

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

**January 14, 2014**

The Regular Meeting of the Board of Directors of United Laguna Woods Mutual, a California Non-Profit Mutual Benefit Corporation, was held on Tuesday, January 14, 2014 at 9:30 A.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Pat English, Jack Bassler, Barbara B. Howard, John Beckett, Ming-Lee Chang, Howard Klein, Ken Hammer, Anthony Liberatore, Jan LaBarge, Eva Lydick

Directors Absent: Erna Ferris

Staff Present: Jerry Storage, Patty Kurzet (Executive Session: Jerry Storage, Patty Kurzet, Cris Robinson, Pamela Bashline, Blessilda Fernandez)

Others Present: Jeff Beaumont of Beaumont Gatilin Tashjian (Executive Session Only)

**CALL TO ORDER**

Pat English, 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 John Beckett led the Pledge of Allegiance to the Flag.

**ACKNOWLEDGEMENT OF PRESS**

A representative of the Laguna Woods Globe and the Channel 6 Camera Crew, by way of remote cameras, were acknowledged as present.

**APPROVAL OF AGENDA**

Without objection, the Board approved the agenda as amended by removing 9(a) *Discuss and Consider Smoke-Free Policy* for discussion at their February meeting.

Member Barbara Copley (410-D) spoke to the smoke-free documentation.

**CHAIR'S REMARKS**

President English reported on the outcome of the Special Corporate Members Meeting to revise GRF Bylaw §2.1.6; and commented on GRF's determination on her disciplinary hearing before the GRF Board.

**UNITED MUTUAL MEMBER COMMENTS AND PUBLIC FORUM**

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

### **APPROVAL OF MINUTES**

Without objection, the Board approved the minutes of the Regular Session of December 10, 2013.

### **UNFINISHED BUSINESS**

No unfinished business came before the Board.

### **NEW BUSINESS**

No new business came before the Board.

### **CONSENT CALENDAR**

Without objection, the Consent Calendar was approved as amended by removing the *Request of 544-G Via Estrada that the Mutual reverse the damage restoration charges totaling \$361 for dry down services* from the Maintenance and Construction Committee Consent Calendar and placing it under the Maintenance and Construction Committee Report for discussion, and the Board took the following actions:

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

#### **RESOLUTION 01-14-01**

**RESOLVED**, January 14, 2014, that the request of Mr. Darrell Elmquist and Ms. Joanne Burns of 51-A Calle Aragon to install a patio extension with block wall and wrought iron fence and gates at their manor is hereby approved; and

**RESOLVED FURTHER**, that all costs for installation, repair, and maintenance associated with the subject alterations are the responsibility of the Mutual Member(s) at 51-A; and

**RESOLVED FURTHER**, that a required Mutual permit must be obtained through the Permits and Inspections Office located in the Laguna Woods Village Community Center; and

**RESOLVED FURTHER**, that the patio walls must be built as per United Mutual Alteration Standard Section 8- *Block Walls*, and the patio extension must be installed as per Section 22- *Patio Slab Extensions*; and

**RESOLVED FURTHER**, that all landscape, irrigation, and drainage modifications associated with the alteration are to be completed by the Landscape Division at the expense of the Mutual Members(s) at 51-A; 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 01-14-02**

**WHEREAS**, Ms. Johanna Meier of 124-G Via Estrada disputes damage restoration charges totaling \$424.60 for work performed to inspect staining on Mutual property and to repair top coat damage by the stains, and by way of Resolution 01-13-161, the Board reversed half of the charges in the amount of \$212.30; and

**WHEREAS**, Ms. Meier appealed the Board decision;

**NOW THEREFORE BE IT RESOLVED**, January 14, 2014, that the Board hereby denies the appeal request of Ms. Johanna Meier of 124-G Via Estrada and affirms the charges totaling \$212.30 for the asbestos clearance inspection; 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 01-14-03**

**WHEREAS**, Ms. Joan Tippman of 220-B Avenida Majorca requested that the Mutual provide wheelchair access to the carport area from her manor;

**NOW THEREFORE BE IT RESOLVED**, January 14, 2014, that the Board of Directors hereby approves the request of Ms. Joan Tippman of 220-B Avenida Majorca to install a ramp for her manor at her own expense; and

**RESOLVED FURTHER**, that the Member shall apply for an Alteration Permit to construct a ramp in accordance with the Board-approved Alteration Standard Section 36 – Ramps;

**RESOLVED FURTHER**, that the Member shall be required to obtain a City of Laguna Woods permit in order to verify the construction complies with all code regulations;

**RESOLVED FURTHER**, that the Member shall hire licensed contractors of her choice to develop engineering plans and construct the ramp; and

**RESOLVED FURTHER**, that the Member shall pay all costs associated with the installation; and

**RESOLVED FURTHER**, that the Mutual shall perform all future repair and maintenance due to its use by multiple Members; 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 01-14-04**

**RESOLVED**, January 14, 2014, that the request of Mr. Paul Scottberg and Ms. Diane Reed of 321-E Avenida Carmel to perform a patio extension at their manor is hereby approved; and

**RESOLVED FURTHER**, that all costs for installation, repair, and maintenance associated with the subject alterations are the responsibility of the Mutual Member(s) at 321-E; and

**RESOLVED FURTHER**, that a required Mutual permit must be obtained through the Permits and Inspections Office located in the Laguna Woods Village Community Center; and

**RESOLVED FURTHER**, that the interlocking pavers must be installed as per standard landscape specifications; and

**RESOLVED FURTHER**, that all landscape, irrigation, and drainage modifications associated with the alteration are to be completed by the Landscape Division at the expense of the Mutual Members(s) at 321-E; 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 01-14-05**

**RESOLVED**, January 14, 2014, that the appeal request of Mr. and Mrs. Donald LeBel of 414-A Avenida Castilla to retain a patio extension, a trellis, and a wooden picket gate at their manor is hereby denied; and

**RESOLVED FURTHER**, that the Board hereby requires removal of the subject patio extension, trellis, gate, and chicken wire fencing within 30 days of the Board's decision on the matter; 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 01-14-06**

**WHEREAS**, Mr. William Dorman of 592-A Avenida Majorca disputes

damage restoration charges totaling \$1,066.58 associated with damage from a leaking alteration plumbing line at his manor, and asks that the Mutual reverse the charges;

**NOW THEREFORE BE IT RESOLVED**, January 14, 2014, that the Board of Directors hereby denies the request of Mr. William Dorman of 592-A Avenida Majorca that the Mutual reverse the charges totaling \$1,066.58 associated with damage from a leaking alteration plumbing line at his manor; 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 01-14-07**

**WHEREAS**, Mr. Neal Riemer of 596-D Avenida Majorca requests that the Mutual reimburse him for expenses incurred totaling \$235 to have an outside contractor provide after-hours service to the plumbing system at his manor;

**NOW THEREFORE BE IT RESOLVED**, January 14, 2014, that the Board of Directors hereby denies the request of Mr. Neal Riemer of 596-D Avenida Majorca that the Mutual reimburse him in the amount of \$235 for expenses incurred to have an outside contractor provide after-hours service to the plumbing system at his manor; 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 01-14-08**

**WHEREAS**, Ms. Lovern King of 740-B Avenida Majorca has requested an exclusive-use handicapped parking space configured for her wheelchair access vehicle; and

**WHEREAS**, as mandated by State Civil Code Section 54.1(b)(3)(A), the Fair Employment and Housing Act, the Mutual is required to grant a reasonable accommodation as may be necessary to afford persons with disabilities equal opportunity to use and enjoy their manor, at the requesting Member's expense;

**NOW THEREFORE BE IT RESOLVED**, January 14, 2014, that the Board hereby authorizes the conversion of one unassigned parking space closest to Manor 740-B to an exclusive/designated parking space

for Ms. Lovern King to help facilitate her handicapped access vehicle;  
and

**RESOLVED FURTHER**, that the cost of converting the designated space to an exclusive/designated parking space is to be borne by the requesting Mutual member from Manor 740-B, at an estimated cost of \$350; and

**RESOLVED FURTHER**, that the designated space shall be converted back to its pre-existing condition and the requesting member shall be responsible for the associated costs of converting the space to its pre-existing condition at such time that the member no longer requires the use of the handicapped access vehicle parking accommodation or the Manor 740-B membership transfers to another party; and

**RESOLVED FURTHER**, that the existing carport parking space designated for use by the Manor 740-B member shall be relinquished by that member until such time as the member of Manor 740-B no longer requires the handicapped access vehicle parking accommodation or the Manor 740-B membership transfers to another party; 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 01-14-09**

**RESOLVED**, January 14, 2014, that the request of Mr. and Mrs. Wayne Carpenter of 907-B Ronda Sevilla to retain a walkway at their manor is hereby approved; and

**RESOLVED FURTHER**, that all costs for installation, repair, and maintenance associated with the subject alteration are the responsibility of the Mutual Member(s) at 907-B; and

**RESOLVED FURTHER**, that a required Mutual permit must be obtained through the Permits and Inspections Office located in the Laguna Woods Village Community Center; and

**RESOLVED FURTHER**, that the 12" X 12" concrete pavers must be re-installed utilizing standard landscaping specifications to provide a level surface and even transitions at both ends of the walkway; and

**RESOLVED FURTHER**, that all landscape, irrigation, and drainage modifications associated with the alteration, if any, are to be completed by the Landscape Division at the expense of the Mutual Members(s) at 907-B; 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:**

None.

**Finance Committee Recommendations:**

**RESOLUTION 01-14-10**

**WHEREAS**, Member ID 947-429-28 is currently delinquent to United Laguna Woods 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**, January 14, 2014, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-429-28; 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.

**GENERAL MANAGER'S REPORT**

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

**COMMITTEE REPORTS and SERVICES**

**FINANCE REPORT**

Director LaBarge 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.

Members Maxine McIntosh (68-C), Tony Dauer (96-C), Rhoda Lindner (2013-C), and Mary Stone (356-C) addressed the Board.

Member Katherine Rath of 544-G spoke to her request that the Mutual reverse the damage restoration charges totaling \$361 for dry down services. Without objection, the Board agreed to return the matter back to the Maintenance and Construction Committee.

Director Bassler moved to deny the request of 827-O Via Alhambra to install photovoltaic solar panels on the roof of Building 827. Director Hammer seconded the motion and discussion ensued.

Director Howard amended the motion to insure that the M&C Committee continues to study the installation of solar panels. Director Beckett seconded the motion and discussion ensued. The amendment carried with Director Hammer opposing.

Member Maxine McIntosh (68-C) commented on the motion.

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

**RESOLUTION 01-14-11**

**RESOLVED**, January 14, 2014, that the request of Ms. Nancy Young of 827-O Via Alhambra to install photovoltaic solar panels on the roof of Building 827 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.

Director Bassler reported that United Alteration Standards Sub-Committee did not meet.

Director Bassler reported that the Walkway Lighting Sub-Committee did not meet.

Director Bassler reported that the Landscape Committee did not meet.

Director Howard reported from the Governing Documents Review Ad Hoc Committee.

The Secretary of the Corporation, Director John Beckett, read a proposed resolution directing the Managing Agent to collect, and deliver to the Governing Documents Review Committee, a copy of every currently-utilized United Mutual Operating Rule. Director Beckett moved to approve the resolution. Director Klein seconded the motion and discussion ensued.

Mr. Storage advised that the work is already in progress.

Member Mary Stone (356-C) commented on the motion.

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

**RESOLUTION 01-14-12**

**WHEREAS**, the 2014 Davis-Stirling Common Interest Act declares that

Operating Rules are governing documents: and

**WHEREAS**, United Mutual's policy is to provide every Member with quick and easy access to all of United Mutual's governing documents, and

**WHEREAS**, United Mutual's Operating Rules are not available to Members in a format that is easily searchable; and

**WHEREAS**, the Board wishes to make available to our Directors and Members an easily searchable on-line index of United Mutual's Operating Rules;

**NOW THEREFORE BE IT RESOLVED**, January 14, 2014, that the Managing Agent is directed to collect, and deliver to the Governing Documents Review Committee, a copy of *every currently-utilized United Mutual Operating Rule*, as defined in Civil Code Section §4340; and

**RESOLVED FURTHER**, that the Governing Documents Review Committee is authorized to organize and index those Operating Rules in a manner that is suitable for posting online; 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 Beckett, read the following proposed resolution approving a policy allowing Members to speak on any item under the Board's purview during Members' Comments.

#### **RESOLUTION 01-14-xx**

#### **MEMBERS COMMENTS AT OPEN BOARD MEETINGS**

**WHEREAS**, the 2014 Davis-Stirling Common Interest Act, Chapter 6. Association Governance, Civ. Code §4930. *Board Discussion Restricted to Agenda Items* states that the board is required to discuss and take action on agenda items only, with certain exceptions, and

**WHEREAS**, the Act specifies that a member or resident may speak on non-agenda items, and

**WHEREAS**, it has been a Board policy to allow members to delay speaking on agenda items during MEMBER COMMENTS until the item appears in agenda place,

**NOW THEREFORE BE IT RESOLVED**, January 14, 2014, that members or residents may now speak on any appropriate item on or off the agenda

during MEMBER COMMENTS; however, should a member or resident speak on an agenda item for the first time during the MEMBER COMMENTS period, that member must await speaking during an agenda-action discussion, should time permit, until all other members or residents have spoken on the item a first time.

**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 Beckett moved to approve the resolution. Director Bassler seconded the motion and discussion ensued.

Director Hammer moved to refer the matter back to the Committee. Director Howard seconded the motion.

Members Maxine McIntosh (68-C), Mary Stone (356-C), and Barbara Copley (410-D) commented on the motion.

By a unanimous vote, the motion carried.

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

#### **GRF COMMITTEE HIGHLIGHTS**

- Director Liberatore reported on the GRF Mobility and Vehicles Committee.

#### **DIRECTORS' FORUM**

- The Directors provided final comments.

Director Howard announced her resignation to the United Board effective at the end of the day and thanked Staff for all their assistance.

#### **MEETING RECESS**

The Regular Open Session Meeting recessed at 11:35 A.M. and reconvened into the Regular Executive Session at 12:55 P.M.

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

During its December 10, 2013 Regular Executive Session Meeting, the Board reviewed and approved the minutes of the Regular Executive Session of November 12, 2013, and the minutes of the Special Executive Session of November 21, 2013 as written. The Board heard four disciplinary hearings and imposed fines in the amount of \$200 for violations of the Mutual's rules and regulations; discussed numerous member disciplinary matters; and reviewed its Litigation Status Report.

During its December 30, 2013 Special Executive Session Meeting, the Board discussed matters with its legal counsel regarding revisions to the GRF Bylaws and potential litigation.

**ADJOURNMENT**

With no further business before the Board of Directors, the meeting was adjourned at 5:07 P.M.

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John Beckett, Secretary