



APPROVED  
BOARD OF DIRECTORS  
NOVEMBER 4, 2009

**MINUTES OF THE  
REGULAR SESSION  
BOARD OF DIRECTORS' MEETING  
October 7, 2009**

A Regular Session meeting of the Board of Directors of the **WOODBIDGE VILLAGE ASSOCIATION (WVA)**, a California nonprofit corporation, was held on Wednesday, October 7, 2009 at 7:34 p.m. at the Community Center, 31 Creek Road, Irvine, California.

The Board met in *Executive Session at 5:30 p.m.*, and considered the following matters: 1) Delinquent Accounts/ALS Summary Update 2) Small Claims Legal Memorandum, Bad Debt Write-Off Recommendation and 2010 Delinquent Assessment Collection Policy, 3) Legal Issues: Fence Violation Issue, Fair Housing Legal Issue, WVA Parking Requirements, and Royal Street Berm Encroachment.

The following Directors were present: Dale Cheema, Don Davis, Barry Katz, Bill Mavity, Gene Sokolski and Bob Woodings. President Smith Driscoll was absent due to illness. 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.

**ORAL COMMUNICATIONS**

**Shorebird Pool Hours of Operation**

John Franceschini of 1 Lakegrass spoke to the Board regarding his and five other resident's request that the Shorebird Pool be closed daily at 10:00 p.m., as opposed to being open 24 hours a day, as it is now, due to alleged groups of people making noise in the early hours of the morning. Mr. Franceschini stated that he attended the Recreation Committee Meeting and that Committee is currently collecting data and studying this issue. He also noted that he was informed that only three residents currently have voiced their objection to closing Shorebird Pool at 10:00 p.m. each evening.

**Smokestone Park Maintenance**

Diane Reiman, of 40 Rushingwind stated that she feels the bushes around the walls of homes on Rushingwind are messy and overgrown, and not being trimmed frequently

enough. Executive Director Chudy stated that he will review this area of Smokestone Park tomorrow morning, and then will be in touch with Ms. Reiman.

Notices of Violation from Management Company

Dinh Ton That, of 59 Greenfield addressed the Board regarding his perception that the Woodbridge Village Association has issued a certain violation notice to him, and his perception that the Alders Maintenance Association is behind the WVA allegation. Vice President Cheema assured Mr. That that his opinions have been noted, but that the Board would discuss alleged Woodbridge violations next month, in Executive Session only.

Proposed Retention Basin Garden Area Rules

Ann Haley of 39 Greenbough stated that she is the Woodbridge Community Garden Club (WCGC) Vice President and wanted to thank the Board and Staff for their efforts in drafting the Proposed Garden Club Rules. Ms. Haley also stated that she feels adding an additional 20 plots to the Retention Basin would be a good idea, provided that the proposed three year phase out of double plots is eliminated.

A resident distributed a letter to the Board and requested that the second plots that are allotted to some WCGC Members not be eliminated.

Another resident distributed a letter and photographs to the Board and stated that she is opposed to the proposed Rule which would rule out the possibility of second plots being allotted to residents who request them.

Gary Montooth of 11 Wintermist stated that he appreciates the assistance the WVA has provided regarding the WCGC. Mr. Montooth also commented that he feels that phasing out the double plots allotted to some residents would cause problems and he also feels new plots should be added.

Jeff Weber of 17 Rainstar stated that he believes the double plots should be allowed to be gardened indefinitely and that more plots should be created.

Attorney Hickey then recommended some minor clarifications and corrections to the draft of Sections 6-174 and 6-177(a) of the proposed Garden Club Rules, before being published. The proposed Garden Club Rules will be published in draft form in the October Board Summary, then go back to the Board for possible adoption at the December Board of Directors Meeting. After additional discussion, a motion was made by Director Mavity, seconded by Director Davis, and passing unanimously. It was,

**RESOLVED, as amended in accordance with Mr. Hickey's recommendations, to tentatively adopt the proposed Rules, Regulations and Operating Policies, for the Garden Area within the Woodbridge Retention Basin, as Chapter 6, Article VI; and, RESOLVED FURTHER, to authorize Staff to notify the Membership of the following proposed Rules, as amended, by publication in compliance with California Civil Code Section 1357.130; and to invite any comments be submitted to the Association on or before the Boards' Regular Meeting on December 2, 2009;**

**Chapter 6. Article VI. GARDEN AREA WITHIN THE  
WOODBRIIDGE RETENTION BASIN**

**Section 6-173. General.** The following Rules shall apply to the use and operation of the garden area by Members within the Woodbridge Village Association Community Facility known as the Retention Basin. The Association shall establish a certain number of garden plots within the Retention Basin, for the use and enjoyment of the Members, in accordance with the following Rules. The use thereof by the Members shall be subject to their compliance with the Rules, and their prior written Agreement to abide by such Rules.

**Section 6-174. Use Agreement.** Each Member, in order to be eligible to use a garden plot for gardening purposes shall have a valid Woodbridge photo ID access card and shall have signed an Association Garden Plot Use Agreement. The Use Agreement shall contain those terms and conditions as specified from time to time by the Association, and shall be for periods of not more than one year, starting in March of each year. The right to use the garden plot shall also be subject to suspension or revocation pursuant to the procedures stated in Sections 6-180 and 6-181, below.

**Section 6-175. Fees.** The Association, through its Board of Directors, shall annually establish, at the time of its adoption of the Annual budget, the amount of any registration fee, if any, to be charged each year to the Member for each of the garden plot's use for that year. In addition, the Member shall pay to the WCGC the fees established by the WCGC for its functions in administering the Garden Club's activities.

**Section 6-176. Assignment of Plots within the Garden Area.**

**(a)** One (1) garden plot may be assigned to one or more Members, for each Lot or unit owned who meet the above stated requirements, in the order of receipt of the Application, together with the fees, if any, and the Association's Use

Agreement. Each Member requesting a joint plot assignment shall be on title to the same Lot or Unit.

(b) Members, including those who are requesting a joint plot assignment, who have been assigned an additional plot prior to these new Rules being adopted by the Board of Directors in 2009 may have one (1) additional plot assigned for a period of three (3) years from the effective date of these new Rules, only as long as the Member otherwise remains eligible for a plot assignment. Under no circumstances will any of those Members be assigned more than two (2) plots, jointly or individually. As those Members lose or forego their eligibility, there will be no further priority for the assignment of an additional plot.

(c) A Registered Tenant or Tenants under an Assignment of Privileges from an Owner of a Lot or Unit shall be eligible for a plot assignment for that Lot or Unit, and the Owner of that Lot or Unit shall not be for that Lot or Unit; provided, however, that Owner of a Lot or Unit shall be eligible for an assignment of a plot for another owned Lot or Unit, subject to the same restrictions on the number of plots.

(d) Under no circumstances shall any Member be entitled to more than two (2) Plots, regardless of the number of Lots or Units owned in Woodbridge or otherwise entitled to use, including if that additional plot has been awarded to that Member in accordance with the procedures specified below in Section 6-177 for assignment of excess plots.

(e) Priority of the location of the plot shall be given to the returning Member who was assigned a plot and is requesting the same plot again.

**Section 6-177. Assignment of Additional Plots.**

(a) If there are plots still available after the above initial assignments, and there are more Members seeking an additional plot, up to the maximum of two (2), than the number then available, those remaining plots will be assigned by a lottery, utilizing fair and equitable procedures, as determined by the Association, and conducted by the WCGC and open to those Members who have been assigned less than two plots wishing to be assigned an additional plot.

(b) After all available Garden Plots have been assigned to Members who have submitted the necessary documents and met the requirements as detailed above, and there are Members still desiring to be assigned a Plot, a waiting list will be maintained by the Association and Members will be notified when their name comes to the top of the list and a plot is available. A Member not accepting an available Garden Plot within 2 weeks will have his or her name removed from the waiting list.

**Section 6-178.** Members assigned a Plot, including those jointly assigned, must do their own gardening and cannot turn over their plot to someone else to work,

except on a temporary basis with the approval of the Association Representative, and a Woodbridge Community Garden Club representative. A person requested to work a plot for a Member, in the Member's absence, must have written verification from the Member, and which is approved in writing by the WCGC which includes a valid reason why the Licensee is temporarily unable to garden the assigned plot. This written approval, if necessary, must be renewed after 90 days. If an extension beyond this additional 90 days is requested, the matter will be considered by the WCGC for a recommendation to the Association, who will make the final decision.

**Section 6-179.** The enforcement of these Rules and the imposition of any fines or penalties shall be the responsibility of the Board of Directors of the Woodbridge Village Association, sitting as the Fine/Appeals Panel. The Board of Directors of the Woodbridge Village Association may, by Resolution, appoint the WCGC as its Committee to monitor the conformance of Members to these Association Rules and their Garden Plot Use Agreement. The WCGC may make periodic checks of all garden plots to insure plots are being cared for properly and actively gardened year round. If the WCGC believes that a violation of Association Rules is occurring, the WCGC will make recommendations to the Community Relations Director, who will handle the matter as a Rule violation, to be handled in accordance with the Association's previously adopted and published procedures.

**Section 6-180.** In addition, the WCGC may recommend to the Association the revocation of the right to use the garden plot for (1) the violation of the Association Rules, including the failure to properly maintain his or her assigned Plot or who abandons his or her Plot, and/or (2) the violation of WCGC Rules which have not been corrected by a Member, after the WCGC had taken all of the specified actions in the WCGC Rules and Regulations with respect to violations, and which, in the view of the WCGC Board constitutes, as a whole, material grounds sufficient for the Board to consider the revocation of the right to use the garden plot in question by the Member.

**Section 6-181.** In the event of Rule violations, the Association, through the Board's Fine/Appeals Hearing process, may take appropriate actions including fines, suspension of privileges, and/or revocation of the right to use the garden plots.

### **CONSENT CALENDAR**

A motion was made by Director Mavity, seconded by Director Davis, passing unanimously. It was,

- 1) **RESOLVED, to accept the minutes from the Regular Board of Directors Meeting held September 2, 2009.**

- 2) **RESOLVED**, to approve the recordation of liens for delinquent assessments for the following accounts: 08900-004-01, 08970-003-01, 08981-054-01, 08983-032-01, 09011-026-02, 09130-029-01, 09661-022-02, 10162-042-03, 10342-006-03, 11655-039-02, 11656-097-01, 11670-020-05, 11672-016-02 and 12090-005-01.
- 3) **RESOLVED**, to contract with Schiller Roofing, subject to Legal Counsel review, for the replacement of roofing at the South Lake Tennis Club, South Lake Beach Club and the Woodflower facilities with a cost of approximately \$31,391 with funding from Reserves.
- 4) **RESOLVED**, to contract with MCC Construction and Restoration, Subject to Legal Counsel review, to remove and replace the pool decking at the Woodpine and Wildwood facilities with a cost of approximately \$42,470 with funding from Reserves.
- 5) **RESOLVED**, to contract with Trueline, subject to Legal Counsel review, to resurface tennis courts 13 and 14 at the South Lake Tennis Club with a cost of approximately \$8,720.00 with funding from Reserves.
- 6) **RESOLVED**, to approve the replacement of siding at Stonecreek Swim Club with a cost of approximately \$18,415.20 with funding from Reserves.

### **FINANCIAL STATEMENTS**

The Board reviewed the August 2009 Financial Statements. Controller Romero briefly reported on various line items. A motion was made by Director Mavity, seconded by Director Katz, passing unanimously. It was,

**RESOLVED, to accept the Financial Statements for August 2009. (Exhibit A)**

## **LIEN FORECLOSURE**

Vice President Cheema stated that the Board met earlier in Executive Session and had voted, in accordance with the Association's Delinquent Assessment Collection Policy, to commence foreclosure proceedings on the liens for the following accounts:

- 1) 10160-028-02 and 2) 09211-006-03.

## **COMMITTEE MINUTES**

### **Architectural Committee**

There was no meeting in September.

### **Finance Committee and Compensation Committee Minutes**

The Board reviewed the September 16, 2009 Finance Committee minutes and their recommendation to approve the 2010 budget as presented with a dues increase of \$2.00 per unit, for a total monthly assessment of \$80.00 per unit. The committee also recommended the reduction of \$100,000.00 in expenses to be removed from the operating and/or capital improvement budget. This topic will be considered under the New Business section of the agenda.

### **Recreation Committee**

Recreation Manager Ralph Redington noted that the Recreation Committee has requested to review a list of gate swipes at Shorebird Pool occurring from 10:00 p.m. to 6:00 a.m. and that the Recreation Committee will continue to consider this topic later this month.

Mr. Redington stated that the expense for potential lighting at Timber Run Tennis Courts may be cost prohibitive, noted that there is another petition against lighting the Timber Run Tennis courts and that this topic goes back to the Recreation Committee for further review at the November meeting.

Director Mavity expressed the Board's appreciation for Staff's excellent job organizing and hosting the retirement party for Executive Director Bob Figeira.

## **OLD BUSINESS**

### **Blue Lake Swim Club Water Feature**

Executive Director Chudy stated that he is still waiting to hear from the Orange County Health Department as to the disposition of the WVA application for approval of the water feature.

**NEW BUSINESS**

**2010 Budget and Reserve Study**

The Board of Directors reviewed the 2010 Budget and Reserve study and the Board discussed the recommendation from the Finance Committee to increase the monthly assessment to \$2 per unit, for a total monthly assessment of \$80.00 (representing a 3% increase), and also the recommendation to reduce \$100,000.00 in expenses, to be removed from the operating and/or capital improvement budget. Director Davis stated that he doesn't feel that cutting \$100,000.00 from the operating and/or capital improvement budget is the right thing to do at this time.

Director Davis asked Staff how much the 3% merit pool was in the operating budget. Controller Romero noted that salary ranges for 2010 include a merit pool adjustment for all salaries of 3% to be distributed to staff based upon their performance and service to the community. The merit pool is approximately \$40,000.00 total. Director Katz stated that he believes Woodbridge has a great staff but doesn't think that increases should be given to employees in 2010, given current market conditions. Director Davis agreed and Director Cheema noted he has reservations about a 3% merit pool. Director Woodings noted that he feels a 2% merit pool may be appropriate. After much discussion, a motion was made by Director Davis, seconded by Director Katz, (Director Woodings voted no), passing 5/1. It was,

**RESOLVED, to eliminate the merit pool increase line item from the 2010 Fiscal Year Budget.**

After further discussion, a motion was made by Director Davis, seconded by Director Katz, passing unanimously. It was,

**RESOLVED, to approve and adopt the 2010 Budget and Reserve Study with a dues increase of \$2 per unit, per month, for a total of \$80 per unit, per month; and**

**RESOLVED FURTHER, to establish the Regular Annual Assessment for each lot at \$960.00, payable in monthly installments of \$80.00, representing an increase of \$2.00 per month; with the "Class C" Apartments Assessments increased proportionally as well, in accordance with the terms of their respective recorded declarations.**

After additional discussion, a motion was made by Director Davis, seconded by Director Katz, passing unanimously. It was,

**RESOLVED, to direct Staff to calendar a review and reconsideration of the 2010 Employee Merit Pool for the July 2010 Board Meeting, based upon budget savings at that time.**

Community Services Field Summary

The Board reviewed the *Community Services Field Summary* report for August 26 to September 29, 2009. The Board also reviewed the *Front Gate and Spa Usage* report. The Board also reviewed the Lakes Update from August 25 to September 29, 2009.

WiFi in WVA Facilities

Executive Director Chudy noted that the necessary components have been ordered for the WiFi network to be installed at Stonecreek Swim Club. He expects the network to be available later this fall.

North and South Lake Lagoon Water Testing

The Board briefly discussed the evaluation conducted by the Irvine Ranch Water District, which recommended that the WVA engage a consultant to assist in hopefully resolving the cloudy water problem in the lagoons. The Board also discussed the possibility of raising the lagoon depths as a possible solution. After discussion, the Board directed Staff to follow the IRWD's recommendation and send requests for proposal to the consultants the IRWD referred to the WVA, including past testing results and recommendations.

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

IUSD – Alderwood School Site Update

Executive Director Chudy stated that he was informed that representatives from William Lyon Homes have been speaking to residents near the former Alderwood School site and that these representatives may want to meet again with the Board and perhaps hold a community forum here. The William Lyon Homes representatives have mentioned that the development may have 48 single-family homes and private streets. The Board noted its preference for single-family homes and public streets. Director Davis noted that the Parkside Maintenance Association Board of Directors has a meeting scheduled with William Lyon Homes at the end of October and that he would update Mr. Chudy on the results of that meeting.

Woodbridge Shopping Center

Executive Director Chudy noted that he had received a telephone update from The Irvine Company regarding the Mobil Station being possibly demolished within 60-90 days. Mr. Chudy has again asked The Irvine Company for a written update on the shopping center, as well, to be published in *Reflections*.

Director Mavity asked if Mr. Chudy knew the disposition of the Carl's Jr. Restaurant, as Mr. Mavity heard that it may not remain in business at the current location. Director Mavity asked Mr. Chudy to ask representatives of The Irvine Company if Carl's Jr. could be relocated to the Woodbridge Shopping Center, if indeed it is not going to remain in business at its current location.

**ATTORNEY REPORT**

AB473

Attorney Hickey stated that the Governor is still deferring any action on this Recycling Bill at this time.

Proposed Revised Election Rules and Bylaw Amendment

Mr. Hickey briefly described the proposed revised Rules and the possibility that these revisions could save the WVA approximately \$11,000 in yearly election costs in years where there is no contested election of directors. After brief discussion, a motion was made by Director Katz, seconded by Director Sokolski, passing unanimously. It was,

**RESOLVED, to tentatively adopt the proposed amendments to the Woodbridge Election Rules and Bylaws; and**

**RESOLVED FURTHER, to authorize Staff to notify the Membership of these proposed Rules and concurrent Bylaw Amendment by publication in compliance with California Civil Code Section 1357.130; and to invite any comments be submitted to the Association on or before the Boards' Regular Meeting on December 2, 2009;**

**Inspectors of Election** , Section 13., is proposed to be amended to read as follows:

13. The Inspector(s) shall determine and announce the results of the election and shall report the results of the election promptly to the Board of Directors. If the Inspectors of election are unable to determine who was elected as a Director between two (2) candidates because of a tie in the number of votes cast for that position, a coin flip shall determine the elected Director. The Chairperson of the Election Committee shall promptly flip a coin at the Meeting, with the candidate listed first on the ballot, if present, calling

either heads or tails before the coin is flipped. If the coin turns face up as called, the person calling shall be declared as the elected candidate. If the coin turns face up opposite as called, the other candidate shall be declared the elected candidate. If the candidate listed first is not present at the Meeting, the other Candidate shall call the heads or tails, and if that Candidate is not present, the Chairman of the Meeting shall make the call. The results shall be recorded in the Minutes of the Regular Session Board Meeting.

**Ballots and Tabulation**, Sections 11. and 12., are proposed to be amended, and Section 13, is proposed to be added, to read as follows:

11. After the counting of the ballots and the certification of the election results by the Inspector(s) of Election, the ballots shall remain in the custody of the Inspectors of Election for a period of nine (9) months, and thereafter the custody shall be transferred to the Association.

12. If the number of candidates is equal to or fewer than the number of open positions and tabulation is not necessary to determine those candidates who are elected as Directors, then a Member in attendance may make a motion to elect the nominated candidates as presented without a tabulation of the ballots. Upon the Members present agreeing to that motion, the nominated candidates shall thereafter be deemed elected. The ballots will be nevertheless be preserved as provided for in Section 11., above.

13. If the motion and waiver of a tabulation described above occurs in an election year where there are three (3) Directors to be elected, with the candidate receiving the third greatest number of votes designated as the "At Large" Director, as specified in the Bylaws, with the others elected as a North Director and as a South Director, the determination of who will be the "At Large" Director and who will be the North or the South Director, as the case may be, shall be determined by a coin flip utilizing the same procedures as in the case of a tie as detailed in Section 13. **Inspectors of Election** , above.

#### **Proposed Woodbridge Bylaw Amendment**

**RESOLVED, to amend Article V. Directors, Section 4. Election and Term of Office, of the Woodbridge Bylaws, to add the following sentence at the end of the second paragraph thereof:**

In the case of a tie between two candidates, the elected Director deemed to have received the applicable greatest number of votes shall be determined as provided for in the Election Rules of the Association, from time to time. Further, in the case of an election year where there are three (3) Directors to be elected, and there is no tabulation of the ballots, as provided in the Election Rules, the "At Large" Director shall be determined as provided in those Rules.

## **CORRESPONDENCE**

### AB1328

Mr. Hickey noted that the Governor is also deferring action on this water and energy contracts bill at this time.

## **MANAGER'S NOTES**

### Flu Shots

Mr. Chudy announced the upcoming flu shots which will be provided at the Association office in the near future.

### Proposed Committee Holiday Party

The Board approved Staff's proposal to host the party at Waters Restaurant with a similar format as last year. Mr. Chudy noted that the party is scheduled for December 9<sup>th</sup> and that invitations would be mailed out. Recreation Manager Redington noted that Waters Restaurant has tentatively been reserved for the party.

### SCE Proposed Padmount Equipment Landscape Screening Project

Executive Director Chudy noted that he and Executive Director Figeira will review these areas and report back to the Board at a future Board Meeting.

### Lunch with Mayor of Irvine

After discussion, the Board decided they would like to meet with Mayor Kang for lunch in the next few months to discuss the former Alderwood School site development and other issues.

## **DIRECTOR'S COMMENTS**

### Double Parking at South Lake Beach Club

Director Chudy noted that the City of Irvine has agreed to install signs to create a small loading/unloading zone near the secondary entrance gate at South Lake Beach Club to hopefully prevent double parking and unsafe conditions during peak use times. Community Relations Manager John Steeb noted that the signs have not been installed yet, and that he will have the area monitored to determine when the signs are installed.

**ADJOURNMENT**

There being no further business to discuss, a motion to adjourn was made by Director Mavity, seconded by Director Sokolski, and passed unanimously. It was,

**RESOLVED, to adjourn the October 7, 2009 Board of Directors' Meeting at 8:58 p.m.**

Submitted By:

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Kevin K. Chudy – Secretary

Attest:

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Dale Cheema - Vice President