing Materials (ACM): includes, without limitation, ceiling tile, floor tile/linoleum and mastic, textured wall surfaces, joint compound (plaster-like substance that is used to seal joints between sheets of drywall), sprayed acoustical ceilings, fire doors, structural fireproofing, pipe/boiler insulation, attic insulation and heating duct material/insulation.

1.2.2 Qualified Inspector: One who is Asbestos Hazard Emergency Response Act (AHERA)-trained as a Building Inspector/Management Planner.

1.2.3 Certified Industrial Hygienist: one certified in the practice of industrial hygiene by the American Board of Industrial Hygiene.

1.2.4 Member's Acts: Acts of a resident, guest or any business or person hired or otherwise engaged on the behalf of a Member of United Mutual.

#### **1.3 SCOPE**

### **2.0 RESPONSIBILITIES**

#### **2.1 ACTS BY MEMBERS, TENANTS, CONTRACTORS, GUESTS**

Members shall be financially responsible for testing, by a licensed professional inspector or a Certified Industrial Hygienist (CIH), as well as for decontamination if ACM contamination results from acts of a resident, guest or any business or person hired or otherwise engaged on their behalf:

2.1.1 CEILINGS AND DRYWALL ALTERATIONS - Members shall be financially responsible for testing, and for decontamination if required, for ACM contamination that results from alterations involving ceilings or drywall within the manor.

2.1.2 FLOORING –REPLACEMENTS - Members shall be financially responsible for testing, and for decontamination if required in accordance with regulations, for ACM contamination that results from replacement or demolition of flooring on behalf of the Member.

2.1.3 OTHER ALTERATIONS - Members shall be financially responsible for testing, and for decontamination if required in accordance with regulations, for ACM contamination that results from any other alterations within the manor.

## 2.2 MEMBERS' FINANCIAL RESPONSIBILITIES

2.2.1 In cases where ACM contamination is caused by acts the Member is responsible for, the Member is financially responsible for testing and decontamination of the manor.

2.2.2 The Member is also financially responsible for other costs (such as the cost of qualified contractors to deliver emergency services to a contaminated manor) that may be incurred by United as a result of ACM contamination in a manor due to acts the Member is responsible for.

## 2.3 UNITED RESPONSIBILITIES

2.3.1 In manors confirmed (by a qualified inspector or CIH) to be contaminated with ACM due to acts the Member is responsible for, United must restrict Staff from entering the manor and will not provide services to the manor interior until clearance testing confirms contaminants in the manor have been remediated in accordance with applicable regulations.

2.3.2 In cases where Staff access to a manor is restricted due to ACM contamination of the manor due to acts the Member is responsible for, any emergency repair services needed shall be provided by a qualified contractor at the Member's expense.

2.3.3 If potential ACM contamination due to acts the Member is responsible for results in delays to Mutual work, the Member may be held financially responsible for any additional costs incurred due to those delays.

**United Laguna Woods Mutual Exterior Paint Program  
CDS 208 Pilot Program Paint Color Selection Procedure**

Primary and Alternate paint color palettes for each building shall be developed and selected by the United Laguna Woods Mutual Paint Color Selection Subcommittee and shall be approved by the United Laguna Woods Mutual Board of Directors (Board). Body and trim colors shall be applied to buildings in patterns consistent with body and trim color applications of currently approved colors. Owner occupants shall have the option to select their preferred entry door color from a Board approved list of entry door colors.

A notification of primary and alternate color selections for each specific building shall be sent to each member of that building approximately eight weeks in advance of the date the first building in the cul-de-sac is to receive application of the exterior paint. The notification letter shall advise members of the primary and alternate color palette selected for their building, a date when a staff member will be present at their building to present examples of the primary and alternate color palettes selected for their building, and a contact person and telephone number for inquiries regarding the selected color palette and selection process.

Members shall be given a two-week period to review the color palette selections for their building.

Members may request a change from the primary color palette to the alternate color palette for their building subject to the following rules:

- Members must submit their color palette change request in writing to the Mutual within two weeks of the date of the above referenced notification letter.
- Color palette change requests must include 100% agreement from all member occupants of the particular building making the request and must be signed by 100% of all member occupants of that building. Each manor will represent only one vote in the color selection decision process.
- Color palette change requests not including 100% agreement as defined above will not be considered.
- Members submitting a color palette change request must identify on the written request the color palette they wish to change to.
- Only the Board approved alternate color palette designated for a specific building can be selected as the alternate for that specific building.
- Color palette change requests not received within two weeks of the date of the notification letter will not be considered.
- Members may not request changes in color palettes for buildings other than the building in which their manor is located.
- The Board reserves the right to make all final decisions with respect to building exterior paint color selections.