

**CALIFORNIA ASSOCIATION OF REALTORS®**  
**BOARD OF DIRECTORS DRAFT MOTIONS**  
**CONSENT AGENDA**

**Executive**

**1. ACTION ITEM – CONSENT AGENDA PASSED**

**2023 Executive Committee**

Chris Backer, Melanie Barker, Jennifer Branchini, Sabrina Brown, Bill Brown, Otto Catrina, Teresa Dietrich, Mark Epstein, Carla Farle, Don Faught, Ruth Hayles, Steven Huang, Robert Morel, Heather Ozur, John Sebree, Tamara Suminski, Mike Vachani

**2023 Directors at Large**

Lynn Aglipay, Staci Braga, Wayne Cory, Marc DeContreaus, Sheri Fejeran, Jan Hudson, Joan Irish, Maria Johnson, Robert Johnson, Chuck Lech, Denise Matthis, Kaitlin McCormeis, Rose Marie McNair, Kay Merg, Jolaine Merrill, Brenda Meyer, Jeffrey Neidleman, Thomas Nino, Ernie Ochoa, Kathy Oliver, Joy Ramirez, Ken Scott, Christie Thomas, E'Mira Torres, Cindy Young

**Strategic Planning and Finance**

**2. ACTION ITEM – CONSENT AGENDA PASSED**

That the Statement of Income and Expenses by Program for the eleven months ending November 30, 2022 be approved.

Total C.A.R.

Revenue: \$38,761,300

Expenses: \$34,851,500

An Excess of Income over Expenses (Before Unrealized Investment Results) \$3,909,800

REALTOR® Action Assessment Program Allocation: \$4,799,400

\* Direct Member Contributions to PACs: \$8,339,500

\*Advocacy Local Fund (ALF) Allocation: \$1,448,000

\*Total REALTOR® Action Assessment: \$14,586,900

The C.A.R. Balance Sheet as of November 30, 2022

Total Assets: \$121,898,300 (of which \$88,781,400 are Current Assets)

Total Liabilities: \$9,489,600 (of which \$9,276,500 are Current Liabilities)

C.A.R. Fund Balance: \$112,408,700

Some amounts are estimated because the actual amount of PAC contributions and non-PAC advocacy and political allocations are variable depending on factors such as membership levels, participation, local advocacy needs, and application of political

contribution rules. Amounts may vary from these estimates. However, percentages contributed to PACs by members and allocated to ALF for non-PAC advocacy and political purposes, taken as a whole, are consistent with prior years.

### 3. ACTION ITEM – CONSENT AGENDA **PASSED**

That the Unaudited Statement of Income and Expenses by Program for the year ending December 31, 2022 be approved.

Total C.A.R.

Revenue: \$39,713,000

Expenses: \$41,448,400

Net loss (Before Unrealized Investment Results) \$1,735,400

REALTOR® Action Assessment Program Allocation: \$4,831,200

\*Direct Member Contributions to PACs: \$8,392,200

\*Advocacy Local Fund (ALF) Allocation: \$1,454,500

\*Total REALTOR® Action Assessment: \$14,677,900

Some amounts are estimated because the actual amount of PAC contributions and non-PAC advocacy and political allocations are variable depending on factors such as membership levels, participation, local advocacy needs, and application of political contribution rules. Amounts may vary from these estimates. However, percentages contributed to PACs by members and allocated to ALF for non-PAC advocacy and political purposes, taken as a whole, are consistent with prior years.

### END OF CONSENT AGENDA

### **Californians for Homeownership**

#### 1. REPORT ONLY

It was reported for information only that Californians for Homeownership continues to work hard to support housing affordability and the development of housing throughout the state using impact litigation:

Housing Element Lawsuits.

-Californians for Homeownership continues to wage a litigation campaign to enforce California's regional housing needs allocation (RHNA) and housing element laws. These laws require cities across the state to make sure that their zoning and land use rules allow for the development of housing sufficient to meet regional housing needs. New lawsuits were recently filed against cities and counties throughout the Bay Area, as well as the City of Beverly Hills. A major goal of these lawsuits is to establish that these jurisdictions are subject to the so-called "builder's remedy," which enables the development of mixed- and moderate-income housing in areas where it might traditionally be prohibited.

CEQA Interventions.

-CEQA is frequently used to delay or stop housing development by plaintiffs with no legitimate environmental interests, such as neighboring property owners and unions. These lawsuits typically pit developers against more sympathetic parties, and inserting a strong pro-housing voice into these cases can help shift the balance in favor of housing development. Californians for Homeownership expects to intervene in at least two new CEQA cases in the near-term, and is actively seeking opportunities to intervene in additional CEQA cases in the coming year.

New Laws.

-The Legislature passed significant housing supply bills last year, including bills that facilitate development on commercial properties and a bill that relaxes parking requirements, which can be a major impediment to housing production. Californians for Homeownership is assessing these bills and local government efforts to avoid complying with them, and will be working to enforce them.

## **CREPAC Trustees**

### **1. REPORT ONLY**

That the 2023 CREPAC Chair appointed a subcommittee of trustees to serve on the 2023 California Real Estate Independent Expenditures Committee (CREIEC).

### **CREIEC TRUSTEES**

(November 2022 - November 2023)

Sheila Cunha, Chair, Chuck Lech, Immediate Past CREPAC Chair,

Kim DiBenedetto, Committee Liaison, Lorraine Clark, Mark Dowling

Todd Mendoza, Fred Sabine, Michael Stoffel, Judy Zeigler

### **2. REPORT ONLY**

That CREPAC continues to provide bi-partisan funding to the California political parties, charitable organizations, and candidates to further the REALTOR® Party agenda.

### **3. REPORT ONLY**

That CREPAC contributed \$1,350,094 to RPAC's needs based contribution goals.

### **4. REPORT ONLY**

That the CREPAC Chair will appoint a subcommittee to review the recommendations submitted by the REALTOR® Party of California Task Force Report.

## **Environmental Sustainability**

### **1. ACTION ITEM PASSED**

That C.A.R. "SUPPORT" AB 62 (Mathis) which would establish a statewide goal to increase above and below ground water storage capacity in California by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040.

Legislative Committee: Approved

## **Executive**

### **1. ACTION ITEM PASSED**

That a resolution of appreciation honoring 2022 President Otto Catrina be approved.

CALIFORNIA ASSOCIATION OF REALTORS®

A RESOLUTION OF GRATEFUL APPRECIATION

TO OTTO CATRINA 2022 PRESIDENT

BE IT KNOWN:

The Board of Directors of the CALIFORNIA ASSOCIATION OF REALTORS® does hereby adopt this Resolution as a means of recording for posterity its appreciation for your outstanding leadership as the 115th President of this great Association.

WHEREAS,

Otto Catrina has established a lengthy and exceptional record of personal commitment and volunteer service to the real estate industry at the local, state and national levels; and

WHEREAS,

Your leadership was a guiding force for the implementation of programs, services and Educational opportunities that benefit members as they conduct their daily business; and

WHEREAS,

Under your direction, the Association made important strides to reach out to a broad diversity of members and prospective members; and

WHEREAS,

During your term, the Association was well represented in its efforts to implement sound public policy at both the state and national levels; and

WHEREAS,

With you at the helm, the Association began the process of emerging from the uncertainty of a global pandemic, keeping members abreast of latest developments, and providing members with guidance and support necessary to continue serving the needs of their clients during a period of rapid change in the real estate market and

WHEREAS,

By virtue of your friendship, loyalty, dedication and commitment to the real estate community and the public, you leave this Association a legacy of leadership and progress that will endure; therefore, be it

RESOLVED

That your fellow officers, directors and members of the CALIFORNIA ASSOCIATION OF REALTORS® do hereby convey to you, Otto Catrina, our gratitude for your outstanding leadership, and look forward to your continued contributions in the future.

2. ACTION ITEM **PASSED**

That a resolution of appreciation honoring Allen Chiang, 2022 Recipient of the California Distinguished REALTOR® Award, be approved. CALIFORNIA ASSOCIATION OF REALTORS® A RESOLUTION OF GRATEFUL APPRECIATION TO ALLEN CHIANG RECIPIENT OF THE 2022 CALIFORNIA DISTINGUISHED REALTOR® AWARD BE IT KNOWN: The Board of Directors of the CALIFORNIA ASSOCIATION OF REALTORS® does hereby adopt this resolution as a means of recording for posterity its appreciation for your outstanding contributions to organized real estate which led to your selection as recipient of the 2022 California Distinguished REALTOR® Award -- the highest honor the Association can bestow upon any member; and

WHEREAS,

You have established a continued exceptional record of personal commitment and service to the cause of REALTORS® as an active member of the Rancho Southeast Association of

REALTORS®, the CALIFORNIA ASSOCIATION OF REALTORS®, and the National Association of REALTORS®; and

WHEREAS, You have met or exceeded all of the criteria necessary to be considered for this award, including at least 20 years as a California REALTOR®, demonstration of outstanding service to the Association for at least 15 years, in particular serving as a C.A.R. Director-for-Life; and

WHEREAS,

Your vision and many contributions have helped the Association and its members through many challenging years marked by a host of major housing issues and an ever-changing real estate environment; therefore, be it

RESOLVED

That the officers, directors and members of the CALIFORNIA ASSOCIATION OF REALTORS® do hereby convey to you, Allen Chiang, 2022 recipient of the California Distinguished REALTOR® Award, our gratitude for your many years of outstanding service and leadership, and look forward to your continued contributions in the future.

### **Fair Housing Policy**

#### **1. ACTION ITEM PASSED**

That C.A.R. "SPONSOR" legislation to facilitate greater access to educational resources on revocable living trusts for low- and moderate-income homeowners.

Legislative Committee: Approved

### **Housing Affordability Fund**

#### **1. ACTION ITEM PASSED**

To approve the allocation of \$500,000 from existing C.A.R. HAF funds in order to continue the C.A.R. HAF Closing Cost Assistance Grant Program.

Strategic Planning and Finance Committee: Approved

Note: This additional funding will expand beyond the seven-county beta launched in 2022 to all counties within California. C.A.R. HAF will continue to work with current non-profit partners to implement this expansion using HUD approved counseling agencies statewide and to provide management and oversight for a fee not to exceed 5% of the overall allocated funds.

### **IMPAC Trustees**

#### **1. REPORT ONLY**

It was reported for information only that IMPAC authorized the following contribution:

--\$30,000 to the California Association of REALTORS® to sponsor the 2023 Government Affairs Director Institute (GADI) in Monterey, California, from June 13 through 15.

### **Legal Action Fund Trustees**

#### **1. REPORT ONLY**

It was reported for information only that, since the October 2022 meetings, the Trustees have reviewed three cases and approved participation in one.

Whitlach v. Premier Valley, Inc.

Whitlach, a broker, signed an employment agreement to be the office manager and he also signed an independent contractor agreement related to his sales transactions. This Private Attorneys General Act ("PAGA") class action lawsuit alleges plaintiffs were employees and seeks damages for unpaid wages, meal/rest break violations and other employee benefits. Plaintiff raised equal protection and due process arguments regarding real estate licensee independent contractor status under Business & Professions Code 10032 and AB 5. Plaintiff also argued that C.A.R.'s ICA agreement contains unconscionable terms. C.A.R. filed an amicus brief supporting the ability of real estate licensees to choose independent contractor status. The Court of Appeal ruled in favor of defendants, in an unpublished decision. Afterward, C.A.R. was the only organization to seek publication of this case and was successful. Recently, Plaintiff filed a petition for review in the California Supreme Court, which is still pending.

## **Legislative**

### **1. ACTION ITEM PASSED**

That C.A.R. adopt a "FOR" position on an as yet unnumbered ballot proposition that will appear on the November 5, 2024 state ballot entitled "Limits Ability Of Voters And State And Local Governments To Raise Revenues For Government Services. Initiative Constitutional Amendment."

Note: C.A.R. has previously taken the following position on an upcoming State Ballot Measure for the November 5, 2024 ballot:

--An as yet unnumbered ballot proposition entitled SCA 2 (Allen) Public Housing projects. (Res. Ch. 182,2022) "CO-SPONSOR"

## **REALTOR® Party of California Committee**

### **1. ACTION ITEM [Task Force Recommendation 1D] PASSED**

That C.A.R. provide two options for Local AORs to receive their 32% REALTOR® Action Assessment (RAA) allocation – a) by meeting the RAF participation goal or b) by averaging \$20 or more per member in RAF total contributions while maintaining a minimum of 12% participation rate.

### **2. ACTION ITEM [Task Force Recommendation 3D] PASSED**

That C.A.R. change the RAF contribution allocation of the first \$200 to include state PACs, including IMPAC, CREPAC, CREIEC.

Note: Currently, 70% of the first \$200 to RAF is allocated to CREPAC-Federal and 30% to Local AOR sub-accounts (IMPAC, LCRC, and ALF). Amounts currently allocated to local AOR sub-accounts will not change.

### **3. ACTION ITEM [Task Force Recommendation 3C] PASSED**

That C.A.R. change the current RAF investment levels to the following four investment levels: \$20 Introductory Level, \$49 "Participation Club", \$199 "Cost of Doing Business", and \$449 California

Silver Bear, and starting in 2024, that the minimum requirement for the regional challenge be set at the new Cost of Doing Business of \$199.

#### 4. REPORT ONLY

That beginning in 2023, the Capitol Reception includes participants who invest at least \$449 to REALTOR® Action Fund.

#### 5. REPORT ONLY [Task Force Recommendation 3B]

To align C.A.R.'s "Major Investor" recognition with NAR's Major Investor Program, with minimum annual investment of \$1,000. The four levels of recognition within the RPAC Major Investor Program at C.A.R. and NAR are: Sterling R, Crystal R, Golden R and Platinum R.

### **REALTOR® Party of California Task Force**

#### 1. ACTION ITEM **PASSED**

That the C.A.R. Board of Directors accepts the final report of the REALTOR Party of California Task Force, and authorizes the relevant committees and staff to address the recommendations in the report and, if necessary, bring forward plans for implementation to be approved by the Board of Directors, CREPAC and IMPAC Trustees, the SPF Committee, and/or other committees which may have jurisdiction.

### **Standard Forms Advisory**

#### 1. REPORT ONLY

### **Strategic Planning and Finance**

#### 1. REPORT ONLY (Recommendation 5.A. in Task Force Report)

That C.A.R. create the REALTOR® Party of California Fundraising and Member Mobilization (FAMM) Advisory Committee. Mission: To raise awareness of and increase contributions to the REALTOR® Action Fund (RAF) and strengthen member mobilization and grassroots involvement. With a focus on providing education, training, tools, and other resources to Local Associations, an increase in REALTOR® participation will advance C.A.R.'s political and legislative effectiveness. The Committee will review and set fundraising and advocacy policy, goals, support fundraising and advocacy efforts, and determine recognition awards. Composition: Chair and (2) Vice Chairs, 14 experienced Advisory members, including (1) Local Association Executive and (1) Local Government Affairs Director, to be appointed by C.A.R.'s Leadership Team. Members shall be selected from Major Investors, consistent with current law.

#### 2. REPORT ONLY (Recommendation 5.B. in Task Force Report)

That the REALTOR® Party of California Committee be renamed REALTOR® Party of California Fundraising and Member Mobilization (FAMM) Forum and enhanced to achieve the fundraising and advocacy goals of the REALTOR® Party of California.

Mission: The forum will provide timely education, training, tools, and other resources for members to increase REALTOR® participation in political fundraising, education, and grassroots involvement as well as increase C.A.R.'s political and legislative effectiveness. The forum will also provide Members an opportunity to share and discuss their experiences on what is proving effective in increasing member involvement in REALTOR® Party activities and meeting assigned goals.

### 3. REPORT ONLY (Recommendation 5.C. in Report)

That C.A.R. create the REALTOR® Party of California Coordinating Committee for all REALTOR® Party of California stakeholders to work together and cross collaborate to achieve the mission of the REALTOR® Party of California. Mission: The REALTOR® Party of California Coordinating Committee will coordinate and oversee all C.A.R. REALTOR® Party functions to ensure a unified strategy regarding political fundraising, education, and grassroots involvement. The committee will also focus on increasing member involvement to grow C.A.R.'s political, legislative, and public educational effectiveness at the local, state and federal levels.

Transaction and Regulatory

Remote Notary—**PASSED**

NHD for high fire—**PASSED**