

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

**January 13, 2015**

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 13, 2015 at 9:30 A.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Pat English, Jack Bassler, Ming-Lee Chang, Ken Hammer, Don Tibbetts, Eva Lydick, Anthony Liberatore, Jan LaBarge, Lenny Ross, Juanita Skillman, Tony Dauer

Directors Absent: None

Staff Present: Jerry Storage, Kim Taylor, Wendy Panizza, Pamela Bashline  
(Executive Session: Jerry Storage, Cris Robinson, Kim Taylor, Pamela Bashline, Wendy Panizza, Blessilda Fernandez, Cynthia Grace)

Others Present: Jeff Beaumont Esq. of Beaumont Gitlin Tashjian (Closed Session)  
Third Board Directors: Rosemarie di Lorenzo-Dickins, Jim Matson, and James Tung (Closed Session), GRF Director: Kathryn Freshley (Closed Session)

**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 AM.

**PLEDGE OF ALLEGIANCE**

Director Anthony Liberatore led the Pledge of Allegiance to the Flag.

**ACKNOWLEDGEMENT OF MEDIA**

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**

Director Hammer moved to approve the agenda as written. Director Tibbetts seconded the motion. By a vote of 10-0-0 the motion carried.

**CHAIR'S REMARKS**

President English commented on working in unity with the other Boards.

**UNITED MUTUAL MEMBER COMMENTS AND PUBLIC FORUM**

United Mutual Members were given the opportunity to speak to items.

- Rick Rader (270-D) commented on the Board taking steps to reduce costs for the Mutual.

- Pat Ladrie (482-B) commented on work orders and what a 'unit' is on the work order and spoke of the process for appealing charges.
- Maxine McIntosh (68-C) commented on the Boards working together.

### **RESPONSE TO MEMBER COMMENTS**

The United Mutual Directors and Jerry Storage briefly responded to Member Comments.

### **APPROVAL OF MINUTES**

Director Lydick moved to approve the Regular Open Meeting minutes of December 9, 2014, as written. Director Hammer seconded the motion. By a vote of 10-0-0 the motion carried.

### **SMOKE FREE BUILDING DESIGNATION HEARING**

Members Ms. Barbara Copley (410-D) and Ms. June Aitkens (410-B) were present for the hearing to petition the Board to designate Building 410 as a smoke free building. Ms. Barbara Copley spoke on behalf of the Members at Building 410 and provided letters from Members at 410-C and 410-A affirming their request to designate Building 410 as a smoke free building.

There were no objections from the Community Members or the United Board of Directors. The building conversion date has been scheduled for February 27, 2015 pending the recording of the documents with the County.

### **UNFINISHED BUSINESS**

The Secretary of the Corporation, Director LaBarge, read a proposed resolution approving revisions to Alteration Standard Section 41, Electrical Vehicle Charging Stations, which was postponed in December to comply with Civil Code §4360. Director Hammer moved to approve the resolution. Director Skillman seconded the motion, and discussion ensued.

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

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

### **RESOLUTION 01-15-01**

#### **Mutual Alteration Standard Section 41 Electric Vehicle Charging Stations**

**WHEREAS**, the Board of Directors of this Corporation adopted Resolution U-96-62 on May 14, 1996, which approved the United Laguna Woods Mutual Alteration Standards; and

**WHEREAS**, this Corporation recognizes the need to establish a policy for the electric vehicle charging stations;

**NOW THEREFORE BE IT RESOLVED**, January 13, 2015, that the Board of Directors of this Corporation hereby establishes a new Mutual Alteration Standard Section 41 Electric Vehicle Charging Stations, as attached to the official minutes of this meeting; and

**RESOLVED FURTHER**, that Resolution U-96-62, adopted May 14, 1996 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, Director LaBarge, read a proposed resolution approving revisions to Alteration Standard Section 20, Balcony and Patio Covers, Aluminum and Vinyl, which was postponed in October and again in December with revisions, to comply with Civil Code §4360. Director Lydick moved to approve the resolution, Director Hammer seconded the motion, and discussion ensued.

Director Dauer moved to make all permits that have been inactive for 6 months or more to be dropped and not used anymore. Mr. Storage advised that there is a resolution already in place that addresses that issue. Director Dauer withdrew his motion.

Ms. Wendy Panizza entered the meeting at 10:00 AM and answered questions from the Board. Ms. Wendy Panizza left the meeting at 10:05 AM.

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

**RESOLUTION 01-15-02**

**United Mutual Alteration Standard Section 20,  
Patio Covers, Aluminum and Vinyl**

**WHEREAS**, the Board of Directors of this Corporation adopted Resolution U-96-62 on May 14, 1996, which approved the United Laguna Woods Mutual Alteration Standards; and

**WHEREAS**, the Maintenance & Construction Committee of this Corporation recognizes the need to amend a portion of the Mutual Alteration Standards with regard to Mutual Alteration Standard Section 20, Patio Covers, Aluminum and Vinyl;

**NOW THEREFORE BE IT RESOLVED**, January 13, 2015 that the Board of Directors of this Corporation hereby approves the revisions of United Mutual Alteration Standard Section 20, Patio Covers, Aluminum and Vinyl, as attached to the official minutes of this meeting; and

**RESOLVED FURTHER**, that Resolution 01-08-60, adopted April 8, 2008 is 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 the purpose of this resolution.

The Secretary of the Corporation, Director LaBarge, read a proposed resolution approving revisions to resolution 01-07-36 'Distribution of Publications Policy', which was postponed in December to comply with Civil Code §4360. Director Hammer moved to approve the resolution, Director Skillman seconded the motion, and discussion ensued.

By a vote of 7-3-0 (Directors Dauer, LaBarge, and Lydick opposed) the motion carried and the Board of Directors adopted the following resolution:

### **Resolution 01-15-03**

#### **Policy for Distribution of Materials by Residents and Resident Organizations**

**RESOLVED**, January 13, 2015, the Board of Directors of this Corporation hereby establishes the following policy for the distribution of publications, advertisement, announcements, campaign material, petitions, and related printed literature (hereinafter "Material") by residents or resident organizations on property owned and managed by the United Laguna Hills ~~Hills~~ **Woods** Mutual; and

**RESOLVED FURTHER**, any materials, including petitions to gather signatures, to be distributed to United Mutual residents shall bear identification as to its source and any individual or entity distributing such material shall comply with all of the following conditions:

1. Distribution of Material
  - a. Door-to-door distribution of Material shall be permitted, as long as the act of distributing such Material does not rise to the level of creating a nuisance for Laguna Woods Village residents.
  - b. Material that is distributed door-to-door may only be **secured on the surface of** the thresholds of front doors. Material may not be hung from doorknobs nor placed in USPS delivery points, nor left on vehicles in carports.
2. Petitions
  - a. Only Mutual Members or their designated agents are permitted to gather signatures on petitions.
  - b. The petition must remain in the possession of the signature gatherer (there can be no unattended petitions).
3. Posting of Material
  - a. Posting locations are limited to those areas reserved for posting, such as Laundry Room bulletin boards and are available only for residents.
  - b. Only one posting per subject matter, per organization, is allowed on the posting site.
  - c. The size of the posting shall not exceed 5.5" by 8.5" (**one half page**) to allow space for other postings.
  - d. Each posting by a resident, or resident organization, must identify the posting individual's name and posting date.
  - e. Any Material considered lewd or vulgar will be subject to removal.
  - f. Postings shall be removed after thirty (30) days.
  - g. All Material must comply with state and federal laws.Postings that do not comply with these rules will be subject to removal.

**RESOLVED FURTHER**, the Corporation may post materials as needed for Corporation business; and

**RESOLVED FURTHER**, that Resolution 01-07-36 adopted April 10, 2007 is hereby superseded and cancelled; and

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

Ms. Cris Robinson entered the meeting at 10:10 AM.

The Secretary of the Corporation, Director LaBarge, read the following proposed resolution approving revisions to the United Membership Elections Standard Operating Procedure:

### **RESOLUTION 01-15-XX**

#### **United Membership Elections Standard Operating Procedure**

**WHEREAS**, Civil Code was completely revised in 2014, and the United Laguna Woods Mutual Board of Directors desires to update its election procedures to comport with current Civil Code;

**NOW, THEREFORE, BE IT RESOLVED**, on March 10, 2015, that the Board of Directors of this Corporation hereby adopts the revised United Membership Elections Standard Operating Procedure as attached to the official Minutes of the meeting; and

**RESOLVED FURTHER**, that Resolution 01-13-90 adopted May 14, 2013 is hereby superseded and cancelled; and

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

Director Skillman moved to approve the resolution. Director Dauer seconded the motion.

Member Barbara Copley (410-D) commented on the resolution.

By a vote of 10-0-0 the resolution carried and was postponed to the March meeting to comply with Civil Code §4360, to satisfy the 30-day notification requirement.

The Board discussed the United Land Use Policy.

Ms. Cris Robinson left the meeting at 10:30 AM.

#### **NEW BUSINESS**

Director Skillman moved to not renew the CAI Board Membership Renewal for 2015. Director Bassler seconded the motion. By a vote of 9-0-1 (Director LaBarge abstained) the motion carried.

The Secretary of the Corporation, Director LaBarge, read a proposed resolution approving the Select Audit Task Force Charter. Director Skillman moved to approve the resolution, Director Bassler seconded the motion, and discussion ensued.

Director Skillman moved to delete “appointed by the Task Force” and insert “that will either be the GRF President or the GRF Treasurer” in the Membership paragraph below. Director Hammer seconded the amendment. By a vote of 10-0-0 the amendment carried.

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

**RESOLUTION 90-15-05 APPROVED JANUARY 6, 2015**

**RESOLUTION 01-15-04 JANUARY 13, 2015**

**RESOLUTION M50-15-XX**

**RESOLUTION 03-15-XX**

**LAGUNA WOODS VILLAGE CORPORATIONS  
SELECT AUDIT TASK FORCE CHARTER**

**RESOLVED**, January 6, 2015, that the Boards of Directors of this Corporation hereby assigns the duties and responsibilities of this Task Force, as follows:

**MISSION**

The purpose of the Select Audit Task Force is to assist the Village corporations' oversight of:

- The independent public accounting firm's qualifications and independence.
- The performance of the independent public accounting firm and its relationship with the managing agent's accounting function.
- The managing agent's responsibilities to assure that there is in place an effective system of controls reasonably designed to:
  - Safeguard the assets and revenues of the corporations.
  - Assure the integrity of the financial statements of the corporations by ensuring all operating and reserve expenditures have been appropriately recorded and effectively presented to the corporate boards.
  - Maintain compliance with the ethical standards, policies, plans, and procedures of the four corporations and with all applicable laws and regulations.

**MEMBERSHIP** is determined by the Corporate Presidents, subject to approval by the respective boards. The Task Force shall be comprised of one representative from each corporation and one at-large member, ~~appointed by the Task Force~~, **that will either be the GRF President or the GRF Treasurer**, with audit or financial expertise. The Task Force members shall appoint a chair.

**DUTIES AND RESPONSIBILITIES**

The Select Audit Task Force shall:

1. Meet as often as it determines is necessary to accomplish its duties and responsibilities.
2. Direct the preparation of Requests for Proposal for the annual audits of the financial statements of the Laguna Woods Village Corporations and determine firm to be engaged.
3. Recommend the scope of any additional audit activities not already provided for in corporations' budgets as deemed necessary and appropriate.
4. Have oversight of the selected accounting firm engaged for the annual audit of the four Laguna Woods Village Corporations and the engaged audit firm shall report directly to the Select Audit Task Force.
5. Ensure the engaged audit firm submits to the Task Force annually a formal written statement delineating all relationships between the audit firm and the managing agent including its subsidiaries.
6. Receive from auditors any concerns regarding accounting, internal controls or audit matters, including the confidential anonymous submission by any managing agent employee regarding questionable accounting or auditing matters.
7. Discuss with the managing agent and the engaged auditor any disagreements regarding the financial reporting, audit problems or difficulties, and the agent's response thereto.
8. Review and discuss with the managing agent and the auditors, the audit reports for each corporation, in respect to any significant accounting financial reporting policies, issues or judgments made in connection with preparation or audit of each of the Village corporation's financial statements and other financial or informational reports provided to the Village corporate boards.
9. Recommend to the Village Corporation Finance Committees any appropriate action in connection with the audit reports received, reviewed and discussed.
10. Annually review the Task Force Charter and propose any changes deemed appropriate by the Task Force to the Village Boards for approval.
11. Perform such other tasks as are assigned by the Laguna Woods Village Boards.

The Board discussed changing the United Maintenance and Construction Committee to a Committee of the Whole.

Director Lydick moved to change the United Maintenance and Construction Committee to a Committee of the Whole. Director Hammer seconded the motion. By a vote of 4-6-0 (Directors Bassler, Tibbetts, LaBarge, Ross, Liberatore, and Dauer opposed) the motion failed.

The Board discussed the voting status of Advisors on United Mutual Committees. No action was taken.

Ms. Pamela Bashline entered the meeting at 11:15 AM. and answered questions from the Board.

The Secretary of the Corporation, Director LaBarge, read the following proposed resolution approving Qualifications for the Occupancy of Parent Exception, applicant Member must be listed on the Occupancy Agreement and the Membership Certificate, in addition to his/her parent(s):

**Resolution 01-15-XX**

**Qualifications for the Occupancy of Parent Exception**

**WHEREAS**, under the United Laguna Woods Mutual (“United” or “Corporation”) Bylaws, members must reside in their respective Manor in order to qualify for membership;

**WHEREAS**, pursuant to Resolution U-89-84, United provides two limited exceptions to the general member occupancy rule for: (1) adult children of qualifying parents (“Occupancy of Parent Exception”); and (2) approved sub-leases;

**WHEREAS**, Resolution U-89-84 does not provide further details or criteria for applicants to qualify for the Occupancy of Parent Exception, thereby complicating the membership application process and creating difficulties in enforcement of established occupancy and restrictions in the Corporation’s governing documents;

**WHEREAS**, United’s Board of Directors has identified the need for further clarification of the Occupancy of Parent Exception to facilitate the review and approval of membership applications and enforcement of the Corporation’s governing documents;

**NOW BE IT RESOLVED**, on March 10, 2015 the Board of Directors of this Corporation has determined that in order to qualify for the Occupancy of Parent Exception, the applicant member must be listed on the Occupancy Agreement and the membership certificate, in addition to his/her parent(s), and otherwise agree to abide by the Corporation’s governing documents;

**BE IT FURTHER RESOLVED**, that to further qualify for the Occupancy of Parent Exception, the qualifying parent(s) of the applicant must reside in the Manor on a permanent, full-time basis;

**BE IT FURTHER RESOLVED**, that to qualify for the Occupancy of Parent Exception, the applicant and the qualifying parent(s) must otherwise meet all other applicable criteria prescribed for membership in the Corporation;

**BE IT FURTHER RESOLVED**, that the United’s managing agent is authorized to inform escrows, real estate agents and sales offices of these requirements; and

**BE IT FURTHER RESOLVED** that the officers, directors and agents of this Corporation are authorized to carry out the purpose of this Resolution.

Director Skillman moved to approve the resolution. Director Bassler seconded the motion.

Member Barbara Copley (410-D) commented on the resolution.

Without objection, the Board moved the resolution to the Governing Documents Committee for further review.

Ms. Pamela Bashline left the meeting at 11:25 AM.

The Secretary of the Corporation, Director LaBarge, read the following proposed resolution approving the Standard Operating Procedure for the Unplugging of Electric Vehicles from Common Area Electricity Sources:

**Resolution 01-15-XX**

**Standard Operating Procedure for the Unplugging of Electric Vehicles  
from Common Area Electricity Sources**

**WHEREAS**, it has come to the attention of the Board of Directors for United Laguna Woods Mutual (“Corporation”) that residents within the community have been charging their electric vehicles by running extension cords through the property in order to plug their vehicles into **personal or** common area electricity sources;

**WHEREAS**, these residents are utilizing common area electricity without paying or reimbursing the cost thereof and, accordingly, the Corporation is bearing this increased expense without the ability to track the usage;

**WHEREAS**, the aforesaid cords, plugs and charging devices running through the property create a trip hazard and cause the property to otherwise be in an unsafe condition; and

**WHEREAS**, the safety risks associated with this conduct expose the Corporation to a risk of liability and expose any persons present on the property to risk of personal injury;

**NOW, THEREFORE, BE IT RESOLVED**, on March 10, 2015 the Board of Directors of this Corporation has determined that the practice of running extension cords, wires, plugs and/or other charging devices for electric vehicles in order to connect to the Corporation’s electricity is not permitted due to the associated safety concerns.

**BE IT FUTHER RESOLVED**, that the Corporation’s managing agent is authorized to take action to enforce this Resolution by notifying the residents in violation and to unplug any electric vehicles in violation after providing at least 24-hours notice.

**BE IT FURTHER RESOLVED**, that the officers, directors and agents of this Corporation are authorized to carry out the purpose of this Resolution.

Director LaBarge moved to approve the resolution. Director Bassler seconded the motion. Discussion ensued.

Director Skillman moved to amend the resolution to add to the first Whereas “personal or”. Director Bassler seconded the motion.

By way of unanimous consensus the Board moved the Standard Operating Procedure for the Unplugging of Electric Vehicles from Common Area Electricity Sources resolution to the Governing Documents Committee for further review.

The Board discussed reviewing a sample of Sub-Leasing Applications Monthly.

Director Lydick moved to review the sub-leasing applications for the next four months. Director Tibbetts seconded the motion.

Director Skillman moved to amend the motion to “review the sub-leasing applications for the next **six** months.” Director Ross seconded the motion. By a vote of 9-1-0 (Director Hammer opposed) the amendment carried.

By a vote of 9-1-0 (Director Hammer opposed) the amended motion carried.

Director Bassler moved to form one Traffic Committee for the entire Community and appoint Director Ken Hammer as United’s Representative to the Committee. Director Tibbetts seconded the motion. By a vote of 10-0-0 the motion carried.

**CONSENT CALENDAR**

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

**Maintenance and Construction Committee Recommendations:**

- **Approved the Exterior Paint Request for Building 158.**

**RESOLUTION 01-15-05**

**Variance Request**

**RESOLVED**, January 13, 2015, that the request of Ms. Dianne Johnson to paint the interior patio walls Lancaster Whitewash and the internal house wall Dry Sage at Manor 153-D Avenida Majorca, is hereby approved; 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 01-15-06**

**Variance Request**

**RESOLVED**, January 13, 2015, that the request of Mr. Gregg Barnette to not paint the atrium walls at Manor 156-A Avenida Majorca, is hereby approved; and

**RESOLVED FURTHER**, that the Member is responsible for repairs and maintenance of the atrium walls; 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 01-15-07**

**Variance Request**

**RESOLVED**, January 13, 2015, that the request of Ms. Odette Derryberry to paint the interior patio walls Lancaster Whitewash at Manor 168-B Avenida Majorca, is hereby approved; 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 01-15-08**

#### **Variance Request**

**RESOLVED**, January 13, 2015, that the request of Ms. Viviane Volk to install French doors with side-lites in the living room, eliminate the kitchen window and resize the window in bedroom two at Manor 415-C Avenida Castilla, is hereby approved; and

**RESOLVED FURTHER**, all costs and maintenance of the alterations, present and future, are the responsibility of the Mutual member(s) at 415-C; and

**RESOLVED FURTHER**, all required Mutual and City of Laguna Woods permits must be obtained and the appropriate City of Laguna Woods permit number(s) must be submitted to the Permits and Inspections office located in the Laguna Woods Community Center; and

**RESOLVED FURTHER**, the Mutual member(s) must replace the entire section of wood siding from top to bottom when the kitchen window is eliminated and framed in; 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 01-15-09**

#### **Recording of a Lien**

**WHEREAS**, Member ID 947-426-04 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 13, 2015, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-426-04; 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 01-15-10**

**Recording of a Lien**

**WHEREAS**, Member ID 947-426-34 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 13, 2015, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-426-34; 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 01-15-11**

**Recording of a Lien**

**WHEREAS**, Member ID 947-375-10 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 13, 2015, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-375-10; 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 01-15-12**

### **Recording of a Lien**

**WHEREAS**, Member ID 947-373-52 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 13, 2015, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-373-52; 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**

Due to time constrains Mr. Jerry Storage did not present the General Manager's Report.

### **COMMITTEE REPORTS**

#### **FINANCE REPORT**

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

Director Tibbetts reported from the Maintenance and Construction Committee.

Director Liberatore reported from the Walkway Lighting Sub-Committee.

Director Liberatore reported from the Water Conservation Ad Hoc Committee.

The Secretary of the Corporation, Director LaBarge, read a proposed resolution approving the Glacier Bay single flush toilet, or equal, that has a 1.28 effective GPF, greater than or equal to 1,000 grams per flush MaP Rating, 3 Inch minimum flush valve, is ADA and WaterSense-Qualified and is eligible for rebates, as the Mutual standard replacement toilet as part of the 4-year program for replacement of noncompliant plumbing fixtures. Director Bassler moved to approve the resolution, Director Tibbetts seconded the motion, and discussion ensued.

Member Pat Blomgren (563-A) commented on the resolution.

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

## **RESOLUTION 01-15-13**

### **Standard Replacement Toilet**

**WHEREAS**, recent changes to the California Civil Code and the Uniform Plumbing Code have mandated that all high-water usage toilets in commercial and residential properties be replaced with water-conserving plumbing fixtures; and

**WHEREAS**, the codes now require an effective flush volume of 1.28 gallons per flush (GPF) and require that all toilets meet this standard by January 1, 2019; and

**WHEREAS**, the United Mutual Board of Directors have approved a 4-year program for replacement of all noncompliant plumbing fixtures in United Mutual;

**NOW THEREFORE BE IT RESOLVED**, January 13, 2015, that the Board of Directors of this Corporation hereby approves the Glacier Bay single flush toilet, or equal, that has a 1.28 effective GPF, greater than or equal to 1,000 grams per flush MaP rating, 3 inch minimum flush valve, is ADA and WaterSense-qualified and is eligible for rebates, as the Mutual standard replacement toilet as part of the 4-Year Program for replacement of noncompliant plumbing fixtures; 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 Lydick reported from the Landscape Committee.

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

Director Hammer reported from the Parking Committee.

The Secretary of the Corporation, Director LaBarge, read a proposed resolution approving the Parking Committee Charter. Director Skillman moved to approve the resolution, Director Tibbetts 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 01-15-14**

#### **United Parking Committee Charter**

**RESOLVED**, January 13, 2015, that pursuant to Article VII, Section I of the Bylaws, a Parking Committee is hereby established as a standing committee of this corporation; and

**RESOLVED FURTHER**, that the committee is charged with the following duties and responsibilities:

1. Assess parking needs in United Mutual and propose solutions to the Board for approval and implementation.

2. Propose solutions to avoid or minimize problems that might arise from changes in numbers and kinds of vehicles registered to members of United Mutual, such as electric vehicles.
3. Assess effectiveness of changes when implemented to ensure that parking issues are improved or resolved.
4. Work with other Laguna Woods Village Corporations to resolve parking issues in the best interests of the Community as a whole.
5. Membership is to be determined by the United Mutual President, and subject to Board approval. The Committee will meet as often as is necessary to accomplish its duties and responsibilities.
6. Perform such other tasks as are assigned by the United Mutual Board.

Director Ross read a report on disciplinary cases.

#### **GRF COMMITTEE HIGHLIGHTS**

The Directors provided GRF Committee Highlights.

#### **DIRECTORS' FORUM**

The Directors provided final comments.

#### **MEETING RECESS**

The Regular Open Session Meeting recessed at 12:30 PM. and reconvened into the Regular Executive Session at 1:15 PM.

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

During the December 9, 2014 Special Executive Session meeting the Board reviewed and approved the minutes of the Regular Executive Session of November 13, 2014 and the Special Executive Session of November 20, 2014. The Board heard five disciplinary hearings and imposed \$300 in fines for violations of the Mutual's rules and regulations; discussed and considered numerous member disciplinary matters; discussed and considered Membership matters; discussed a Lease Extension Fee; discussed and considered Litigation Matters; and discussed Civil Code 51.3.

#### **ADJOURNMENT**

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

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Jan LaBarge, Secretary

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# UNITED LAGUNA WOODS MUTUAL

## SECTION 20 BALCONY AND PATIO COVERS, ALUMINUM AND VINYL

JULY 2002, RESOLUTION U-02-107

APRIL 2008, RESOLUTION 01-08-60

GENERAL REQUIREMENTS REVISED JUNE 2011, RESOLUTION 01-11-104

REVISED JANUARY 2015, RESOLUTION 01-15-XXX

### 1.0 **GENERAL REQUIREMENTS**

- 1.1 **PERMITS AND FEES:** A Mutual permit is required for all alterations to the building. A City of Laguna Woods permit may be required. All fees for both Mutual and City permits shall be paid for by the Member and/or his contractor. Member and/or his contractor must supply the Permits and Inspections office with City permit numbers prior to beginning work.
- 1.2 **MEMBERS RESPONSIBILITY:** The Member is solely responsible for the maintenance and repair of all alterations to the building. Removal may be required upon sale of a manor, or deterioration of the alteration. Further, Member(s) are expected to provide neighboring residents an estimated timeline for construction, and advance notice of excessive construction-related noise that may occur.
- 1.3 **CODES AND REGULATIONS:** All work shall comply with applicable local, state, and federal requirements including but not limited to the current edition of the Uniform Building Code.
- 1.4 **WORK HOURS:** For work performed which results in excessive construction-related noise (e.g. cutting tile, jack hammering, use of power tools), permitted hours are 9:00 a.m. to 2:00 p.m., Monday through Saturday. For work that does not result in excessive noise, such as painting and carpet installation, permitted hours remain 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. No work whatsoever shall be permitted on Sunday.
- 1.5 **PLANS:** The Member applying for a permit shall provide to the Permits and Inspections office a detailed plan(s), for approval, indicating all work to be done, i.e., size, location, description, and specifications and meet current noise abatement codes.
- 1.6 **DUMPSITES:** The premises shall be kept free from accumulation of waste materials and/or rubbish caused by the construction work. Member and/or his contractor is responsible for removal of debris and excess material and must leave work areas "**BROOM CLEAN**" daily. **USE OF COMMUNITY DUMPSITES FOR CONSTRUCTION RELATED DUMPING IS NOT PERMITTED.**

Contractor's dumpsters, if required, must have location approved by the Permits and Inspections office.

- 1.7 **CONTRACTOR:** Installation must be performed by a California licensed contractor of the appropriate trade.
- 1.8 **CONTRACTOR'S CONDUCT:** Member's contractor(s), their personnel, and sub-contractors shall refrain at all times from using profanity, abusive or loud language, and must wear shirts at all times. Radio, MP3, CD or cassette players are not permitted on the project site. Contractor personnel will, at all times, extend and exhibit a courteous demeanor to residents.

## 2.0 **APPLICATIONS**

- 2.1 Posts shall be of aluminum or vinyl (including alumawood, or vinyl-clad materials), square type, or to match existing posts of covers on the building.
- 2.2 All posts must be anchored to concrete slabs or inside patio walls. Posts may be attached to walls only if such walls have been constructed and inspected for such applications.
- 2.3 Color options for aluminum patio covers are white, almond or bronze. Color options for vinyl materials are white, taupe, and tan. The color of the first patio cover or enclosure on each side of the Building sets color precedence for all future patio cover and/or enclosure installations. Color may match stucco in some cases where no wood trim exists as defined by PCM Permits and Inspections office.
- 2.4 Balcony covers of aluminum must have aluminum fascias.
- 2.5 In the case that the alteration results in the compromise of an existing gutter's drainage system, the Member will be responsible for installing an appropriate downspout.
- 2.6 Downspouts must be painted to match the surface to which they may be attached. Downspouts shall not empty into other patio areas or hinder maintenance in any way.
- 2.7 Plastic skylight panels, as produced by the manufacturer, may be installed. Installations shall be per approved specifications as outlined by the manufacturer's recommendations.
- 2.8 Plexiglass, corrugated fiberglass and similar coverings will not be permitted.
- 2.9 Buildings with atriums may install a cover that conforms to the light and ventilation requirements of Section 12 of the California Building Code. The cover may not extend above the height of the existing walls. Skylight type panels are optional. A cover may not be installed over an atrium when the atrium serves as a means of exit for a sleeping room.

- 2.10 All patio covers must be built as per standard plan drawings in dimension and structure. Only those covers with state approved engineering specifications will be accepted.
- 2.11 Covers will span only the patio area as defined by the patio slab, wall, or as indicated on the standard drawing.
- 2.12 Overhang dimensions will be per standard plan drawings.

### **3.0 PATIOS OVER WHICH A BALCONY EXISTS**

- 3.1 Patio covers may not extend beyond the original construction footprint of a manor that lies beneath a balcony, exclusive of the required 6" overhang for the incorporated gutter system.
- 3.2 Flat roofs may not replace existing eyebrow covers if the enclosure extends beyond the original construction footprint.
- 3.3 Existing flat roofs may be replaced with a flat roof of equal or lesser size.
- 3.4 The color of the patio cover roof surface must be factory-finished almond. Almond colored caulking shall be used and the width of the caulk lines shall be kept to a minimum.
- 3.5 The patio cover roof surface must be flat.

# UNITED LAGUNA WOODS MUTUAL

## Section 41 Electric Vehicle Charging Stations

ADOPTED JANUARY 2015, RESOLUTION 01-15-XXX

### 1.0 GENERAL REQUIREMENTS

- 1.1 **PERMITS AND FEES:** A Mutual permit is required for all alterations to the building. A City of Laguna Woods permit may be required. All fees for both Mutual and City permits shall be paid for by the Member and/or his or her contractor. Member and/or his or her contractor must provide the Permits and Inspections office with City permit number(s) prior to beginning work.
- 1.2 **MEMBERS' RESPONSIBILITY:** The Member is solely responsible for the maintenance, repair, and/or removal of all alterations to the building.
- 1.3 **CODES AND REGULATIONS:** All work shall comply with all applicable local, state, and federal requirements including, but not limited to, the current edition of the National Electric Code (NEC).
- 1.5 **WORK HOURS:** For work performed which results in excessive construction-related noise (e.g. cutting tile, jack hammering, use of power tools), permitted hours are 9:00 a.m. to 2:00 p.m., Monday through Saturday. For work that does not result in excessive noise, such as painting and carpet installation, permitted hours remain 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. No work whatsoever shall be permitted on Sunday.
- 1.5 **PLANS:** The Member applying for a permit shall provide to the Permits and Inspections office a detailed plan(s) for approval indicating all work to be done, i.e., size, location, description and specifications.
- 1.6 **DUMPSITES:** The premises shall be kept free of accumulation of waste materials and/or rubbish caused by construction work. The Member and/or his or her contractor is responsible for removal of debris and excess material and must leave work areas "**BROOM CLEAN**" daily. **USE OF COMMUNITY DUMPSITES FOR CONSTRUCTION RELATED DUMPING IS NOT PERMITTED.** Contractor's or Member's dumpsters, if required, must have location approved by the Permits and Inspections office.
- 1.7 **CONTRACTOR:** Installation must be performed by a California licensed contractor of the appropriate trade.
- 1.8 **CONTRACTOR'S CONDUCT:** Member's contractor's, their personnel, and sub-contractors shall refrain at all times from using profanity, abusive or loud language, and must wear shirts at all times. Radio, MP3, CD or cassette players

are not permitted on the project site. Contractor personnel will, at all times, extend and exhibit a courteous demeanor to residents.

## **2.0 ELECTRICAL POWER SOURCE**

- 2.1.** Detailed site specific plans, wet stamped and signed by a California Licensed Electrical Engineer, showing electrical power source connection location, Electric Vehicle Charging Station location and routing of conduit must be submitted to the Permits and Inspections office for approval.
- 2.2.** The use of the Mutual's main electrical service panel to a multi-unit building to accommodate the installation of electric vehicle Charging Station is strictly prohibited.
- 2.3.** The use of Laundry Room, Carport, and any other Mutual electrical circuits serving common area to charge an electric automobile is strictly prohibited.
- 2.4.** The use of Laundry Room, Carport, and any other Mutual electrical circuits serving common area to accommodate the installation of electric vehicle Charging Station is strictly prohibited.
- 2.5.** A written approval from Southern California Edison for the electrical power source connection to Edison equipment must be submitted to the Permits and Inspections office.
- 2.6.** The Mutual Member is responsible for all costs associated with the installation of a new meter and payment for electrical service.
- 2.7** The Mutual Member is required to use a California Licensed and Certified Electrical Contractor for the installation of the Electric Vehicle Charging Station.

## **3.0 LOCATION**

- 3.1** The location of the Electric Vehicle Charging Station is restricted to the Mutual Member's carport parking space.
- 3.2** The location of new meters is restricted to the Mutual Member's carport parking space or as approved by Southern California Edison and the Permits and Inspections Department.
- 3.3** If the proposed Electric Vehicle Charging Station, and or any electrical conduit and any other equipment, including the electric meter is approved to be located on Common Area, the Mutual Member will be required to record a Common Area Use

Agreement.

- 3.4** The Electrical Vehicle Charging Station shall be installed in accordance with manufacturer's guidelines and shall be suitable for the environment (indoor/outdoor) where it is to be located.
- 3.5** Adequate barriers must be installed to protect the Electrical Vehicle Charging Station.
- 3.6** If the installation is in an area subject to flooding, the Electric Vehicle Charging Station shall be elevated or designed accordingly.

#### **4.0 CONDUIT ROUTING**

- 4.1** The Mutual Member and/or their contractor is responsible to notify Dig Alert (dial 8-1-1) 48 hours prior to excavation to identify all underground utility locations and is responsible for the subsequent coordination with any utility companies.
- 4.2** The Mutual Member is responsible to notify the Landscape Department through the Property Service desk a minimum of 10 days prior to excavation. Work related to removal and/or re-routing of Mutual landscaping and irrigation lines may be performed by the Mutual at the Member's expense.
- 4.3** Any revision to Mutual plumbing lines requires written authorization from the Permits and Inspections department prior to the commencement of work. Some work may be required to be performed by the Mutual at the Member's expense.
- 4.4** The Mutual Member is responsible for all costs associated with trenching, concrete or asphalt cutting to accommodate conduit runs.

#### **5.0 INSURANCE**

- 5.1** The Mutual Member will be required to maintain liability insurance coverage of at least \$1,000,000 for the Electric Vehicle Charging Station that names United Laguna Woods Mutual as an additional insured.

**UNITED MEMBERSHIP ELECTIONS  
STANDARD OPERATING PROCEDURE  
Adopted May 14, 2013 RESOLUTION 01-13-90  
Revised March \_\_\_\_, 2015**

1. **Definitions**

- a. "Corporation" shall refer to the United Laguna Hills Mutual Corporation.
- b. "Election Records" shall include tabulated ballots, voided ballots, voided Pre-addressed Return Envelopes, Eligible Voter List(s), tally sheets, returned ballot packages, ballots received after the election deadline, and any other used and unused ballots.
- b. "Secretary" shall mean an elected member of the Board of Directors who has been elected as a Corporate officer as Secretary.
- c. "Authorized Agent" shall refer to a Staff member appointed by the Board of Directors.
- d. "Inspector(s) of Elections" shall refer to an independent third party appointed by the Board of Directors to perform duties and acts to facilitate voting and elections as set forth herein.
- e. "SOP" shall mean and refer to this policy, known as the United Membership Elections Standard Operating Procedure.
- f. "Submit" shall refer to delivery of a document to the Authorized Agent at the Corporate address: **24351 El Toro Road, Laguna Woods, California.**
- g. "Qualified Member" shall mean a member qualified to nominate himself or herself as a candidate for the Board of Directors as set forth herein.

2. **Nominating Committee** – The law is clear in that a Member must be able to nominate himself or herself for election to the Board. (California Civil Code § 5105(a)(3).) Accordingly, United does not utilize a Nominating Committee to limit candidates to run for a position on the Board; that practice has been superseded by state statute. That said, the Board reserves the right to establish committees as permitted by law and pursuant to the governing documents to assist with nominations and/or director candidacy. Therefore, the provisions regarding nominating procedures set forth in this SOP shall control over the nomination procedures set forth in the Bylaws, which may be contrary to relevant law. (See, Bylaws, Article VIII.)

3. **Nomination Process**

- a. ***Qualifications***. Only "Qualified Members" are eligible for candidacy to the Board. All candidates seeking to run in any Election of Directors shall meet the following criteria in order to be considered a Qualified Member for purposes of this SOP:
  - i. Shall be Members of record as defined under Article II, Section 4(h) of the United Laguna Woods Mutual Bylaws

- ii. Shall not be shown on the books of account of the Corporation to be more than thirty (30) days delinquent in payment of any sums due to the Corporation under his or her Occupancy Agreement or otherwise, and who has been given notice thereof and the opportunity for a hearing concerning the delinquency (Bylaws: Art. VI Sec. 2(b)).
  - iii. Shall not be an employee of the Corporation (Bylaws: Art. VI, Sec. 2(b)).
  - iv. The Candidate shall be obligated to be a current member of United and to reside in his/her unit as their primary residence while a candidate for the Board and during their term as a Director, if elected.
  - v. Further, the Board may disqualify any Director where the Director or the Director's spouse has a conflict of interest with the Corporation, financial or otherwise, which engages in business transactions with the Corporation, if such Director does not immediately disclose such relationship to the Board of Directors upon its occurrence pursuant to United's Bylaws (Bylaws: Art. VI, Sec. 2(c)), and applicable provisions of the Davis-Stirling Act.
- b. Any Member may nominate any Qualified Member as a candidate, including himself or herself, by submitting a written application and candidate statement to the Secretary or Authorized Agent of the Corporation that states his or her intention to run for the Board of Directors at least sixty (60) days prior to the annual meeting of the Members at which the election will be held. (Bylaws: Art. VI, Sec. 2, California Civil Code § 5105(a)(3)). Nominations for the Board shall close sixty (60) days before the date of the annual election. No nominations for the Board can be made after the closing date.
- \*\*EXCEPTION:** Should California Civil Code Section 5105 be amended at any time in such a way that nomination by petition as provided for in California Corporations Code Section 7521 (b) is allowed, the previous statement shall be replaced by the following: "Any Member who satisfies the qualification of directors (Bylaws: Art. VI, Sec. 2) may nominate himself or herself by submitting a petition signed by Members representing one hundred (100) current memberships to the Secretary of the Corporation at least sixty (60) days before the annual meeting."
- c. Any committee established by the Board to assist the candidates running for the Board shall submit a final report of all candidates to the Board upon the close of nominations.
- d. Each candidate shall submit to the Secretary or Assistant Secretary a statement of background and qualifications not to exceed two hundred fifty (250) words in length not less than sixty (60) days prior to the annual meeting.
- i. The following are guidelines for the preparation of the statement of candidate's background and qualifications:
    - 1. The statement may include: Education, Business Background, Civic & Social, and community activities;
    - 2. "Activities" may include organized events, clubs, hobbies or any unique activity;
    - 3. Date and place of birth shall be considered optional information;

4. Statement of personal philosophy on community affairs (optional).
- e. Each candidate for a Director position is responsible to directly forward their candidate statement, electronically, to the Secretary or Assistant Secretary of the Corporation and is solely responsible to ensure the accuracy of the information and transmission of the candidate's statement. Once the candidate's statement is submitted, as set forth herein, it is irrevocable and cannot be changed or modified. ***United is not responsible for the content of any candidacy statement***; however, any statement and its contents shall comply with the requirements set forth in the prepared General Advertising Guidelines of the Golden Rain Foundation (GRF) Media Use Policy ("Media Use Policy". The Secretary or Assistant Secretary shall cause such candidates' statements consistent with the Media Use Policy to be mailed to the members, or distributed by other methods of transmittal authorized by law, along with the ballots.
- f. Any candidate or spouse of a candidate who has a direct or indirect financial interest in any business organization or who is a director, officer or employee of any business, or agency of any county, state or federal government (other than a charitable organization), incorporated or otherwise, which engages in business transactions with the Corporation, shall disclose such relationship to the Board of Directors at the time of their self-nomination.
  - i. Failing to disclose such relationship, termination or cessation of membership in United, or failure to reside full-time in the candidate's Manor, shall, when ascertained, immediately disqualify the candidate, or if ascertained after the candidate is elected as a Director to the Board of Directors of the Corporation, shall immediately disqualify the Director from further service on the Board thereby creating a vacancy to be filled by the Board of Directors as provided in Section 4(e) of Article VI (Bylaws, Art. VIII Sec. 3(d)).
- g. Candidates must disclose the fact that they have significant outside, time-consuming commitments such as: (a) full time or significant employment responsibilities; (b) full time or significant time commitments to care for others; or (c) extensive travel plans which could impact the time available to conduct Board Business (Bylaws, Art. VIII Sec. 3(e)).
- h. The candidates receiving the highest number of votes, up to the number of directors to be elected, shall be elected as directors and shall take office immediately following their election. Any tie vote shall be broken by lot, which may include any method of randomly deciding the issue as agreed by the candidates or adopted by the Board, including without limitation drawing names or straws, or use of a coin, die or other object, or a lottery, or any other random selection process.

#### 4. **Eligibility to Vote**

- a. Only persons approved for Membership by the Board of Directors and to whom a membership certificate has been issued (or the Member's successor trustee) shall be entitled to vote (see Bylaws, Art. II Sec. 4(h)-(i)).
- b. No Member shall be eligible to vote who is shown on the books of account of the Corporation to be more than thirty (30) days delinquent in payment of any Carrying Charges or Special Assessments due to the Corporation under his or

her Occupancy Agreement or otherwise, and who has been given notice thereof and the opportunity for a hearing concerning the delinquency and loss of voting rights (Bylaws: Art. V Sec. 8(a)(i)).

- c. Single Memberships in which two or more Members have a joint or undivided interest shall have only one (1) vote (Bylaws: Art. V Sec. 8(a)(ii)).
- d. Record Date:
  - i. The record date for determining those Members entitled to receive Notice of a meeting of the Members shall be fifteen (15) days prior to the day that the notice of the meeting is mailed (the "Record Date for Notice");
  - ii. The record date for determining those Members entitled to vote by secret ballot shall be fifteen (15) days prior to the day that the secret ballots are mailed (the "Record Date for Secret Ballots");
  - iii. The record date for determining the Members entitled to vote by ballot on corporate action **without a meeting** shall be twenty (20) days before the day on which the first written ballot is mailed or solicited (Bylaws: Art. V Sec. 10(d)).
- e. Unless a vote is being taken in connection with an annual meeting of the Members, the Inspector(s) of Election shall tabulate the ballots for the vote to approve assessments, amendments to governing documents and/or granting the exclusive use of common area to a member shall be tabulated at a duly noticed (regular or special) meeting of the Board of Directors. The Board of Directors shall determine the date, time and place of said Board meeting.

5. **Candidate Equal Access to Corporation Media**

- a. All candidates for a Director position shall have equal access to Corporation media for the purpose of campaigning for an election pursuant to and consistent with the requirements set forth in the Golden Rain Foundation (GRF) Media Use Policy and applicable law. For purposes of this paragraph, "Corporation media" means the Corporation's cable channel. No candidate may utilize Corporation media for the thirty (30) day period following the date the first election ballot material is sent to the membership for the election of the Board of Directors through the election date, even if for a period longer than thirty (30) days.
- b. In each election for the Board of Directors, the Corporation shall hold a forum ("Meet the Candidates") for the nominees within a Golden Rain Foundation (GRF) facility prior to the date that the ballot materials are sent to the Membership. Meet the Candidates will be for the purpose of allowing the Membership to meet and ask questions of all nominees. All nominees standing for election shall be invited to attend the forum and should appear in person.
- c. Golden Rain Foundation (GRF) meeting rooms shall be available to candidates free of charge for campaign purposes (California Civil Code Section § 5105(a)(2).).
- d. Any time a ballot measure is required to be sent to the Membership for approval which is unrelated to the election of directors, such as amending the Bylaws or the Occupancy Agreement, the Corporation may hold a town hall meeting – rather than a formal membership meeting – which is an informal gathering of members in which members can express their points of view. Further, if

Corporation media is used in connection with such ballot measures, any Member advocating a point of view shall be permitted use of Corporation media, provided the Member's purposes reasonably relate to the ballot measure. The Corporation shall not edit any such communications made by Members, but may include a statement specifying that the Member, and not the association, is responsible for that content.

6. **Appointment of Inspectors of Election**

- a. The Board of Directors shall appoint one (1) or three (3) Inspectors of Election. An Inspector of Election shall, at the Board's discretion, be a member of the Corporation as defined under Section 1.b of this SOP, an independent third party that specializes in the administration of elections with whom the Board executes a contract, or a combination of the two (see California Civil Code Section § 5110(b).).
- b. An Inspector of Election shall not be a member of the United Laguna Woods Mutual, (California Civil Code § 5110(b).).
- c. Inspectors of Election shall not be employees of the managing agent; however, employees of the managing agent may assist the Inspector(s) of Election with their duties except for the counting and tabulation of the votes.
- d. Inspectors of Election who are members of the Corporation must be prepared to commit to a substantial workload during preparation of the ballots for mailing and between the time the returned ballots are received and the time when they are counted and tabulated at an open meeting.
- e. If the Board contracts with an independent third party as an Inspector of Election pursuant to Section 6.a of this SOP, the provisions for verifying voter eligibility and for formatting of election materials contained in Section 7 of this SOP may be adapted to meet the requirements of an electronic processing system used by the contractor.
- f. An Inspector or Inspectors may appoint and oversee additional persons to verify signatures and assist as the Inspector or Inspectors deem appropriate.

7. **Duties of Inspectors of Election**

- a. Determine the number of memberships entitled to vote and the voting power of each membership. (California Civil Code § 5110(c)(1).)
  - i. Eligible Voter List:

Pursuant to Section 4 of this SOP, the Inspectors will create or cause to be created an Eligible Voter List that identifies all Members who are eligible to vote. This list will be used to mail ballots only to those Members entitled to vote by ballot on corporate action without a meeting as of the Record Date specified herein.
- b. Determine when the polls shall close. (California Civil Code § 5110(c)(6).)
  - i. The Inspectors of Election shall determine the date that ballots must be received in accordance with California Civil Code § 5115(a)., which states "Ballots...shall be mailed not less than 30 days prior to the deadline for

voting.” The deadline shall be incorporated into the voter instructions and adopted by the Board of Directors in the form of a resolution.

- c. Oversee the Mailing of the Ballot Package
  - i. Obtain certification from the preparer of the ballot packages that all necessary items were enclosed in each Ballot Package Mailing Envelope and that the envelopes were properly addressed to all members on the Eligible Voter list.
  - ii. Ensure that Ballot Package Mailing Envelopes are sent by first class mail to ensure that all members receive ballots in a timely manner.
  - iii. Obtain a statement from the post office indicating the number of ballot packages mailed.
- d. Receive ballots. (California Civil Code § 5110(c)(3).)
  - i. Secret Ballot Return Instructions – If authorized by the California Legislature, the Corporation may utilize electronic “Secret Ballots.” Such procedure will be consistent with what is required in the California Civil Code. For paper Secret Ballots, the following shall apply:
    - 1. The Secret Ballot itself is not signed by the voter, but is inserted into the Secret Ballot Envelope, which is sealed. The Secret Ballot Envelope shall not have any identifiable markings and is then inserted into the Pre-Addressed Return Envelope, which is also sealed. In the upper left hand corner of the Pre-Addressed Return Envelope, the voter shall both print and sign his or her name, address, and the unit number that entitles him or her to vote (California Civil Code § 5115(a)(1).).
    - 2. The Pre-Addressed Return Envelope is addressed to the Inspector or Inspectors of Election, who will tally the votes. The envelope may be mailed or delivered by hand to a location specified by the Inspector or Inspectors of Election. The member may request a receipt for delivery (California Civil Code § 5115(a)(2).).
      - a. Return by Mail
        - i. The Pre-Addressed Return Envelope shall be returned on or before the deadline date by mail to the address of the Inspector of Election c/o Ballot Collector as set forth in the voting or ballot return instructions or on the secret ballot.
        - ii. A second post office box may be used for Secret Ballot packages returned as undeliverable.
        - iii. Members who desire a receipt for delivery of a mailed Secret Ballot shall mail the Secret Ballot by Certified Delivery – Return Receipt Requested at the Member’s expense.
      - b. Return by Hand Delivery
        - i. Secret Ballots returned by hand shall be deposited by the Member into a locked and secure ballot box

located in the lobby of the **Community Center, 24351 El Toro Road, Laguna Woods.**

- ii. At the request of the voting Member, the management staff shall provide a receipt for the hand delivered Secret Ballot.
  - iii. Inspectors shall retrieve Pre-Addressed Envelopes from the locked ballot box daily and date stamp them.
  - iv. Secret Ballots may also be hand delivered to the Inspector of Elections at the meeting to tabulate the ballots prior to the close of polls.
3. All Pre-addressed Return Envelopes received shall remain sealed until they are opened and tabulated in public. The Corporation shall reserve a secure room at the **Community Center (24351 El Toro Road, Laguna Woods)** for use by the Inspector(s) of Election. Notwithstanding, the Inspector(s) of Election may establish a physical boundary or buffer around them during the tabulation of ballots.
- ii. Ballot Return Instructions – The Ballot Return Instructions will be the same as the Secret Ballot Instructions, detailed herein above, with the exception that the Ballot will be inserted into the Pre-Addressed Return Envelope only inasmuch as non-Secret Ballots do not require the use of a double envelope system so the Secret Ballot Envelope will not be utilized.
- e. Determine the authenticity, validity, and effect of proxies, if any.
  - f. Verify voter eligibility.
    - i. Count and record the number of Pre-addressed Return Envelopes received from the post office.
    - ii. Count and record the number of Pre-addressed Return Envelopes received by hand delivery.
    - iii. Place the Pre-addressed Return Envelopes in order by address, which corresponds with the Eligible Voter List. This process may be automated (i.e., barcodes).
    - iv. Void (but do not open) any Pre-addressed Return Envelopes, which does not contain information that identifies the member as an eligible voter (see Section 7.d.i.1 above).
    - v. Void (but do not open) any Pre-addressed Return Envelope that is a duplicate vote.
      1. Revocation. No written ballot may be revoked after deposit in the mails or delivery to the Corporation. (Bylaws, Art. V Sec. 9(e))
      2. If a voter returns two Pre-addressed Return Envelopes, the Inspectors of Election shall determine which ballot to count. If it can be determined which is the first Pre-addressed Return Envelope sent or received, then it shall be deemed the original ballot, which shall be counted and the other Pre-addressed Return Envelope should be voided.

- vi. Resolve any challenged ballots. If possible, this should be done before any Pre-Addressed Return Envelope is opened and counting begins.
  - vii. Explain the reason for each voter eligibility decision made.
  - viii. The sealed ballots at all times shall be in the custody of the Inspector or Inspectors of Election or at a location designated by the Inspector or Inspectors of Election until after the tabulation of the vote, at which time the Inspector of Election can maintain custody of the Election Record pursuant to statute, or transfer custody shall be transferred to the Corporation (California Civil Code § 5125(a).).
- g. Count and tabulate the votes.
- i. All votes shall be counted and tabulated by the Inspector or Inspectors of Election in public at a properly noticed open meeting of the Board of Directors (Civil Code § 5120(a).).
  - ii. At a properly noticed open meeting of the Board of Directors, the seals of the Secret Ballot Envelopes shall be broken, and the Inspector(s) of Election shall prepare the ballots for tabulation, which may include electronic tabulation scanning. A third-party election services contractor who is not an inspector of election may be deputized by the Inspectors of Election to assist with the preparation and scanning of the ballots.
  - iii. A ballot shall be voided if it contains information identifying the voter (California Civil Code § 5115(a).).
- h. Determine the result of the election
- i. Once the ballots are scanned and tabulated, the Inspector(s) of Election shall certify the election by signing an official form. The tabulated results of the election shall be promptly reported to the Board and shall be recorded in the minutes of the next meeting of the Board and shall be available for review by members of the Corporation.
  - ii. Within fifteen days of the election, the Board of Directors shall publicize the results of the election.
  - iii. Tabulated ballots shall be packed and sealed, and the Inspectors of Election shall initial the seal to ensure that there is no tampering with the tabulated ballots.
  - iv. The custody of the tabulated ballots and other Election Records as listed in Section 1.a of this SOP shall remain in the custody of the Inspector(s) of Election for not less than one (1) year after the tabulation of ballots, or until the time allowed by Civil Code Section 5145 for challenging the election has otherwise expired. Upon written request, ballots shall be made available for inspection and review by Members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.
  - v. After the tabulation of ballots, the Board of Directors or its management agent shall return to the post office to pick up any ballots received after the deadline. These ballots shall not be opened and shall be marked "Void – received after deadline".

- vi. All written ballots and other Election Records as defined in Section 1.a of this SOP shall be filed with the Secretary of the Corporation and maintained in the corporate records at a secure location for a minimum period of one (1) year (see Bylaws, Art. V Sec. 9(f)).

8. **Election Mailing Materials**

- a. The Corporation shall conduct its election consistent with its Bylaws and state statutes (see Bylaws, Art. V Sec. 9(b)). The official election materials are to be prepared by the Inspector(s) of Election.
- b. As prescribed by law, secret ballot procedures shall be used when voting on the following issues: assessments; election and removal of directors; amendments to the Governing Documents; and the grant of exclusive use of Common Area property.
  - i. A “secret ballot” is a ballot which does not identify the voter by name, address, lot, unit or parcel number. The term “secret ballot” does not include a ballot for purposes of voting on any matter other than assessments, election or removal of directors, amendments to the Governing Documents or the grant of exclusive use of Common Area property. All secret ballots, including for election of directors, must conform to the requirements of applicable law. Any Bylaws provision inconsistent with the law shall be void.
  - ii. All secret ballots shall provide a reasonable time within which to return the ballot to the Corporation, which may be set at the discretion of the Board unless otherwise required by law. The time for the return of secret ballots may be extended for reasonable intervals at the discretion of the Board.
  - iii. Any action requiring Member approval, other than those requiring a secret ballot, may be submitted for vote by written ballot without calling a meeting of the Members. The written ballot shall describe the proposed action(s), provide an opportunity to specify approval or disapproval of each proposal, and provide a reasonable time within which to return the ballot to the Corporation as set forth in Article V, Section 9 of the Bylaws.
    - 1. The determination to conduct a vote by written ballot shall be made by the Board or by members having 10% of the eligible voting power signing a written request and delivering same to any Corporation officer.
    - 2. The officer shall thereupon distribute a written ballot to every Member eligible to vote on the matter. A written ballot may not be revoked.
    - 3. All solicitations shall indicate the number of responses needed to meet the quorum requirement and the percentage of approvals needed to approve each proposal. The solicitation must specify the time by which the ballot must be received in order to be counted.
    - 4. Written ballots and solicitations shall be distributed in the same manner as notice of Member meetings. Approval by written ballot shall be valid only when the number of eligible ballots received meets the quorum required at a meeting authorizing the action, and

the number of approvals equals or exceeds the number of votes that would be required to approve at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot. Upon tabulation of the ballots, the Board shall promptly notify the Members of the outcome of the vote or failure to meet quorum.

- c. Should state statute allow for electronic voting for those votes which previously required paper Secret Ballots, as referenced herein and in the state statute, then the Corporation may utilize such electronic system consistent with those Rules and Regulations, so long as the electronic voting is consistent with the terms of the applicable and statutory requirements.

9. **Secret Ballots: Removal of Directors by the Membership**

- a. The Members may remove directors by a vote of the majority of the eligible voting power of the Corporation, in accordance with the following procedures:
  - i. A petition must be presented, in person, to the President or Secretary of the Corporation, bearing the signatures of Members in good standing who represent at least five percent (5%) of the eligible voting power of the Corporation. The petition must state the reason(s) justifying the director's removal; the signature and address or Unit number of each petitioner in his or her own handwriting; the name(s) of the sponsor(s) of the petition; and fulfill all other legal requirements.
  - ii. Within twenty (20) days after receipt of such petition, the President, Secretary, or Board shall either call a special meeting or distribute secret ballots to the Members to vote upon the requested recall. Such meeting or vote by secret ballot shall be conducted not less than thirty-five (35) nor more than ninety (90) days after the petition is presented.
  - iii. The director(s) whose removal is being sought shall have the right to rebut the allegations contained in the petition orally, in writing or both. Any written rebuttal shall be mailed by the Corporation or otherwise provided to all Members, together with the recall ballot.
  - iv. If the quorum requirement for a valid membership action is not satisfied or if the recall vote results in a tie, the removal action will have failed.
  - v. In the event the recall vote is successful, any vacancy must be filled by a vote of the Members following the nomination and election procedures set forth in this SOP, except that nominations to fill a vacancy shall close thirty (30) days before the date of special meeting to elect a director(s) to fill a vacancy(ies). Notice of the special meeting and secret ballots to elect directors to fill any vacancy created by the removal of one or more directors must be sent to Members not less than thirty (30) days before the deadline for voting. The successor director shall serve for the unexpired term of his or her predecessor.

10. **Secret Ballots: Amendments to Governing Documents.**

- a. Votes to amend the Bylaws, Occupancy Agreement or any other governing documents of the Corporation (“Governing Documents”) shall be done by secret ballot pursuant to the SOP. Secret ballots enclosing the text of the proposed amendment must be delivered to every Member not less than thirty (30) days prior to the deadline for voting.

11. **Secret Ballots: Grant of Exclusive Use of Common Area.**

- a. The affirmative vote of at least sixty-seven present (67%) of Members secret ballot pursuant to the procedures set forth herein is required before the Board may grant exclusive use of any portion of the Common Area to a Member, unless the grant of exclusive use of Common Area meets an exception provided by Civil Code Section 4600(b), or any superseding statute, which includes, but is not limited to any grant of exclusive use that is for any of the following reasons:
  - i. To eliminate or correct engineering errors in documents recorded with the county recorder or on file with a public agency or utility company;
  - ii. To eliminate or correct encroachments due to errors in construction of any improvements;
  - iii. To permit changes in the plan of development submitted to the Real Estate Commissioner in circumstances where the changes are the result of topography, obstruction, hardship, aesthetic considerations, or environmental conditions;
  - iv. To fulfill the requirement of a public agency;
  - v. To transfer the burden of management and maintenance of any Common Area that is generally inaccessible and not of general use to the membership at large;
  - vi. To accommodate a disability;
  - vii. To install and use an electric vehicle charging station in a garage or a designated parking space that meets the requirements of Civil Code Section 4745, where the installation or use of the charging station requires reasonable access through, or across, the common area for utility lines or meters;
  - viii. To install and use an electric vehicle charging station through a license granted by an association under Civil Code Section 4745; or
  - ix. To comply with governing law.
- b. Any measure placed before the members requesting that the Board grant exclusive use of any portion of the Common Area shall specify whether the Corporation will receive any monetary consideration for the grant and whether

the Corporation or the transferee will be responsible for providing any insurance coverage for exclusive use of the Common Area.

DRAFT

**UNITED LAGUNA WOODS MUTUAL**

**STANDARD OPERATION PROCEDURE FOR  
UNPLUGGING OF ELECTRIC VEHICLES**

Adopted , 20\_\_

**RESOLUTION X-XX-XX**

**1. Definitions**

- a. "Corporation" or "United" shall refer to United Laguna Woods Mutual.
- b. "Resolution" shall refer to Resolution X-XX-XX, prohibiting residents from charging their vehicles in common area power sources.
- c. "SOP" shall mean and refer to this policy, known as the United Standard Operating Procedure for Unplugging of Electric Vehicles.

**2. Violations** – Residents have been observed by staff and other United members plugging their electric vehicle charging devices into United's common electricity sources. This necessitates running extension cords and other equipment through the property. Not only are the residents taking advantage of United's electricity without bearing the cost, but, more importantly, this conduct constitutes a safety hazard in the community. Currently, there is no SOP in existence or guidance set forth in the Corporation's governing documents to instruct staff how to handle these violations. Accordingly, pursuant to the Resolution, this SOP will control.

**3. Enforcement of Violation:**

- a. Confirm Vehicle Owner - When staff observes a resident in violation of the vehicle charging policy and/or confirms a complaint made by a resident, the staff member should determine the owner of the vehicle. Staff should also photograph the violation for United's records.
- b. Notification - Staff should take all steps to *immediately* notify the owner of the vehicle of the violation. Because of the safety risk involved, time is of the essence.
  - i. Staff should hand deliver a written notice of the violation to the vehicle owner. This notice should take the form of the letter provided by legal counsel. The notice should be hand delivered to the owner, if possible, or otherwise posted on the door the Manor and a copy inserted under the windshield wipers of the vehicle in violation

- ii. Staff should also follow up with a telephone call if the owner cannot be reached at the time the notice is delivered.
  - iii. Staff should note the time when the vehicle owner is notified.
- c. Failure to Comply – If, within 24 hours of notice of the violation, the vehicle owner has not unplugged the charging device, staff is authorized to unplug the vehicle and safely wrap up or re-coil any related cords, wires and other components of the charging device.

i. NOTE: The unplugging the electric vehicles runs the risk that power to these vehicles will be drained and/or the vehicle will become temporarily inoperable. Because it is reasonably foreseeable the residents may need their vehicles for emergencies, medical appointments, work, etc., it is extremely important that staff provides the requisite 24 hour notice so that the owners have time to make reasonable accommodations for their vehicles