

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

**February 10, 2009**

The Regular Meeting of the Board of Directors of United Laguna Hills Mutual, a California Non-Profit Mutual Benefit Corporation, met on Tuesday February 10, 2009, at 9:30 A.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Lloyd Foster, Bevan Strom, Linda Wilson, Marty Rubin, Maxine McIntosh, Gail McNulty, Arlene Miller, Paul Vogel, John Dalis, Marv Rosenhaft, Mike Curtis

Directors Absent: None

Others Present: Milt Johns, Patty Kurzet  
*Executive Session:* Milt Johns, Cris Trapp, Patty Kurzet

**CALL TO ORDER**

Lloyd Foster, President of the Corporation, chaired and opened the meeting, and stated that it was a Regular Meeting held pursuant to notice duly given. A quorum was established and the meeting was called to order at 9:30 A.M.

**PLEDGE OF ALLEGIANCE**

Director Paul Vogel led the Pledge of Allegiance to the Flag.

**ACKNOWLEDGEMENT OF PRESS**

In the absence of Cheryl Walker from the Laguna Woods Globe, Ms. Janet Whitcomb, a freelance reporter was present, and the Channel 6 Camera Crew, by way of remote cameras, were also acknowledged as present.

**APPROVAL OF AGENDA**

The agenda was approved as amended by removing the following from the Architectural Maintenance and Planning (AMP) Committee Consent Calendar: *67-B Denial of appeal request for electricity usage cost reimbursement*, placing it under New Business and *343-D Approval of request to retain the painted steps and walkway* placing it under the AMP Report; removing agenda item 12(d) *Approval of Select Audit Committee Charter* to under the Finance Report; and removing agenda item 12(e) *Authorization of a Supplemental Appropriation of \$107,000 for Roof Contract Pricing Adjustment* to the Closed Session Agenda as a formation of a contract with a third party.

Director Curtis made a motion to keep agenda item 12(e) *Authorization of a Supplemental Appropriation of \$107,000 for Roof Contract Pricing Adjustment* on the open session agenda. The motion failed due to the lack of a second.

Without objection, the Board agreed to limit the total time for Member Comments to 30 minutes.

### **MEMBER COMMENTS**

- Maureen LaBonte (853-Q) commented on a bill she received for the epoxy pipe lining
- Dick Sharp (887-Q) stated that the Nominating Committee is currently looking for qualified candidates to run for the 2009 Board of Director election
- Jerry Sheinblum (3488-C) announced the next CCA Town Hall Meeting

### **RESPONSE TO MEMBER COMMENTS**

- President Foster briefly responded to members' comments
- Director Rosenhaft commented on the importance of interviewing with the Nominating Committee
- Director Curtis commented on the epoxy pipe lining program

### **APPROVAL OF MINUTES**

Without objection, the Board reviewed and approved the Minutes of the Regular Meeting of January 13, 2009, and the Minutes Special Meeting of January 23, 2009 were approved as amended by revising the first paragraph on page 2 to read as follows: "President Foster indicated, as reported from a memo from Janet Price, that an that an early pay-off would assist GRF sell the property involved in the Moulton Widening Project and to not pay the \$14,000 cost of the Single Audit Report."

### **OLD BUSINESS**

Director Marv Rosenhaft made a motion to implement the Communication portion of the Vision and Mission Statement in order to effectively communicate Board rules, regulations and requirements to the Membership as follows: hold a regular time slot on Channel 6 following the Board Meeting to update the Membership on the Board activities; produce a monthly newsletter on the Board's key rules, regulations, standards and procedures, etc.; and publish a monthly article in the Laguna Woods Globe.

Director Linda Wilson seconded the motion and discussion ensued.

Mutual Member Mary Stone (356-C) addressed the Board on the cost of the publications.

By a vote of 9-0-1 (Director McIntosh abstained), the motion carried.

Director Marty Rubin made a motion to assign staff to provide recommendations to the Board on oversight procedures based on criteria created by the Board and to respond back to the Board with a report. Director Wilson seconded the motion and discussion ensued.

Mutual Member Mary Stone (356-C) commented on the Community receiving the survey.

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

### **NEW BUSINESS**

Mr. Norman Goldsmith of 67-B Calle Aragon addressed the Board on his appeal request for reimbursement of electrical costs.

Director McIntosh made a motion to approve Mr. Goldsmith's appeal for reimbursement. Director Gail McNulty seconded the motion and discussion ensued.

By a vote of 0-9-1 (Director Curtis abstained), the motion failed.

Director Wilson made a motion to refer the matter back to the AMP Committee. Director McIntosh seconded the motion and discussion ensued.

By a vote of 4-6-0 (Directors Curtis, McIntosh, McNulty and Wilson voted in favor), the motion failed.

Director Wilson made a motion to deny the appeal request. Director Curtis seconded the motion and discussion ensued.

By a vote of 5-2-2 (Directors McNulty and McIntosh opposed, and Directors Rosenhaft and Curtis abstained), the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 01-09-26**

**RESOLVED**, February 10, 2009, that the appeal request of Mr. Norman Goldsmith of 67-B Calle Aragon for reimbursement of electrical costs incurred due to a spike in electricity usage is hereby denied.

Director Wilson made a motion to participate in the City of Laguna Woods' Recycling Pilot Program. Director Bevan Strom seconded the motion and discussion ensued.

Mutual Members Maureen LaBonte (853-Q) and Rhoda Lindner (2013-C) addressed the Board on the motion.

By a vote of 10-0-0, the motion carried.

The Secretary of the Corporation, Director Linda Wilson, read a proposed resolution allowing GRF to affix the Community signage on Mutual-owned walls. Director Wilson moved to approve the resolution. Director Rubin seconded the motion and discussion ensued.

Mutual Member Mary Stone (356-C) commented on the registered name.

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

**RESOLUTION 01-09-27**

**WHEREAS**, the Golden Rain Foundation (GRF) is in the process of placing the new community signage on Mutual owned walls at Gate Entrances; and

**WHEREAS**, the walls in the various gate locations are the responsibility of the Mutual; and

**WHEREAS**, the actual signage is the responsibility of GRF; and

**WHEREAS**, GRF is currently replacing community signage where it previously existed;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors of this Corporation hereby directs that when GRF installs a community sign, the mutual gives permission to affix said signage on mutual walls; and

**RESOLVED FURTHER**, that the costs associated with the installation and maintenance of the community signage will be borne by GRF; 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.

#### **CHAIR'S REMARKS**

President Foster commented on paying off the HUD loans early and dispelled rumors on what would happen to United Mutual subsequent to the pay-off; and announced that Director Linda Wilson has been nominated as the Community Associations Institute (CAI) volunteer Board Member of the Year.

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

Mr. Milt Johns commented on topics heard at a recent law seminar, and provided an update on the status of the Moulton Parkway Widening Project.

#### **CONSENT CALENDAR**

Without objection, the Consent Calendar was approved as amended, and the following actions were taken:

#### **Architectural, Maintenance and Planning Committee**

##### **RESOLUTION 01-09-28**

**RESOLVED**, February 10, 2009, that the request of Mr. and Mrs. Don Routh of 59-G Calle Cadiz to retain the gutters and downspouts on the outside front patio and front porch of their manor is hereby approved; and

**RESOLVED FURTHER**, that all future costs for maintenance of the alteration, and any damage to Mutual property that may result from the alteration gutters and downspouts, are the responsibility of the Mutual member(s) at 59-G; and

**RESOLVED FURTHER**, that a required Mutual permit must be obtained for the rain gutter and downspout alteration.

**RESOLUTION 01-09-29**

**RESOLVED**, February 10, 2009, that the request of Mr. Leonard Auerbach of 76-T Calle Aragon that the Mutual replace windows in the bedrooms and master bath of his manor with double-paned windows due to condensation on existing windows is hereby denied.

**RESOLUTION 01-09-30**

**RESOLVED**, February 10, 2009, that the request of Mr. Hagop Demirdjian of 265-D Calle Aragon to retain a satellite dish installed on the atrium fascia board of his manor is hereby denied.

**RESOLUTION 01-09-31**

**RESOLVED**, February 10, 2009, that the request of Ms. Helen Wilkinson of 320-A Avenida to install a concrete walkway from an existing sidewalk to the entrance to her manor is hereby denied.

**RESOLUTION 01-09-32**

**RESOLVED**, February 10, 2009, that the request of Mr. Don Gascoigne of 320-C Avenida Carmel to install a sliding glass door in place of a window, and install a new walkway is hereby denied.

**RESOLUTION 01-09-33**

**RESOLVED**, February 10, 2009, that the request of Ms. Jacqueline Fengel of 386-A Avenida Castilla to retain the front entry door color is hereby denied; and

**RESOLVED FURTHER**, that the Board requires the front entry door at Manor 386-A to be painted at the Mutual's expense a color that complies with the Mutual's approved Exterior Paint Color Palette.

**RESOLUTION 01-09-34**

**RESOLVED**, February 10, 2009, that the request of Mr. John Choi of 407-C Avenida Castilla to perform a front patio extension with block walls at his manor is hereby denied.

**RESOLUTION 01-09-35**

**RESOLVED**, February 10, 2009, that the request of Mrs. Phyllis Diamond of 580-Q Avenida Majorca for the installation of a handrail on the walkway on the side of the manor is hereby denied.

**RESOLUTION 01-09-36**

**WHEREAS**, Mr. Hossein Nazari-Gorgani of 796-D Via Los Altos disputed charges for the re-roofing of an alteration patio cover at his manor, and by way of Resolution 01-08-240, the Board of Directors upheld its alteration roofing policy and affirmed Mr. Nazari-Gorgani responsibility for the re-roofing charge; and

**WHEREAS**, Mr. Nazari-Gorgani appealed the Board's decision;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors of this Corporation hereby continues to uphold its alteration roofing policy and affirms Mr. Nazari-Gorgani's responsibility for the \$634.74 charge to re-roof the alteration patio cover 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 01-09-37**

**RESOLVED**, February 10, 2009, that the request of Ms. Barbara Gildin of 839-D Ronda Sevilla the Mutual to install an additional walkway light along the walkway between Buildings 839 and 843 is hereby denied.

**RESOLUTION 01-09-38**

**WHEREAS**, Ms. Mary McEntryre of 2052-D Via Mariposa East disputes the bill for an emergency chargeable service to repair a hose bib in her manor; and

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors of this Corporation hereby upholds its Chargeable Maintenance

Services policy and affirms Ms. McEntryre's responsibility for the \$33.78 emergency service charge for repair of a hose in her 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 01-09-39**

**WHEREAS**, Ms. Kaye Mann of 2070-Q Via Mariposa East disputes the labor and service charge fees for the pick-up of her refrigerator; and

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009 that the Board of Directors of this Corporation hereby upholds its Chargeable Maintenance Services policy and affirms Ms. Mann's responsibility for the \$39.60 charge to pickup the refrigerator at her manor; and

**RESOLVED FURTHER**, that the Board waives any late fees associated with the billing and charged to Ms. Mann while the item was in dispute processing; 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 Recommendation:**

No recommendations were made

**Finance Committee Recommendations:**

**RESOLUTION 01-09-40**

**WHEREAS**, Member ID 947-359-03 is currently delinquent to United Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-359-03; 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 01-09-41**

**WHEREAS**, Member ID 947-366-83 is currently delinquent to United Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-366-83; 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 01-09-42**

**WHEREAS**, Member ID 947-386-23 is currently delinquent to United Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-386-23; 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 01-09-43**

**WHEREAS**, Member ID 947-449-58 is currently delinquent to United Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-449-58; 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 01-09-44**

**WHEREAS**, Member ID 947-453-38 is currently delinquent to United Laguna Hills Mutual with regard to the monthly assessment; and

**WHEREAS**, a Notice of Delinquent Assessment (Lien) will be filed upon adoption of this resolution following at least a majority vote of the Board (with no delegation of such action by the Board), acting in an open meeting, and for which the Board's vote is recorded in the minutes;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors hereby approves the recording of a Lien for Member ID 947-453-38; 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.

#### **Items Postponed from Previous Meeting**

No items came before the Board.

#### **COMMITTEE REPORTS and SERVICES**

##### **FINANCE REPORT**

Director Paul Vogel gave the Treasurer's Report and reported from the Finance Committee.

The Secretary of the Corporation read a proposed resolution approving the Select Audit Committee Charter. Director Wilson moved to approve the resolution. Director McNulty seconded the motion and discussion ensued.

Mutual Member Rhoda Lindner (2013-C) commented on the motion.

Director Curtis made a motion to remove #2 of the proposed Select Audit Committee resolution and the motion failed due to the lack of a second.

Director Curtis made a motion to add the words "and Treasurers" under #5 of the proposed Select Audit Committee resolution and the motion failed due to the lack of a second."

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

**RESOLUTION 01-09-45**

**LAGUNA WOODS VILLAGE CORPORATIONS  
SELECT AUDIT COMMITTEE CHARTER**

**RESOLVED**, February 10, 2009, that the Boards of Directors of this Corporation hereby assigns the duties and responsibilities of this Committee, as follows:

1. Perform the duties imposed upon all standing committees as set forth in the resolution entitled, "General Duties of Standing Committees."
2. Direct the preparation of Requests for Proposal for the annual audits of the financial statements of the Laguna Woods Village Corporations, recommend a firm(s) to be engaged, and recommend the scope of work for the engagements.
3. Serve as liaison between the Finance Committees of the Laguna Woods Village Corporations and the independent auditors with respect to the annual audit of the financial statements of the corporations.
4. Review reports from the auditors and recommend to the Finance Committees any appropriate action in connection therewith.
5. The committee shall perform such other tasks as are assigned by the Presidents of Boards; 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 Marv Rosenhaft reported from the Architectural, Maintenance and Planning Committee.

The Secretary of the Corporation read a proposed resolution implementing a flat fee for variance request processing. Director Wilson moved to approve the resolution. Director McIntosh seconded the motion and discussion ensued.

By a vote of 8-2 (Directors Dalis and Curtis opposed), the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 01-09-46**

**WHEREAS**, variance requests require significant staff time for proper processing, including research, report preparation, and then presentation to the appropriate committee and then the Board; and

**WHEREAS**, the Mutual currently does not charge Mutual members a direct fee for processing variance requests; and

**WHEREAS**, the number of variance requests submitted by United Mutual members in 2007 was 82, and 119 in 2008. The increasing processing demand draws upon administrative resources to the potential detriment of other administrative tasks;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that in order to partially offset administrative costs associated with processing variance requests, the Board of Directors of this Corporation hereby implements a flat variance processing fee of \$50; and

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

The Secretary of the Corporation read a proposed resolution directing staff to further increase member awareness regarding alteration noise nuisances. Director Wilson moved to approve the resolution. Director Rosenhaft seconded the motion and discussion ensued.

Director Curtis amended the motion to add the sentence "at no cost to the Mutual" in the fourth paragraph. The motion failed due to the lack of a second.

Without objection, the Board agreed to remove the words "and producing" in the fourth paragraph.

Mutual Member Gunther Austin (326-B) commented on the motion.

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

**RESOLUTION 01-09-47**

**WHEREAS**, manor alterations have generated a number of nuisance complaints due to noise transmitted to neighboring dwellings; and

**WHEREAS**, the United Laguna Hills Mutual Occupancy Agreement states that:

a member shall not permit or suffer anything to be done or kept in or about the dwelling unit or premises which will obstruct or interfere with the rights of other members of the Corporation or annoy them by unreasonable noises...

**WHEREAS**, current measures to inform members of the potential alteration noise include published articles on the Village website, the Register/Globe, a flyer in the annual mailing, and regular advisory to members and contractors;

**NOW THEREFORE BE IT RESOLVED**, February 10, 2009, that the Board of Directors hereby directs staff to further increase member awareness regarding nuisances that may arise from alterations through a media campaign utilizing TV6, and ~~producing~~ a brochure or other similar documents, and adding advisory documents to alteration permit and escrow packages; 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 Curtis made a motion to approve the resolution approving the request of Ms. Marie Love of 343-D Avenida Sevilla to retain the painted steps and walkway. The motion was seconded and discussion ensued.

Director Curtis at 12:07 P.M. stated loudly "you idiots" to the board members when he thought no one was going to second his motion.

Director Curtis amended the motion to delete the 3<sup>rd</sup> paragraph. The motion was seconded and discussion ensued.

Without objection, Director Curtis withdrew his amendment.

By a vote of 8-1-1 (Director McIntosh opposed, and Director McNulty abstained), the motion carried and the Board of Directors adopted the following resolution.

**RESOLUTION 01-09-48**

**RESOLVED**, February 10, 2009, that the request of Ms. Marie Love of 343-D Avenida Sevilla to retain the painted steps and walkway is hereby approved; and

**RESOLVED FURTHER**, that all costs for repair and maintenance, now and in the future, associated with the subject alteration is the responsibility of the Mutual Member(s) at Manor 343-D; and

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

Director Linda Wilson reported from the Landscape Committee.

Director Marty Rubin reported from the Resident Relations Information Services.

Director Maxine McIntosh reported from the Traffic Committee.

Director McNulty made a motion to limit the GRF Highlights. Director Wilson seconded the motion and the motion carried unanimously.

**GRF HIGHLIGHTS**

Due to time constraints The Directors reported from the GRF Committees to which they are assigned.

President Foster reminded the Board about the 3 minute time limitation for each Director during Directors' Forum.

**DIRECTORS' FORUM**

- Director Rubin commented on surviving the economic crisis
- Director Wilson commented on eating cookies
- Director Strom encouraged residents to not water sidewalks
- Director Rosenhaft wished all the ladies a Happy Valentine's Day
- Director Vogel wished all the ladies a Happy Valentine's Day
- Director McIntosh expressed her sentiments on being kind to everyone
- Director Dalis commented on reading article an regarding a famous person living in the community
- Director Curtis commented on his request for PCM Incentive Plan documents

President Foster told him that the matter was discussed in closed session.

Director Curtis began addressing closed session issues.

### **MEETING RECESS**

The Regular Open Session Meeting recessed for lunch at 12:25 P.M. and reconvened back into the Regular Executive Session at 1:03 P.M.

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

During its Regular Executive Session Meeting of January 13, 2009, the Board of Directors reviewed and approved the minutes of the Regular Executive Session Meeting of December 9, 2008; authorized a Notice of Default to be filed for the following: Member ID 947-366-04, and Member ID 947-405-86; heard six (6) disciplinary hearings and imposed fines totaling \$800, but suspended \$100 for violations of the Mutual's rules and regulations. The Board also discussed other member disciplinary, and pending and potential litigation matters.

The Traffic Committee of the Board met in Executive Session on January 21, 2008, to discuss member disciplinary issues.

During its Special Executive Session Meeting of January 23, 2009, the Board of Directors discussed litigation matters.

### **ADJOURNMENT**

With no further business before the Board of Directors, the meeting was adjourned at 4:10 P.M.

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Linda Wilson, Secretary