

Open Meeting

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF
LAGUNA WOODS MUTUAL NO. FIFTY
A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION**

May 15, 2008

The Board of Directors of Laguna Woods Mutual Fifty, a California non-profit mutual benefit corporation, met at 2:00 P.M. on Thursday, May 15, 2008 at 24055 Paseo del Lago West, Laguna Woods, California.

Directors Present: Ruth Mervis, Chair; Richard Wurzel; Janet Schwartz; and Keith Wallace

Directors Absent: Dick Gray

Others Present: Judie Zoerhof, Cris Trapp, Patty Fox

1. Call to Order:

Ruth Mervis, Chair, stated that it was a regular meeting of the Corporation and that a quorum was present. The meeting was called to order at 2:00 P.M.

2. Pledge of Allegiance to the Flag:

Director Mervis led the membership in the Pledge of Allegiance to the Flag.

3. Approval of the Minutes:

The minutes of the Regular meeting of April 17, 2008 and the Special meeting of April 18, 2008 were approved as submitted.

4. President's Comments

President Mervis updated the Membership on the emergency repairs made on the leaking chiller; announced the May 27th Town Hall meeting regarding the door lock system; and announced the trial run of a Sunday Brunch open to the Community once a month.

5. Old Business

a. Final Approval of Policy Regarding Walk-In Therapy Bath Tubs

The Secretary of the Corporation, Director Keith Wallace, read a proposed resolution approving the policy regarding walk-in therapy bath tubs. Director Wallace made a motion to approve the resolution. Director Schwartz seconded the motion.

By a vote of 3-0-0, the motion carried and the Board of Directors adopted the following resolution:

RESOLUTION M50-08-21

WHEREAS, two residents have requested permission from the Board to install Walk-in Therapy Bathtubs; and

WHEREAS, the first Walk-in Therapy Bathtub installation resulted in significant water spilled onto the floor;

NOW THEREFORE BE IT RESOLVED, May 15, 2008 that the Board of Directors hereby approves the policy regarding Walk-in Therapy Bath Tubs stating that said bathtubs shall be considered for installation for the first floor only; and

RESOLVED FURTHER, that such installations shall be contingent upon the resident signing a Risk Management Agreement agreeing to the provisions outlined therein; and

RESOLVED FURTHER, that no installation of a Walk-in Therapy Bathtub shall be considered above the first floor; 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.

6. New Business

a. Approve Policy for Use of Personal Transportation Devices in Community

The Secretary of the Corporation read the following proposed resolution approving a policy for use of Segways in the Community:

RESOLUTION M50-08

WHEREAS, Mutual Fifty desired an evaluation of Electronic Personal Assistive Mobility Devices (EPAMDs), as defined by the State of California, to ensure equal treatment of both existing and emerging technologies affecting safe personal transportation needs of its members and adult guests; and

WHEREAS, of particular interest is an EPAMD with the commercial name of "Segway," and

WHEREAS, the Segway meets the state of California's definition of an EPAMD; and

WHEREAS, The State of California encourages the use of EPAMDs in an effort to reduce the state's traffic and air pollution problems and declares that the EPAMD is part of the state's program to use no-emission vehicles;

NOW THEREFORE BE IT RESOLVED, June 19, 2008 that the Board of Directors of this Corporation hereby allows the use of Electronic Personal

Assistive Mobility Devices (EPAMDs) within the Mutual, with the following contingencies to which each operator of such device shall agree to:

- 1) Operate the EPAMD at a speed that is reasonable and prudent but never faster than 4.5 MPH on sidewalks and crosswalks in the community;
- 2) Not operate an EPAMD at a speed that endangers the safety of persons or property, or with willful or wanton disregard for the safety of persons or property;
- 3) Operate an EPAMD in such a way as to yield the right-of-way to all pedestrians on foot, including persons with disabilities using assistive devices and service animals that are close enough to constitute a hazard;
- 4) Operate the EPAMD only on sidewalks and cross walks in the Community,
- 5) Indemnify, defend and hold harmless the Mutual and their agent for loss arising out of the ownership, maintenance or use of the EPAMD, and
- 6) Abide by all state and local laws and community rules

RESOLVED FURTHER, that in order to endeavor to ensure safe operation of the devices, an annual permit shall be required for operation of EPAMDs on sidewalks in the community, which shall include:

- 1) A written statement signed by the operator's physician that the operator has consulted with their physician and that they are in satisfactory health to operate the EPAMD. Medical consultation is at the member's cost
- 2) Proof of Homeowners' Liability Insurance, Personal Liability Insurance, or Personal Umbrella Liability Insurance, with limits per person or combined single limit of not less than \$500,000 per occurrence.

RESOLVED FURTHER, that a one time permit processing fee of \$10.00 shall be charged to the applicant at the time of original application; and

RESOLVED FURTHER, that the use of roller skates, in-line skates and any skateboard-based scooters within the Community shall be prohibited; 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 Wallace made a motion to approve the resolution. Director Wurzel seconded the motion and discussion ensued.

Members Lee Gitter (610), Herbert Parker (308), and Clara Zimmerman (358) commented on the resolution.

Director Schwartz made a motion to table the resolution to the June Meeting for further research. Director Wurzel seconded the motion and the motion carried without objection.

b. Authorize Additional Supplemental Appropriation for Kitchen Hood Fire Suppressant System

Director Wallace read a proposed resolution authorizing an additional supplemental appropriation for the kitchen hood fire suppressant system. Director Wallace made a motion to approve the resolution. Director Wurzel seconded the motion.

Member Herbert Parker (308) asked for clarification on the supplemental appropriation.

By a vote of 3-0-0 the motion carried, and the Board of Directors adopted the following resolution:

RESOLUTION M50-08-22

WHEREAS, March 20, 2008 the Board of Directors approved a Supplemental Appropriation in the amount of \$6,800 from the Replacement Reserve Fund for the purpose of bringing the Kitchen Hood Fire Suppression System into compliance with UL 300; and

WHEREAS, after the original estimate was received, it was discovered that upgrades were required for plumbing and electrical systems increasing the cost of the proposed work to \$11,600;

NOW THEREFORE BE IT RESOLVED, May 15, 2008, that the Board of Directors of this Corporation on behalf of the Corporation hereby approve an additional Supplemental Appropriation from the Replacement Reserve Fund for \$4,800 for the purpose of moving the Kitchen Hood Fire Suppression System to the Kitchen; 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.

c. Approve Revised Guest Suite Rates

Director Wallace read the following proposed resolution approving the revisions to the Guest Suite rates:

RESOLUTION M50-08

WHEREAS, On October 18, 2007 Laguna Woods Mutual No. Fifty authorized changing the former nurses' quarters into a Guest Suite; and

WHEREAS, The Guest Suite opened for guests in December of 2007 with the option for use of one bedroom for \$88.00 per night or two bedrooms for \$138 per night which includes the 10% Transient Occupancy tax; and

WHEREAS, The Board of Directors requested a reevaluation of the pricing after the first quarter of 2008;

NOW THEREFORE BE IT RESOLVED, June 19, 2008, that the Board of Directors of this Corporation after reviewing the history of Guest Suite usage hereby approves one visit rate of \$80.00 per night regardless of whether one bedroom is used or two bedrooms are used; and

RESOLVED FURTHER, that Staff shall include the City's Transient Occupancy Tax of 10% of the per night rate for a total of \$88.00 per night; and

RESOLVED FURTHER, that the date of the new rate will be effective on July 1, 2008; and

RESOLVED FURTHER, that Resolution M50-08-06, adopted February 21, 2008 is hereby amended as per the room rate as attached to the official minutes of this meeting; and

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

Director Wallace made a motion to approve the resolution. Director Wurzel seconded the motion.

Without objection the resolution was tabled to the June Meeting to satisfy the required statutory thirty-day notice requirements.

d. Approve Recording of Delinquent Assessment Lien for Member ID 932-961-44

Director Wallace read a proposed resolution approving the recording of a Delinquent Assessment Lien for Member ID 932-961-44. Director Wallace made a motion to approve the resolution. Director Wurzel seconded the motion.

By a vote of 3-0-0, the motion carried and the Board of Directors adopted the following resolution:

RESOLUTION M50-08-23

WHEREAS, Member ID 932-961-44 is currently delinquent to Laguna Woods Mutual Fifty 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, May 15, 2008 that the Board of Directors hereby approves the recording of a Lien for Member ID 932-961-44; 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.

7. Members' Comments

- Jake Badiner (902) commented on the vacant manors
- Herbert Parker (308) commented on filing delinquent assessment liens
- Lorna Ingram (1161) commented on director responses to Members' Comments
- Anne Gilbert (1403) suggested that the Board obtains a marketing agent for the Towers
- Clara Zimmerman (358) inquired on the Sunday Brunch

8. Financial and Budget Report:

Director Wurzel presented the Treasurer's report.

9. City of Laguna Woods:

No one reported on behalf of the City of Laguna Woods.

10. Standing Committee Reports:

- a. Activities Committee:** Lorna Ingram reported on behalf of the Activities Committee.

Member Bill Masterson (1204) commented on keeping spare parts for the elevators in the maintenance department and addressed his concern with exceeding the weight limit in the elevators.

- b. Business Planning Committee:** No report was given.

- c. Information and Orientation Committee:** Freda Sullivan reported on behalf of the Information and Orientation Committee.

Member Anne Gilbert (1403) addressed Ms. Sullivan on her report.

- d. Architectural Control Committee:** President Mervis reported on behalf of the Architectural Control Committee

11. GRF Committees:

- a. **Community Activities Committee:** No report was given.
- b. **Finance:** No report was given.
- c. **Broadband Services Committee:** Keith Wallace reported on behalf of the Broadband Services Committee.
- d. **Government and Public Relations Committee:** No report was given.
- e. **Bus Services Committee:** Janet Schwartz reported on behalf of the Bus Services Committee.
- f. **Select Audit Committee:** No report was given.

12. Golden Rain Foundation

In Mr. Milt Johns' absence, Ms. Cris Trapp reported on the May 6, 2008 Golden Rain Foundation Board Meeting.

13. Administrator's Report

Ms. Zoerhof announce that the City will provide florescent light bulbs for the membership on May 20th to save money on utility bills; indicated that the South Coast Outreach has placed a food drive barrel in the Towers for members to place non-perishable items for the poor; and announce that there are 7 delinquencies.

14. Discussion Items:

No discussion items came before the Board.

15. Resale and Leasing Reports

Ms. Trapp reported on the year-to-date resale and leasing activity.

16. Directors' Forum

No comments were made under Directors' Forum.

Recess

The meeting recessed at 3:05 P.M. and reconvened into Executive Session at 3:20 P.M.

There being no further business to come before the Board, the meeting was adjourned at 3:36 P.M.

Keith Wallace, Secretary