



APPROVED  
BOARD OF DIRECTORS  
FEBRUARY 3, 2010

**MINUTES OF THE  
REGULAR SESSION  
BOARD OF DIRECTORS' MEETING  
January 6, 2010**

A Regular Session meeting of the Board of Directors of the **WOODBIDGE VILLAGE ASSOCIATION (WVA)**, a California nonprofit corporation, was held on Wednesday, January 6, 2010 at 7:35 p.m. at the Community Center, 31 Creek Road, Irvine, California.

The Board met in *Executive Session at 5:35 p.m.*, and considered the following matters: 1) Delinquent Accounts/ALS Summary Update 2) Legal Issues: Federal Trademark Renewal Update, WVA Parking Requirements and Agreement, Ashwood Well Easement Monitoring Request, Fence Violation Issue, Royal Street Berm Encroachment Update, and Window Covering Violation Issue, and 3) Personnel Matters.

The following Directors were present: Dale Cheema, Don Davis, Barry Katz, Bill Mavity, Gene Sokolski, Bob Woodings and Carolyn Smith Driscoll. Also present were: Executive Director Kevin Chudy, WVA Attorney Bill Hickey, Controller Carrier Romero, Community Relations Manager John Steeb, Maintenance Manager Tim Lett and Recreation Manager Ralph Redington.

**SPECIAL PRESENTATION**

Betty Jo Woollett, Field Representative for Senator Tom Harman, presented retiring Executive Director Bob Figeira with a Resolution of the California Legislature in recognition of his contributions to the Association, the City of Irvine and the State of California.

**ORAL COMMUNICATIONS**

Richard Fenner, of 131 Nighthawk, a 26 year resident and 13 year Board Member, stated that he met Mr. Bob Figeira 15 years ago, and that Mr. Figeira had been a great

Executive Director and that he feels that Mr. Kevin Chudy is a great successor to Mr. Figeira.

Linda Burkard of 23 Stonecreek North addressed the Board regarding some residents who are disappointed in the recent closure of Waters Restaurant. Ms. Burkard requested support of the Board in communicating the resident's request for a bar/restaurant to continue at this location, as opposed to other potential uses. Ms. Burkard noted that she had begun a petition and had collected over 400 signatures already. The Board encouraged Ms. Burkard to address the Irvine Company and possibly the Irvine City Council about this issue, and directed Staff to inquire with the City about the zoning for this site.

Troy Varenchik, a Mission Viejo resident, spoke to the Board about the upcoming Pediatric Cancer Research Foundation (PCRF) Half Marathon, which takes place near the Irvine Spectrum. Mr. Varenchik requested that the Association insert a Half Marathon registration brochure and an article about the PCRF Half Marathon in an upcoming *Reflections* newsletter, and asked that the insertion fee for the brochure be waived. Mr. Varenchik went on to say that if the materials could be inserted without insertion fees, the Association would be recognized as a Community Sponsor of the PCRF, and be able to have a water station or booth at the event with the WVA name displayed on it. Attorney Hickey noted that the PCRF would need to have the WVA named as an additional insured on its liability insurance policy. After discussion, the Board directed Staff to provide a cost estimate for the flyer insertion and to agendaize this topic for next month for the Board's review.

#### 2010 Annual Meeting – Candidates Position on Ballot

President Smith Driscoll moved this item up as Election Committee Chair, Jim Leather needed to leave early. Mr. Leather drew the order of ballot positions for the Election of Directors to be held April 7, 2010. The ballot position order as drawn is:

South Lake Candidates

Ronald Inouye  
Kathy L. Fay (Designated Representative  
of the Irvine Company Apartment  
Communities, Inc.)  
  
Bill Mavity (Incumbent)  
Gene Sokolski (Incumbent)

North Lake Candidates

Don Davis (Incumbent)  
Frank Vodhanel

**CONSENT CALENDAR**

A motion was made by Director Woodings, seconded by Director Katz, passing 7/0.

It was,

- 1) **RESOLVED, to accept the minutes from the Regular Board of Directors Meeting held December 2, 2009.**
- 2) **RESOLVED, to authorize Association Lien Services to record a lien for delinquent assessments and to suspend the Member's use of the Association's Community Facilities in accordance with the provisions of the Woodbridge Declaration Article XII, Section 1 (d), in the Delinquent Assessment Collection Policy, for the following accounts:  
  
08900-067-02, 09060-003-01, 09140-022-02, 09664-003-01,  
10163-024-01, 10337-038-01, 10343-025-01, 10348-093-03,  
10350-028-01, 10367-015-01, 10371-044-02, 10371-228-03,  
10756-017-01 and 12012-081-01.**

The following items were removed from the Consent Calendar and discussed individually:

- 4) Resolve to contract with The Inspectors of Election to conduct our annual Board of Directors' election as the Association's independent inspector of election with a cost of approximately \$22,000 for election administration and direct costs with funding from operating.

The Board asked Executive Director Chudy if a date had already been selected for the Election of Directors. Mr. Chudy stated that the date was set as April 7<sup>th</sup> by the Board for

the Election of Directors, and a date should now be established for Members of Record, proposed to be February 15, 2010 (the statement cut off date), and that the Members who have closed escrow as of that date would be eligible to vote in the 2010 Election of Directors. Executive Director Chudy distributed to the Board a resolution regarding the Appointment of the 2010 Election Committee, noting the addition of the Date of Record of February 15<sup>th</sup>. Attorney Hickey stated that as there was a need to set the Date of Record at this meeting, to allow sufficient time to print the election materials and to provide sufficient lead time for its outside inspectors, and it wasn't part of the resolution, the Board would need to make a resolution regarding an addition of an item to the posted Agenda due to a need for immediate action. Therefore, after discussion, a motion was made by Director Davis, seconded by Director Sokolski and passed unanimously, 7/0. It was, based on the need for immediate action,

**RESOLVED, to add to the Agenda the matters of setting a record date for the voting of Members in the Election of Directors and the appointment of the outside firm, "The Inspectors of Election," pursuant to Civil Code Section 1363.05 (i) (4) (A) (ii).**

Thereafter, after discussion, a motion was made by Director Davis, seconded by Directors Sokolski, as passed unanimously 7/0. It was,

**RESOLVED, to set a Date of Record of February 15, 2010 for Members allowed to vote in the annual election; and  
FURTHER RESOLVED, to appoint the following members to the Election Committee for 2010: Jim Leather, Chair, Marian Terek, Jack Nielsen, Ethel Nielsen, Najma Quader, Bernard Linson and Rose Linson.**

There was much discussion regarding the specific cut off dates for candidates to withdraw from the election. Controller Romero noted that the cut off date is approximately February 1<sup>st</sup>, without candidate's names appearing on the ballot and in the election materials. After further discussion, a motion was made by Director Sokolski, seconded by Director Mavity, passing 7/0. It was,

**RESOLVED, to direct Staff to present to the Board a full calendar of election event deadlines, including providing the candidates with withdrawal cut off dates, in October of each year.**

Architectural Committee

Reviewed and no action necessary.

Finance Committee

Reviewed and no action necessary.

Facilities Committee

Reviewed and no action necessary.

Recreation Committee

Recreation Manager Redington reported that he is still receiving emails from residents, both for and against the proposal concerning reducing Shorebird Pool hours to 10:00 p.m. on weekdays and midnight on the weekends. Mr. Redington noted that the global pool facility hours study requested by the Board would commence in approximately 6 weeks with the inspection of all facilities by Recreation Committee Members.

**OLD BUSINESS**

Blue Lake Swim Club Water Feature Update

Executive Director Chudy reported that representatives with the County of Orange Health Department verbally claim that the water feature has been approved with the condition that lifeguards must be on the pool deck during all operating hours, but the Association has not received any approval letter to this affect from the County. At the same time, the County Inspector recently cited the Association for failing to post a lifeguard at the water feature during operating hours, even though children under 8 years of age cannot access the facility without the presence of an adult. The Staff has scheduled a meeting with the Supervisor of the County Water Safety Division for January 8<sup>th</sup> at Blue Lake Swim Club, and will report back to the Board with the results.

**NEW BUSINESS**

Community Services Field Summary and Lakes Update

The Board reviewed the *Community Services Field Summary* report for November 24 to December 21, 2009. The Board also reviewed the *Front Gate and Spa Usage* report. The Board also reviewed the Lakes Update from December 1 to December 22, 2009.

North and South Lake Lagoon Water Clarity Consultant Proposals and Recommendation

Executive Director Chudy related how the Association requested testing and advice from the IRWD regarding reducing the cloudiness in the lagoon's water. Representatives from the IRWD recommended that the Association retain a water quality consultant to investigate the issue and provided a list of prospective consultants.

Mr. Chudy presented a recommendation to consult with Kennedy/Jenks Consultants, Inc., to evaluate the lagoon water clarity problems at North Lake Lagoon and South Lake Lagoon and provide recommendations at a cost not to exceed \$15,000.00.

Mr. Chudy noted that other options appear to be to continue to frequently close the deep end of the lagoons or to consider again raising the lagoon floors. The Board asked how much it would cost to remove and replace the current sand with a sand that may possibly cause less turbidity. Maintenance Manager Tim Lett stated that Staff would obtain a cost estimate and report back to the Board. The Board felt that this is a rather high cost just to study this problem with no guarantee any solutions will be identified. After a lengthy discussion, a motion was made by Director Davis, seconded by Director Woodings, passing 7/0. It was,

**RESOLVED, to table the proposals for lagoon water quality consultants at this time; and**

**FURTHER RESOLVED, to direct Staff to research Association archival records and provide for Board review a summary of all studies, testing and action taken to address this problem.**

Recommendation to Amend Rules Related to Fees and Deposits

The Board discussed the proposed changes to the various specific Fees and Deposits references in the Code Book, adding language to state that fees and deposits will be determined annually by the Board. Attorney Hickey stated that the proposed amendments would be published in the Board Summary to elicit Membership comments and then could be considered for final approval at the March Regular Session Meeting. After brief discussion, the Board directed Staff to clarify the wording of Proposed Amendment #4 regarding 25-50 people for nonprofit civic groups. After further discussion, a motion was made by Director Katz, seconded by Director Woodings, passing 7/0. It was,

**RESOLVED**, to authorized Staff to publish the following proposed amendments , with clarifications to Proposed Amendment #4, to (1) Section 6-8 (b) of Article I, Division 2, Guest Usage (2) Section 6-10 of Article I, Division 2, Guest Usage, (3) Section 6-27 (c) and (d) of Article III, Boating, and (4) Section 6-68 (b)of Article IV, Division 1, Rental Policies, of the Rules, Regulations and Operating Policies for member review and comment in compliance with California Civil Code Section 1357.130; and **FURTHER RESOLVED**, to direct Staff to place these proposed amendments on the March 3, 2010 regular Board of Directors Meeting Agenda, along with any comments received from the Membership, to be considered for adoption.

**PROPOSED AMENDMENT #1**

**Chapter 6. Article I, Division 2, Section 6-8 (b). GUEST USAGE GENERAL RULES**

Section 6-8. General Rules.

(b) Six (6) to Fifteen (15) Guests. Members must register groups of six (6) to fifteen (15) guests with the Recreation Department a maximum of seven (7) and a minimum of three (3) days prior to the use of the facility by completing a guest policy form. (Guest policy forms are available at the Association office/Recreation Department.) Guests in excess of the initial five (5) (free of charge) are subject to ~~two dollars (\$2.00) per person charge~~ a per person charge in an amount as determined annually by the Board of Directors.

**PROPOSED AMENDMENT #2**

**Chapter 6. Article I, Division 2, Section 6-10 (1) a., (2) a., (3) a., (4) a., and (c).**

**GUEST CARDS**

**Section 6-10. Guest Cards.**

**(1) Short-Term Adult Guest Pass** (valid for a maximum of seven (7) days)

a. Each Woodbridge household is permitted two (2) complimentary consecutive seven (7) day guest passes per calendar year. Residents may purchase a maximum of five additional seven consecutive (7) day guest passes in an amount as determined annually by the Board of Directors ~~at \$10.00 per pass~~. This pass will allow an adult guest and his/her family to use the Woodbridge Village Association facilities for up to

seven (7) consecutive days without being accompanied by the sponsoring resident. A maximum of five (5) guests are permitted to use the facilities per guest pass, including children. Children under 18 years old must be accompanied by an adult at all times. Only one guest pass per residence will be issued at any one time.

**(2) Youth Seasonal Guest Card**

- a. An authorized adult member may obtain youth seasonal guest cards for children ages 10-17 for a cost as determined annually by the Board of Directors of ~~one hundred dollars (\$100.00)~~ per child. The ~~This~~ cost will include a ~~fifty-dollar (\$50.00) refundable~~ deposit. This card will allow children to use staffed facilities (pools and tennis courts) without being accompanied by an authorized resident and allow an authorized adult resident to sign the youth up for summer camp or swim lessons.

**(3) Care Provider Card**

- a. An authorized adult member may obtain a Care Provider Card for a cost as determined annually by the Board of Directors of ~~seventy-five dollars (\$75.00)~~. ~~The~~ This cost will include a refundable ~~fifty-dollar (\$50.00)~~ deposit. This card will allow an adult care provider to take the resident under his/her care to the WVA family facilities. The adult care provider may not use the Care Provider Card other than to accompany the assigned resident to a WVA facility.

**(4) Homeowner Escrow Card**

- a. New homebuyers may obtain a Homeowner Escrow Card for use of WVA facilities for up to 30 days after the close of escrow, while legal documents (e.g. grant deed) are obtained by the Association. A refundable deposit of ~~fifty dollars (\$50.00)~~ in an amount determined annually by the Board of Directors, together with ~~and~~ proof of home purchase within Woodbridge are required.
- b. Existing residents who are selling their home and relocating

within Woodbridge may obtain a Homeowner Escrow Card for use of the Association facilities for 30 days. The resident must have proof of escrow closing within 30 days. Homeowners Escrow Cards must be returned prior to reissuance of resident photo identification cards.

c. Upon issuance, the member must sign an agreement that the Homeowner Escrow Card must be returned to the Association office per (c) below.

(c) All Facility Identification Cards for non-residents must be returned within 15 days after the deactivation date. The ~~\$50.00~~ deposit becomes NON-REFUNDABLE if the card is not returned within the stated time restriction.

(d) Homeowners are reminded that they are responsible for the actions of their guests and any violations of the Rules and Regulations.

### **PROPOSED AMENDMENT #3**

#### **Chapter 6. Article III, Section 6-27 (c) and (d).**

#### **RESIDENT-OWNED BOATS**

(c) A current certificate of insurance and a completed certificate of insurance form must be submitted and will be kept at the Association office. All watercraft must maintain public general liability insurance in a minimum amount as determined annually by the Board of Directors of ~~five hundred thousand dollars (\$500,000.00)~~ with the Woodbridge Village Association named as additionally insured. Members must indemnify and hold the Association harmless from any loss or damage to personal property by fire, theft, or from any cause whatsoever, and indemnify and save the Association from any and all liability for injury to or death of any person or persons, or loss or damage to any property caused or occasioned by, or arising out of, the use of the Association facilities.

(d) All boats registered and approved must have an Association registration decal displayed on both sides of the craft's stern (one (1) on portside and one (1) on starboard). Registration decals shall be affixed by the Association inspector only. A registration fee of ~~twenty-five dollars (\$25.00)~~ is required annually (non-refundable).

## **PROPOSED AMENDMENT #4**

### **Chapter 6. Article IV, Division 1, Section 6-68 (b). WAIVER OF FEES**

#### **Section 6-68. Waiver of Fees.**

The rental fees for of the facility may be waived by the Executive Director or designate when involving an activity or function that is attended solely by sanctioned/sponsored groups.

- (a) The cleaning deposit and security fees may remain applicable.
- (b) For nonprofit civic groups, a The set-up fee will be required, with the fees as determined annually by the Board of Directors. ~~of \$25.00~~ The fees will be separately set for groups of ~~25~~ up to 50 people, and ~~\$50.00~~ for groups of 51 or above. ~~for nonprofit civic groups will be required.~~
- (c) All Woodbridge Village Association clubs and maintenance Associations are exempt from fees provided in this section and in Section 6-65.

#### Wi-Fi in WVA Facilities Ribbon Cutting Ceremony

Executive Director Chudy noted that the ribbon cutting ceremony for the new Wi-Fi network at Stone Creek will be held at noon this Friday, January 8<sup>th</sup>. Mr. Chudy will email the Board to remind them again.

#### Memorial Sundials Recommendation

Mr. Chudy stated that Staff is waiting for a proposal from a vendor that will assist with determining how to mount the memorial plaque on a concrete pedestal in a manner that will be attractive and yet vandal proof. Mr. Chudy will report back to the Board next month.

## **COUNTY, CITY, SCHOOL DISTRICT, AND THE IRVINE COMPANY**

#### Fallbrook Park Improvement Update

The Board reviewed the Recommendation to Distribute Request for Proposal (RFP) for Architectural Services and the Tentative Project Summary and Preliminary Site Plan reflecting the features the Board had requested that Staff study as possible improvements for this facility near the former Alderwood School site, which is proposed to be developed for single family homes. The Board directed Staff to have simple renderings prepared by the architect first and to also study the possible expansion of the covered patio and picnic tables in the park area. In addition, the Board directed that Staff modify the RFP to note that the

architect shall host a Community Forum so that residents may provide their input as to what amenities, which would be essentially Developer funded, they would like to see in Fallbrook Park prior to the production of any drawings. After a brief discussion, a motion was made by Director Woodings, seconded by Director Katz, and passed 7/0. It was,

**RESOLVED, to authorize the Executive Director to distribute a Request for Proposal for architectural services for improvements at Fallbrook Park.**

**The services in Phase 1 are to include the preparation of preliminary plans for review by the appropriate Committees and the Board of Directors, and the presentation of itemized, estimated construction costs.**

Alderwood School Site Update

Executive Director Chudy stated that the Architectural Committee will soon meet with representatives of William Lyon Homes to review elevations and the site plan. As information continues to come in, Mr. Chudy will report back to the Board.

**ATTORNEY REPORT**

2009/2010 Legislative Summary and Selected Case Law Review

Attorney Hickey reported that the California Legislature had recently authorized Homeowners Associations to electronically deliver documents to homeowners, as long as written permission is obtained from each homeowner, with specific requirements for that agreement. The Board directed Staff to investigate the economic feasibility of providing documents electronically to portions of the Membership and report back to the Board.

Waters Restaurant Closure

The Board reviewed the email from a resident regarding the closure of Water's Restaurant, which expressed that the resident would like the WVA to support their wish that the Irvine Company considers only restaurant type use for this area, as opposed to other types of use.

Woodbridge Village Center Community Survey Request

The Board reviewed the resident email regarding a proposed survey to send to residents regarding what types of stores and services residents would like to see in the Woodbridge Village Shopping Center. No action was taken by the Board at this time.

FHA Condo Guidelines Email

Executive Director Chudy stated that he contacted all of the Sub Association Managers regarding new requirements published by H.U.D. concerning how to qualify for FHA loans for condominium associations. Mr. Chudy expressed his thanks to Director Mavity for his assistance in locating informational documents related to this matter. The Board briefly discussed this issue and no action was required.

Meeting with Mayor Kang

Mr. Chudy stated that the meeting with the Board and Mayor Kang is scheduled for January 28<sup>th</sup> at 9:00 a.m. at City Hall.

**ADJOURNMENT**

There being no further business to discuss, a motion to adjourn was made by Director Davis, seconded by Director Woodings, and passed 7/0. It was,

**RESOLVED, to adjourn the January 6, 2010 Board of Directors' Meeting  
at 9:43 p.m.**

Submitted By:

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Kevin K. Chudy – Secretary

Attest:

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Carolyn Smith Driscoll - President