

Feb. 21, 2007

PCM

Laguna Woods Village, Ca.

Subj: LAGUNA WOODS VILLAGE RADAR SPEED ENFORCEMENT ACTION (PC - Calif. Penal Code ----- VC - Calif. Vehicle Code)

Dear Sirs,

I have some concerns regarding the legality of the recently installed 15 MPH Speed signs on Calle Aragon along side Clubhouse 3 to enforce violations of speed under the Calif. Vehicle Code. My past experience taught me all posting of speed limits must be legal and enforcement must be by authorized Traffic/Peace officers.

Private Security conducting vehicle traffic stops may very well be in violation of Penal Code section 236 -False Imprisonment; also PC section 146 - Arresting or Detaining under color of authority. If that is the case, they are liable for civil and criminal penalties personally as is their Employing Agency and perhaps the Municipality allowing such activity.

Traffic enforcement is delegated to Traffic Officers in the Calif. VC. By definition, Private Security personnel are not Traffic Officers as stated in the code. Motorists are required to yield/stop for Peace Officers/Traffic Officers who display a red light under Vehicle Code section 2800. Private Security staff displaying Amber lights, to my knowledge have no authority to conduct random car stops for any reason under the Vehicle Code or any other state code; nor can they use a red light.

Under Vehicle Code section 22352 the Prima Facia speed limits are set by the state legislature. All residential areas in the state are set at 25 MPH. The 15 MPH is authorized in 3 enumerated conditions. The recent 15 MPH posting on one block area of Calle Aragon IS NOT one of those conditions.

SPEED TRAPS are defined in Vehicle Code section 40802 and certain requirements must be met. If not, the use of RADAR by a *trained or untrained* person is a SPEED TRAP which is UNLAWFUL in California by state statute. Any testimony at a trial or hearing based on a speed violation in a SPEED TRAP is not admissible and therefore not legal under VC sections 40803 and 40804.

Local authorities (City of Laguna Woods Village) may decrease speed limits on narrow streets, VC 22358.3 and near schools and senior centers, VC 22358.4 But, I don't believe GRF or PCM is included in the definition of a local authority. My research indicates even a CITY has no such authority to change speed limits UNLESS they have complied with the law and have conducted an ENGINEERING and TRAFFIC SURVEY first, as described under VC Section 627.

The City of Laguna Woods Village, GRF or PCM cannot arbitrarily set speed limits below the statutory speed already set by the legislature in the Calif. Vehicle Code. That code sets speed limits in all residential areas throughout the state at 25 MPH.

Was a Traffic Survey conducted on Calle Aragon as well as ALL of the other streets in the Village where RADAR has been used? I will continue to research this issue and trust the staffs on the appropriate governing boards do likewise. The GRF, PCM and Private Security must operate within the law and if not, they must be held accountable. If they are not operating legally then ALL Traffic Violation Notices issued as a result of the illegal enforcement should be rescinded. Seniors get preyed on and hassled enough without our paying our own employees to add to the problem.

This new breed of Private Security staff that hide behind bushes with radar guns and then jumping out with hand held "STOP SIGNS" to make vehicle stops HAS TO BE ELIMINATED. It smacks of the old Saturday Morning TV Cartoon Show antics.

Radar guns must be used by trained staff that has legal authority to conduct vehicle stops on streets that are in compliance with the Traffic Survey requirements set by the Vehicle Code. IF this is not being done, THEN ELIMINATE ALL VEHICLE STOPS AND USE OF THE RADAR GUN.

If the Private Security staff continue their above action of running out in front of vehicles to stop them, they are liable for violating VC section 21954 (a) "failure to yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard." By continuing this activity our Private Security Staff can be given their very own Notice of Violation by the person whose vehicle they just unlawfully detained by running out in front of it; ..... OR .....be cited into court or arrested by a real Traffic/Peace Officer whose vehicle they just decided to unlawfully detain by running out in front of it with their "Stop Sign."

If my interpretation/understanding is still on point on the laws mentioned here, liability can attach for allowing this enforcement action to continue. The City Attorney and/or other appropriate legal counsel need to review the particular statutes I have mentioned and see what is legal and what is not. If there is a problem with the current activity going on it needs to be addressed expeditiously. Each separate incident of unlawful traffic stops and unlawful use of radar for speed violations is independently actionable.

The Enforcement of Calif. Vehicle Code Traffic Laws is not a Private Security job and residents certainly don't need to be paying them to ultimately become a pain in our backside. Maybe we should just ELIMINATE the ("want to be cops" - but can't make the grade) and leave Traffic Law Enforcement to the Sheriff's Deputies.

I have enclosed photos and documents which I feel support my position that the enforcement action currently underway is in violation of numerous state laws. If so, this could very well leave PCM, GRF and the City liable for the action of the Private Security employees.

The photos depict a poor sign posting in an attempt to slow vehicles down. Speed bumps would have been better and legal! I urge all concerned leaders/residents to drive the area and make their own judgment of the situation. I believe the current posting and enforcement is a flagrant violation of law and decent community standards.

In the letter from Ms. Follett she stated she was told the reason to slow down vehicles was the "Horse Crossing". I have been here over 10 years and that concept never was a problem before. I suspect horses spend much less time in the area than they have in past years as there are better areas to ride in now. The Private Security person was more than likely "parroting what they may have been told."

Another area of concern is the drivers attention required to negotiate a four way stop. The activity requires the driver to be aware of all other vehicles and pedestrians at the intersection. Once a driver's turn has come to cross the intersection, they proceed to accelerate through the intersection. Being in a 25 MPH RESIDENTIAL ZONE, one does NOT EXPECT to have a small sign a mere 60 feet away dropping the speed to 15 MPH. Also, the size and height of the sign coupled with the placement of most inside rear view mirrors in the average car can and does obscure the sign for the fleeting few seconds the driver could possibly have seen it while traversing the intersection and driving along the next 60 feet of roadway.

The driver then proceeds driving around the long curve for hundreds of feet BEFORE the Second 15 MPH Sign is visible over 500 feet away from the first sign. By then the radar gun had been employed and the Private Security person jumps out from behind the bushes with the hand held Stop Sign to detain and cite the violator.

I don't believe this is the type of traffic enforcement activity we need in the community. Please review the concerns I have presented and take appropriate action where necessary.

Yours truly,

A handwritten signature in black ink, appearing to read "Larry Johnston", with a long horizontal flourish extending to the right.

Larry Johnston  
50 Calle Aragon Unit B  
Laguna Woods, Ca. 92637  
949-380-7390

cc: Golden Rain Foundation  
Laguna Woods Village Mayor and City Council Members  
Laguna Woods Village City Manager Ms. Leslie Keane

Supporting Documents: Regarding possible unlawful posting and enforcement of a 15 MPH speed on Calle Aragon alongside Clubhouse 3.

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Exhibit # 1 - Map of the area indicating approximate locations of 15 MPH Speed Signs and "map scale" of area covered by the map.

Exhibit # 2 -Photo of approaching driver's view of the new 15 MPH sign on Calle Aragon approximately 60 feet past the intersection of Avenida Sevilla.

Exhibit # 3 - 4 and 5 - Sequential photos of a drivers view around the of the curve area prior to being able to see the second 15 MPH sign over 500 feet from the first one.

Exhibit # 6 - View of Gate 3 and the "bushes" where the Private Security person crouches and hides prior to literally jumping out with a hand held "Stop Sign" to stop vehicles approaching.

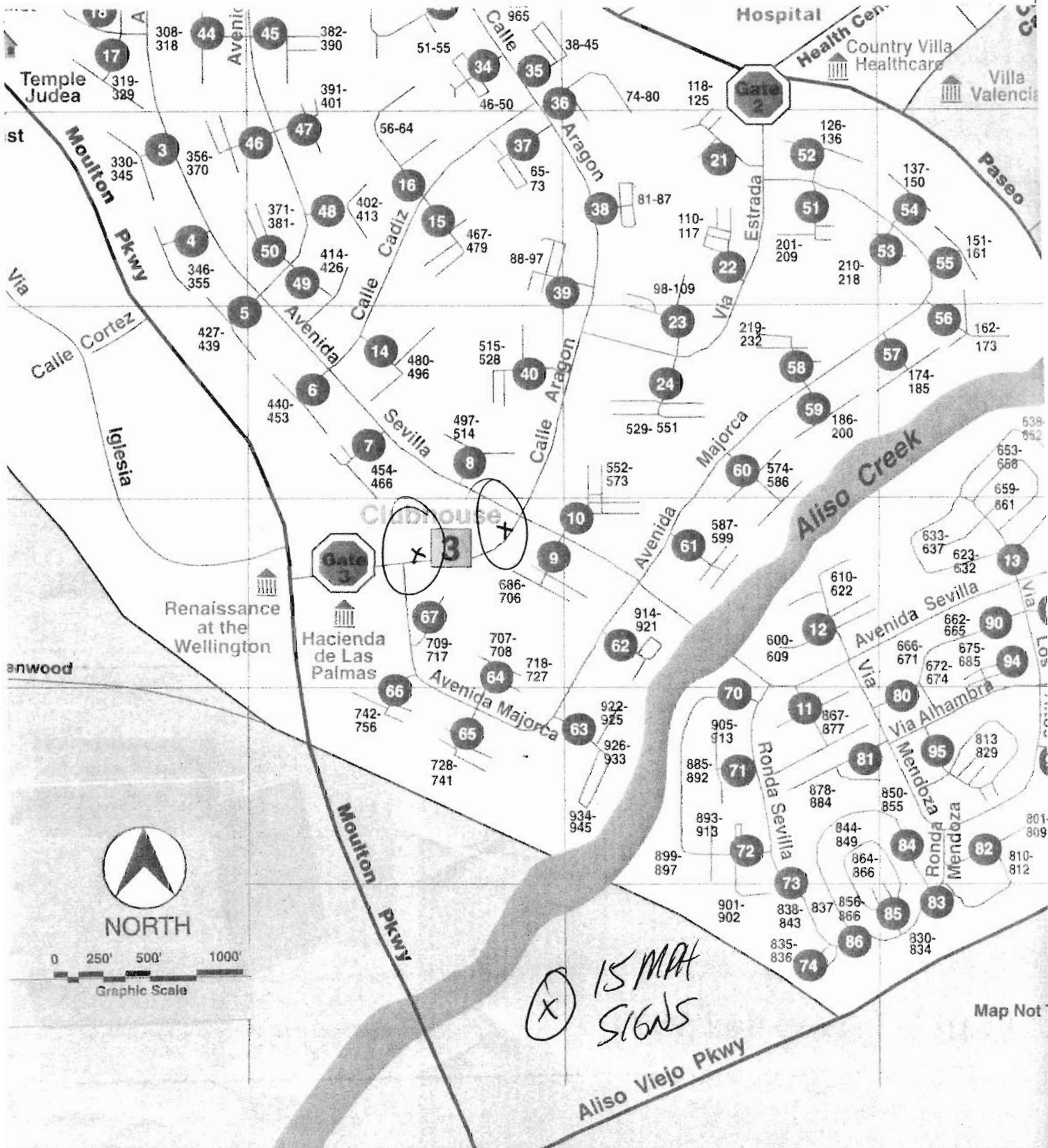
Exhibit # 7 - Laguna Woods Globe Letter to the Editor from Ms. N.J. Follett regarding a ticket she received.

Exhibit # 8 - Example of the Proper Posting of a notification of a decrease in speed limit on a street/highway.

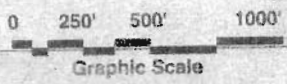
Exhibit # 9 - Computer printout of Security Changes from the Laguna Woods Village web site.

Exhibit # 10 - Statement regarding Public Safety and Traffic Enforcement from the City of Laguna Woods Village web site.

#1



NORTH



(X) 15 MPH SIGNS

Map Not

G



H

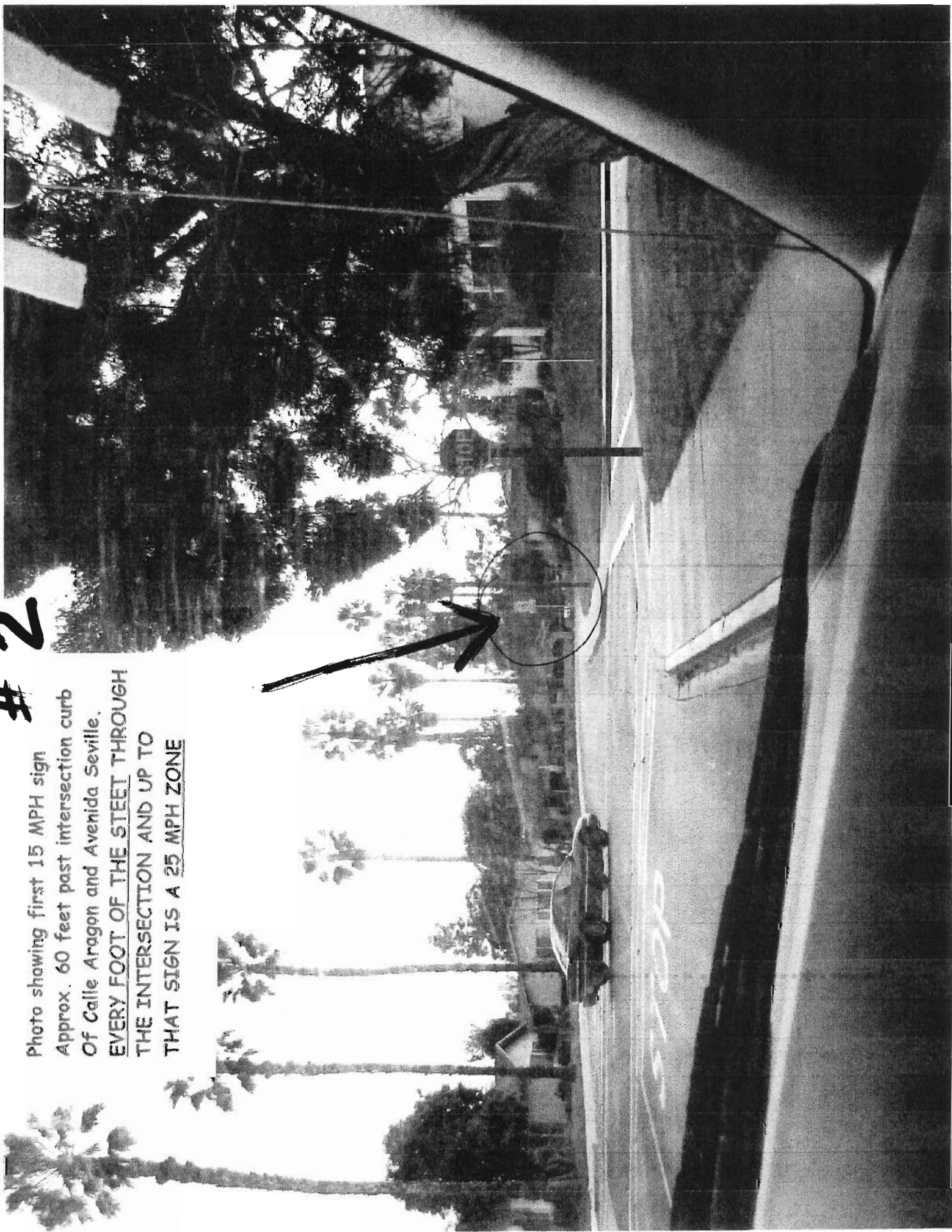


I

J

#2

Photo showing first 15 MPH sign  
Approx. 60 feet past intersection curb  
Of Calle Aragon and Avenida Seville.  
EVERY FOOT OF THE STEET THROUGH  
THE INTERSECTION AND UP TO  
THAT SIGN IS A 25 MPH ZONE





SIGN NOT  
VISIBLE



3

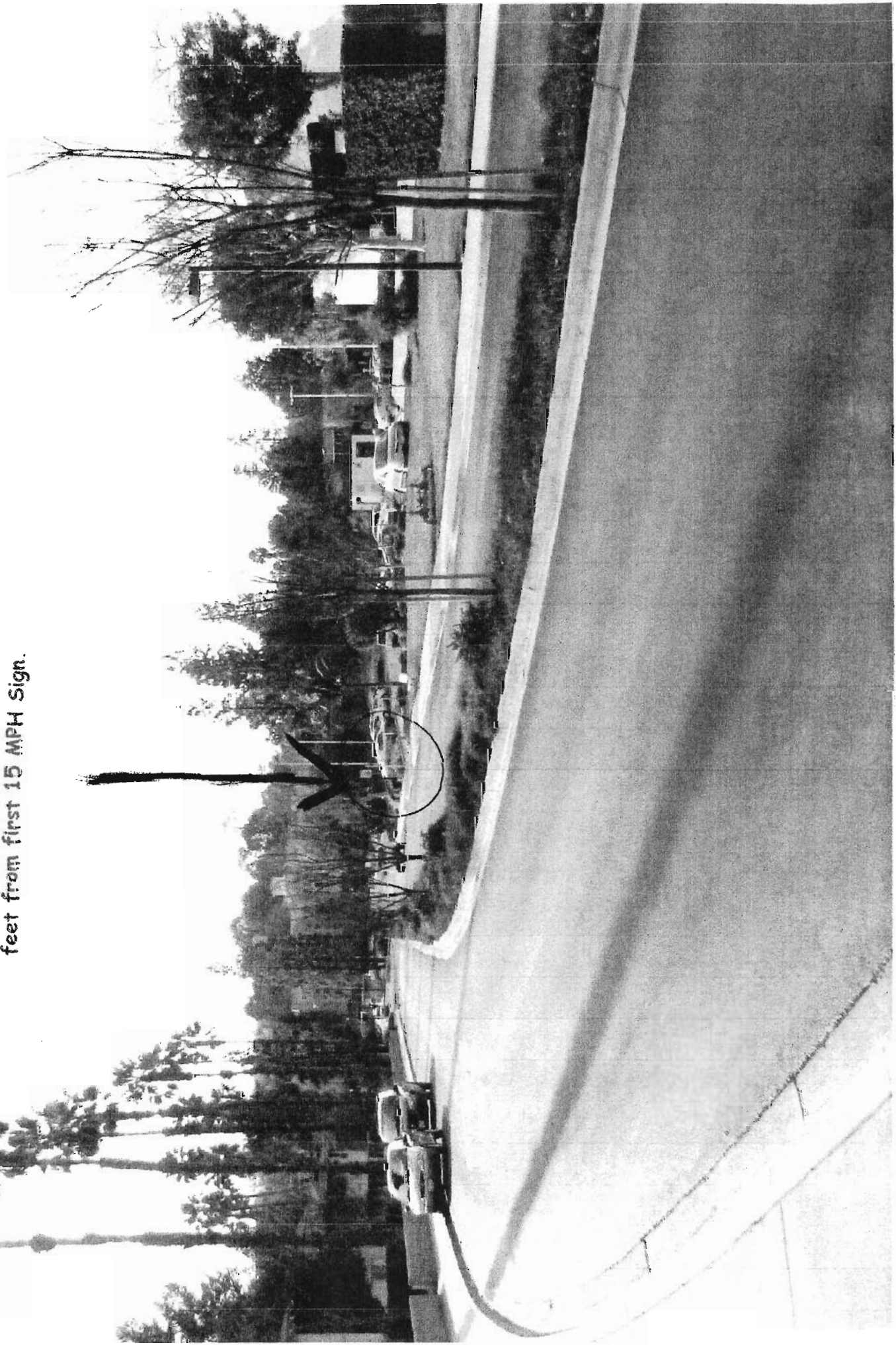
4

PROSIL 1915  
P. 2000



5

Three Photos showing curve of Calle Aragon by Clubhouse 3. The 15 MPH Sign barely visible in last photo is approx. 500 feet from first 15 MPH Sign.

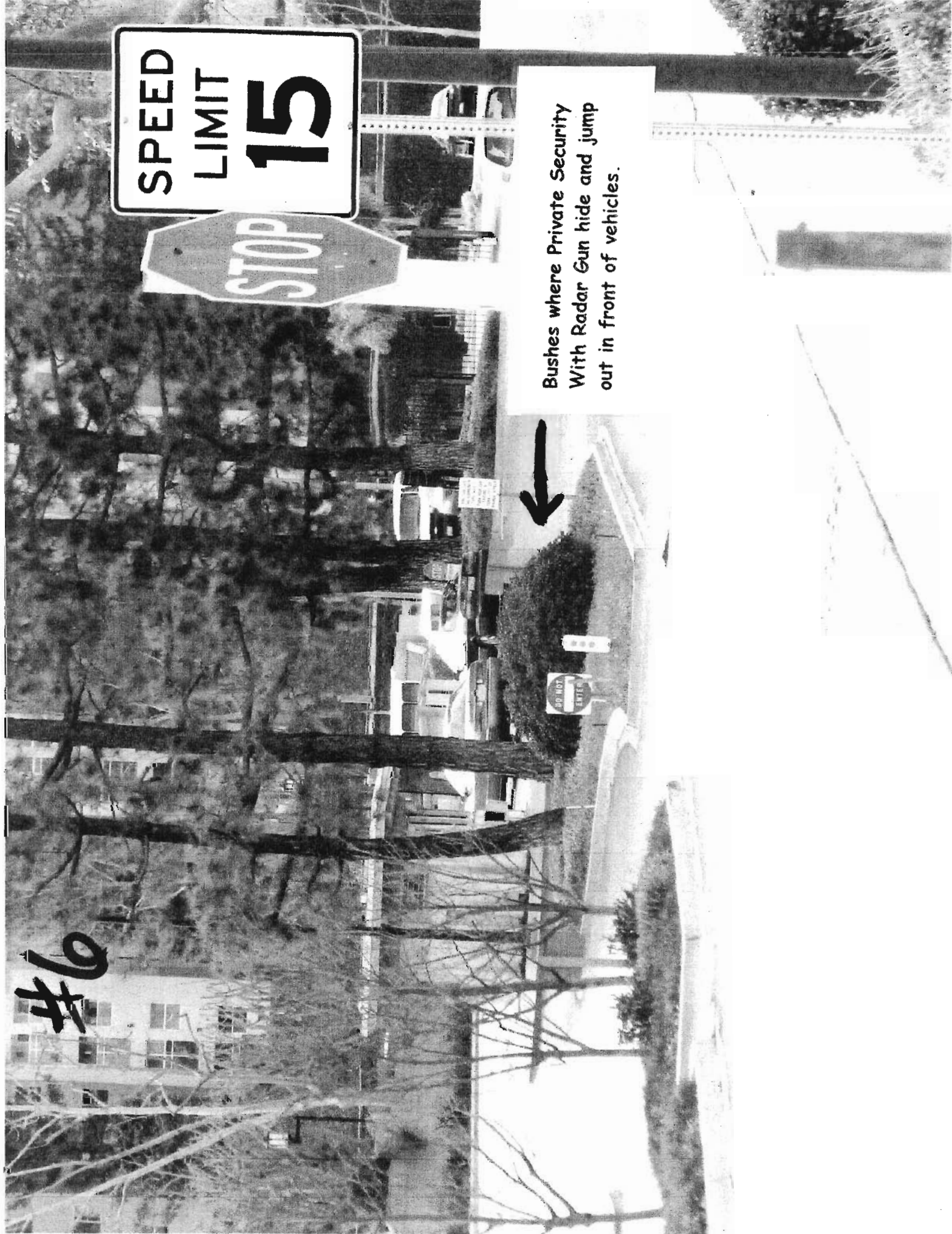


#6

SPEED  
LIMIT  
15

STOP

Bushes where Private Security  
With Radar Gun hide and jump  
out in front of vehicles.



, I work nights/  
-8276.  
an Gorman  
rena South Uni

and the Pearly Gates!

This usurped power of this  
and other matters has got to  
stop!

Norma Jean Follett  
889 Ronda Sevilla Unit P

### GENEALOGY HELP

My kids think they want to know where they come from. Are there any clubs or groups out there that can give me any help in my quest? Call 949-581-1516.

JoAn Davis  
695 Avenida Sevilla Unit A

### AND THE BEAT GOES ON

On Sunday, Jan. 7, 2007, while on my way to church, I was cited for speeding in our money oriented 15 mph speed limit.

Being used to our regular 25 mph and my eyes averted to further areas in turning, I missed the sign on the corner, but on reaching the curve saw the posted sign and immediately braked, slowed my speed to comply and then saw that an officer was stepping out to stop me.

I confronted the fairness of this and he acknowledged that they saw my attempt to comply, that he would have issued a warning ticket, if outside Laguna Woods, but that United board controlled his ability to do so. While stopped, two vehicles whizzed by us and were not stopped and the officer acknowledged this also.

He also stated this unnecessary slow speed was due to being a horse crossing. How many, if any, horses have you seen crossing there? That's as insane as Oregon curtailling lumbering because one owl made its home there!

As I left, ticket in hand, and too late for church, I turned around, trying to maintain the 15 mph and found it is an absolute crawl and had to brake several times. A bus followed me and half a dozen times had to apply his air brakes in order not to hit me.

I seem to be the only one now who is abiding, as everyone ahead of me reaches Moulton when I'm still at the Clubhouse curve!

We may as well rename the street Funeral Procession Lane at the Corner of Moulton

### MISREPRESENTATION

A Flyer was distributed at the door of the Community Civic Association meeting on Thursday, Jan. 25. The unsigned Flyer was titled "Red Book (Budget Book), General Funds 2006-2007." The top section shows "Budget Increases" of five accounts from salaries and wages at 9.1% to Management Fee at 53%. The flyer's reference is Page 1 of the "Red Book".

The Flyer does not show the "Budget Decreases". The net change of the Budget's "increases and decreases" (Line 17, Page 1) is an increase of "0.4% (less than one-percent). The "bottom line" of Page 1 shows a 2.5% total increase of the 2007 Budget over the 2006 Budget.

The central section of the Flyer refers to "Broadband Services" and "TV Operations." It shows increases of "Expense" accounts but does not refer to increases of "Revenue." The gross Revenue from "Ad Insertions," "High Speed Internet," "Advertising Production" and other sources is about \$1,780,000.

Though the 2006 assessment to each resident was \$37.34 per manor per month, the actual cost was \$27.50. The difference, about \$10, is partly attributed to the Revenue, and will be returned to residents via their assessments.

If the Community had sold the system to Cox, their charge would have been at least \$46 per month. And Cox's charge for High Speed Internet is \$20 per month higher than our Broadband Services charges for the service.

It seems that the anonymous authors of the Flyer either do not understand financial reports, or they are deliberately trying to mislead the Community.

Bob Miller  
Treasurer, GRF

revolutionize the field of medicine in the very near future. Cancer, crippling spinal diseases, cardio-vascular, Alzheimer's and other dementias, macular degeneration, deafness and many more diseases all now have the potential of permanent cure.

The lecture and tour provided by Maura R. Hofstadter of the Reeve-Irvine Research Center was outstanding. We were patiently educated on the scientific makeup of a stem cell through the use of models and then were allowed to see an actual stem cell using a microscope that could be adjusted for individual viewing. Every piece of equipment in this amazing laboratory was explained to us and not one of our endless questions was ignored.

Laguna Woods clubs and individual groups are urged to take advantage of this rare and wonderful opportunity while the laboratory is empty and able to accommodate tours. You will be warmly welcomed and will leave informed and with a feeling of hope for the future.

Esther M. Levitt

### HIT AND RUN DAMAGE

To the driver who crashed into my green 1998 Honda Civic. It happened before 8 p.m. Saturday, Jan. 13, 2007 (long weekend-Martin Luther King Jr. Day) on Via Serena South, near my condo. (Towed 1/16/07). You left my driver's side doors with long white gouge marks. Do you have my green car's paint on your car? You must have noticed, your car tore off my Honda's rear end, pulled off my side view mirror, and damaged hubcaps when the passenger side was pushed into curb.

I couldn't find your note of responsibility. Did the wind blow it away? Called your insurance agent? Know who did the driving - resident, relative, visitor, caregiver, utility/public vehicle? Driver owes deductible/car rental. When a son died, I became caregiver to two grandchildren. Help, please.

