

Friends of the Village Newsletter

Volume 3, Issue 3

 Laguna Woods Village

March 2011

**THURSDAY, MARCH 3
6:30 PM, CLUBHOUSE 5**



MARCIA WILSON MANAGER OF SOCIAL SERVICES WILL ANSWER YOUR QUESTIONS

- **HAVE YOU BEEN CONFRONTED WITH NEIGHBORS OR FRIENDS HERE IN THE VILLAGE WHO MAY NEED HELP?**
- **ARE YOU SEEING NEIGHBORS WITH PROBLEMS YOU HAVE NOT HAD TO THINK ABOUT BEFORE?**
- **HAVE YOU WANTED TO HELP YOUR NEIGHBORS BUT DON'T KNOW HOW?**

SMALL GROUP DISCUSSIONS WITH FELLOW RESIDENTS WILL FOLLOW THE PROGRAM.

**COME PREPARED TO SHARE GOOD SAMARITAN DEEDS THAT YOU SEE HAPPENING
IN THE VILLAGE. THEY HAPPEN AROUND US EVERY DAY!**

SHARE REFRESHMENTS WITH NEW FRIENDS

IS YOUR FOV MEMBERSHIP CURRENT?

(If you're not sure, call Myra Norman at 949-588-0758)
Dues are \$15 per year single and \$20 per year double.

A form for new members may be found at
www.friendsofthevillage.com

Please send your check to
Myra Norman, 3312 San Amadeo, Unit #C.

UPCOMING MEETING DATES

MARCH 3 6:30 P.M..... CLUBHOUSE 5
APRIL 7 6:30 P.M..... CLUBHOUSE 5
MAY 5 6:30 P.M..... CLUBHOUSE 5

**Volunteers Needed to Call 10 Members Each Month
Contact Lynn Hamm at 949-206-0322**

Mayor Hack Speaks Out on Old and New Issues Facing City and Village

by Mary Robertson

At its February meeting, FOV members heard Bert Hack speak on issues residents have faced and won over the years. He is currently serving his fourth term as mayor of the City of Laguna Woods and is a 19-year resident of Laguna Woods Village.

Laguna Woods Becomes a City

Hack started by explaining how the city was formed in 1999 amidst the turbulent battle to keep the old El Toro Marine base from becoming a major commercial airport. Forces within the county had put Measure A on the ballot to build the airport which would have flights over Laguna Woods Village every three minutes, twenty-four hours a day. The measure passed by a few votes.

This began the nearly ten-year fight by residents to defeat the airport. It was believed that the retirement community needed to become a city to defeat the airport, but two attempts to incorporate in the 70's and 80's had failed. Therefore, Hack and fellow City Councilmember Bob Ring, both of whom were officers on the GRF Board at the time, made a concerted effort to speak month after month on the importance of incorporating in order to defeat the airport.

Over \$50 million was spent by each side on the airport motions and four different votes were taken; the Village lost two and won two -- the last two. The first win was overturned by the courts but the second survived and the airport was killed. And in the end Laguna Woods became a city by a margin of 342 votes.

Hack presented this history to demonstrate his belief that only by working together can we overcome our problems. He read the first stanza from the poem "The Second Coming" by William Butler Yeats and stated he always keeps in mind the last two lines:

*Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.*

Concerns Over Current Mean-Spiritedness/Third's Lawsuit

He then compared the unity to incorporate the City with what he sees going on in the Village today. He classified what he sees as "mean-spirited." He was disturbed when a resident took the opportunity before the TV cameras to chastise the GRF Board because the resident did not believe GRF had given adequate attention to the passing of director Bob Miller. He is also troubled by Third Mutual filing complaints of elder abuse and fraud in its lawsuit against PCM.

He stated he and other residents were incensed to be labeled as incompetent because of their age by the Third

Board. He pointed out that besides being on the City Council, he is on major governmental commissions and committees, including being recently appointed chair of the Transit Corridor Authority Board of Directors; he doubts these agencies would classify him as incompetent.

Having been a practicing attorney prior to his retirement, Hack noted that judges rarely dismiss any complaint prior to trial but the judge in this case did dismiss the elder abuse complaint Third had filed. He was surprised to hear Third refiled the complaint despite the judge's ruling against it. He stated attorneys know a judge would not have dismissed it originally if there had been any way under the law to allow it to be heard.

He also took issue with Third's charge of fraud. He stated a charge of fraud requires that the plaintiff prove it never received any value for the money taken. Yet Third does not state in its complaint that it did not receive any value (i.e., savings) from the employees' ideas that were rewarded with incentive payments.

(Ed. Note: In its complaint, Third does not deny that the ideas PCM implemented have saved the Mutual money but states that coming up with these ideas is part of PCM's management responsibilities to supervise and manage, for which Third pays PCM a fee; the incentive monies, Third alleges in its lawsuit, were over and above PCM's fee for work).

Hack stated that Third's complaint should be only an issue of contract law; fraud and elder abuse do not belong in the charges. He also advised Third will probably spend over \$400,000 in legal fees for this lawsuit and that, if it loses, the community will probably see Third Mutual being sued.

What's on Your Mind?

Ask the Directors – Get the Answers

Share a cup of coffee and let the directors know what's on your mind. Informal meetings have been scheduled with Third and United Board members. There is no agenda, so unlike a board or committee meeting, the directors will be able to discuss a broad range of subjects.

United Mutual: Thursday, March 3, 1 p.m., Clubhouse 1, Dining Room 2. Meetings are held the first Thursday of every other month.

United directors will also appear with Rob Merritt on TV6 on Friday mornings (usually between 8:30 and 9:00 a.m.) to recap committee meetings of the past week.

Third Mutual: Monday, April 25, 4-5:30 p.m. (location to be announced). Meetings are scheduled at various times and locations.

Third directors appear with Rob Merritt on TV6 on Monday mornings (usually between 8:30 and 9:00 a.m.) to discuss upcoming committee issues.

United Mutual First to Recommend Use of Village Open Space

by Mary Robertson

A United ad hoc committee, made up of United directors and residents, presented its proposal for use of the land owned by Laguna Woods Village but located outside the gated community at the United Board's February meeting.

There are nine parcels of Village land outside the gates. The City of Laguna Woods has asked the Village to come up with a specific plan for their use. The GRF Board has been holding town hall meetings to explain the situation to residents and suggest possible uses for these nine parcels.

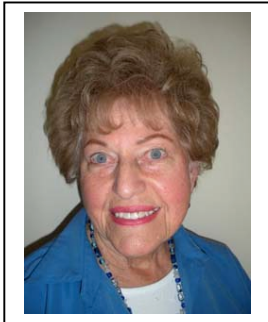
After these GRF presentations, the United ad hoc committee studied the various ideas and sought resident input. United director Catherine Brians, who chaired the ad hoc committee, said that when residents heard the United Board was forming an ad hoc committee to make proposals for use of the land, they "came out of the woodwork" to say they do not want the land to be sold or leased; they want to keep the open space.

However, Brian also said the board has the charge to make this community inviting to new buyers. Their proposal therefore melded the two needs together by using the land to enhance the community.

The underlying, non-negotiable recommendation in United's proposal is that the land not be sold or leased but that the land be used for the benefit of the residents. With this in mind, Brians presented the proposal for the nine parcels:

Parcel #	Size	Location/Current Use	Recommended Use
1	3.5 acres	Along golf course & Moulton at Santa Maria/currently is site of Garden Center 1.	Move Garden Center 1 out and put in a water-wise garden with seating & parking to enjoy the scenic views of the mountains & golf course; could have a Village Sunday market on the site.
9	8.3 acres	Moulton behind Clubhouse 7/the GRF nursery is on this site.	Move the GRF nursery out and put Garden Center 1 here as it is a larger area and could handle the current waiting list.
2a	0.7 acres	In front of Clubhouse 7/currently a dirt patch.	Have a new fire station located here for faster response time to this half of the Village.
2b	2.1 acres	Moulton along side of Clubhouse 7 parking lot/ currently vacant.	Build gym (not super gym) or multipurpose building & multilevel parking structure for gym users & employees.
3	6.2 acres	Moulton land behind Community Center/currently employee parking lot.	Build a new Community Center here instead of having our current one which is in a commercial area and too small for our needs; sell current center to help pay for new building.
4	6.0 acres	Moulton & El Toro/currently site of the equestrian center.	Keep equestrian center as is.
5	3.4 acres	El Toro next to equestrian center/currently a dirt water detention basin.	Keep the basin but move GRF nursery plants into it to add foliage to area – all nursery plants are in pots and can be moved if need be.
6	2.0 acres	Moulton by Campo Verde/currently a dirt water detention drainage area used by horse riders & landscape equipment to get to tunnel under Moulton that goes into United & horse trail.	Keep as currently used but move some GRF nursery plants here to add foliage to the area.
7	21.2 acres	Moulton at Campo Verde/currently used by PCM for storage & composting.	Create a Village park & picnic area; horse & walking paths stay; move compost closer to maintenance building.
8a	6.6 acres	Moulton at Campo Verde/currently site of Garden Center 2.	Keep as Garden Center 2.
8b	14.9 acres	Moulton at Campo Verde/currently GRF maintenance facilities.	Keep as maintenance facilities.
8c	0.9 acres	Moulton at Campo Verde/currently Campo Verde access road.	Keep as is.

The United Board agreed with the ad hoc committee's recommendation and will be forwarding it on to Third Mutual and Mutual 50 for their consideration. The other mutuals may also be presenting proposals for the use of these parcels. It is the directors on these three boards, along with the GRF Board, who will make the final decision on what will be in the specific plan that is sent to the city for the land's use.



President's Message

by Maxine McIntosh

Opinions regarding Third Mutual's lawsuit have been heard around some parts of the Village for many months now. Recently, news about Milt Johns' countersuit became available. Many, many questions have been raised. All

of us who are not a party to either suit or involved in the legal meetings must wait and learn.

This Village is the size (or larger) of, perhaps thousands of cities in America. Most of them deal with lawsuits (in general) from time to time. In our lovely Village it has happened before; it is happening now; and it will probably happen again. These dramatic clashes of law and opinion, integrity and opportunism, and facts as well as emotion are very stressful for just about everyone involved in the suits. It is my hope that we can adopt a sympathetic attitude for what all parties are experiencing - at least until we know what is determined by the courts. Eventually, the governing boards will inform us of final actions leading to the resolution of all conflicts. The wonderful news I can share today is that no one has told me they plan to move out of the Village due to a lawsuit.

I learned something very interesting about the various organizations called Professional Community Management (PCM). I am sharing the information I acquired after speaking with members of PCM staff and various current or past members of boards of directors for the four Village corporations. The company responsible for the day-to-day work performed in the Village is titled "PCM Incorporated."

The next level up is "PCM Incorporated of California" which is the company that hires or replaces a general Manager. Donny Disbro is the CEO. The Village Financial Officer is listed as a new CFO (as appeared in the Globe recently) and the general manager is listed as the General Manager of Laguna Woods Village. This organization lists other vice presidents and officers associated with other lines of business which are not a part of PCM Incorporated.

Up one more level is "PCM Incorporated International". I believe that anyone more curious than I can learn names of those entities on the internet.

Reach again and we discover the company 'Associa' which is the holding company for all the others.

Milt Johns has filed his cross-complaint against Professional Community Management Incorporated of California, not PCM Incorporated which manages our Village. Yet, it can be confusing as, following page one, the legal document uses only the letters "PCM". No, the hundreds and hundreds of employees

who work so hard to provide all services here in Laguna Woods Village are not being sued by Milt Johns.

In summary, here's what it looks like:

Associa (Holding Company)	
PCM Incorporated International	
PCM Incorporated of California Donny Disbro, CEO (Johns' Cross-Complaint)	
PCM Incorporated (Responsible for Day-to-Day Work (in Laguna Woods Village))	

Lawsuit Update

Defendants Submit Their Lists of Affirmative Defenses

by Mary Robertson

(Ed. Note: PCM-CA is being used when referring to PCM Incorporated of California to differentiate it from PCM Inc. which manages our Village.)

There has been no open court action in the Third Mutual v. PCM Inc./Milt Johns/Janet Price lawsuit or Milt Johns' countersuit this month. Some of the defendants, however, submitted to the court their affirmative defenses against the lawsuits.

Affirmative defenses are the legal reasons why the defendant should not be found at fault or should not be responsible for some or all of the alleged damages. Usually defendants will present all the affirmative defenses they think could apply and then exert their right to amend their list in the event they think of new affirmative defenses to add later.

So far, defendants PCM Inc. and Price have submitted affirmative defenses in Third Mutual's suit against them. Also, GRF, GRF and directors Jim Matson and Robert Hatch have submitted affirmative defenses in Johns' cross-complaint against them.

The affirmative defenses provided in the court documents are technical in nature so will not be summarized here. However the documents will shortly be on our website, www.friendsofthevillage.com, under the 'Lawsuit' tab.

United's Independent Counsel Investigates Lawsuit Allegations

The United Board advises: last year, the United Mutual Board of Directors retained special independent counsel for the purpose of completing a thorough investigation of the allegations made in the Third lawsuit against PCM and the PCM Incentive Plan, as those allegations pertain to United.

Since that time, the independent counsel has reviewed thousands of pages of documents and conducted in-person interviews with many of the individuals who have information or knowledge of the issues.

Last month, a cross-complaint was filed against Third and GRF, as well as certain GRF directors, in the Third lawsuit. United was not sued and is not a party to that lawsuit.

The independent counsel has reviewed the additional issues raised by the recent court filings and is completing his investigation. According to Board President Gail McNulty, he will provide his report and findings to the United Board of Directors in March. The Board will evaluate the findings and advise the community of the Board's position on the matter after those findings have been evaluated.

United Update Clutter, Flooding and Open Space Issues Handled by United

by Lynn Hamm

Now that my year as president of Friends of the Village has come to an end; as a resident of United Mutual, I've been asked to occasionally write a column which will address various United issues. At the current time, there are three major areas I'd like to update you on.

Clutter and Hoarding Policy

Anyone who has watched the Hoarding show on Channel 61 or has known a hoarder understands that hoarding is a **very** complicated issue. I live off of CDS 66 where we had a notorious hoarder. His hoarding reached the point where the Fire Department declared his manor unsafe. In addition to hoarding in his manor, which created an unsafe and unhealthy situation for both himself and his neighbors; he bought old cars and filled them up too. He then played "musical cars" with these vehicles moving them from one cul de sac to another trying, without much success, to keep ahead of our Security Department.

In order to protect "...the health, well being and quality of life of both those who compulsively hoard and those who live in or frequent the proximity of the compulsive hoarder, for the protection of Mutual property, and to protect property values," United Mutual has given initial approval to a policy that prohibits hoarding in our 6,323 units. This is a thoughtfully written resolution which defines clutter/hoarding, and the steps that will be taken

to resolve this complicated issue; while protecting the members' privacy. The entire "Clutter and Hoarding Resolution" can be found at United Mutual's website under Rule Change Modifications. This Resolution will be addressed at United's March 8th Board meeting.

Cul de Sac 67

Right across the street from me is CDS 67. This area has experienced flooding during extremely intense rainfall. The latest incidences occurred on January 19, 2010 and December 22, 2010. I happened to walk by the CDS right after the January 19 flood waters had receded. It was an unbelievable scene as residents and PCM staff worked together to clean up after the flood and then to see the high water marks on the parking structures.

The first phase to protect the CDS has been completed. A 170 foot long flood wall has been built in order to help protect residents from flood water. A "back flush valve" still needs to be installed in the existing storm drain. In addition, a flood gate or another type of waterproofing device will be installed across the driveway to further block flood water coming down Avenida Majorca.

Open Space Land Use

United Director Catherine Brians headed up an ad hoc committee that developed a plan for our open space. It is based upon a no-sale no-lease format, while at the same time emphasizing "quality of life" for residents. This plan was introduced at the February 8 United Board meeting, with the hope that it will be accepted as one of the 3 plans that will be considered by the Corporate Members.

(Ed. note: Read Mary Robertson's article on page 3 for details on United's recommendation for use of the open space.)

Do Not Put The Blame On Mame, Boys!

By Jan Marshall

If I were to spank the person most responsible for my problems, I would not sit down for a month. While I *usually* accept culpability for what I cause in my life, others may not.

Recently, I went to retrieve my king-size blanket from the cleaners. Though one must allow for a bit of shrinkage, finding material the size of a pot holder seemed excessive. Attached to the little square was a disclaimer: **NOT RESPONSIBLE FOR SHRINKING, FADING, BALLING** (what about bawling, mister) **OR COLOR CHANGE. PS: EVERY EFFORT HAS BEEN MADE TO REMOVE STAINS. AS FOR THOSE REMAINING, "TOUGH NOOKY, COOKIE!"**

When leaving a restaurant, the valet brought back the car and the front seat was missing. Attached to the windshield was a card stating, **"NOT RESPONSIBLE FOR ITEMS LEFT IN THE CAR."**

Television stations caution, "NOT RESPONSIBLE FOR OPINIONS EXPRESSED BY THE NEWSCASTER."

In the classified section of the Orange County Register, "NOT RESPONSIBLE FOR DEBTS INCURRED BY SPOUSE OR MISTRESS."

Defendants claim, "No Mea Culpa." Even Sinbad the Tailor has a sign that says, NOT RESPONSIBLE FOR ALTERATIONS OR CHILDREN LEFT OVER SEVEN DAYS.

And what about the children? All this lack of accountability has filtered down to them. Show me a child who has never exclaimed, "He did it!" and I'll show you a child who was not my kid.

Once I noticed my little grandson had wet his diaper. Without being judgmental, I mentioned it to him.

He said, "I didn't do it."

"Who did it then?" I asked.

"Daddy did it," he replied.

I wasn't born yesterday. I know that Daddy did not do it since he was downtown in his office and that is *at least* 20 miles away.

Countries blame each other. Politicians accuse their opponents of messing things up. An old Spanish proverb says, "To deny all is to confess all." Wouldn't it be refreshing to hear one leader own up and say, "Hey guys, I goofed?"

I would stand on my head, whistling while I work, just to hear one Village resident admit at our board meetings

that, "The other side *could actually be right and perhaps it is only my own dark nature to see evil wherever I look, which I will now stop doing since I am (at long last) in therapy.*"

Please, enough with blaming others already. I believe most people try to do the best they can, though we always can review and improve. I vow to take full responsibility for everything in my life, except of course for the slight weight gain. As I have explained repeatedly at "Big Girls Are Us" meetings and in these pages, if you believe in reincarnation, you know these fat cells are from my previous life when I was King George the fat, I mean the fourth.

Disclaimer; THE STAFF OF FRIENDS OF THE VILLAGE ARE NOT RESPONSIBLE FOR ANYTHING JAN MARSHALL SAYS!

www.authorhumoristjanmarshall.com

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Before you criticize someone, you should walk a mile in their shoes. That way, when you criticize them, you're a mile away and you have their shoes. ~Author Unknown

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