

BOARD OF DIRECTORS SPECIAL MEETING

Friday, September 6, 2024 at 10:00 a.m.

Meeting is Conducted In-Person and Virtually

**Creekside Clubhouse – Club Room
1010 Stanley Dollar Drive, Walnut Creek, CA 94595**

MINUTES

1. Call to Order

President England called the meeting to order at 10:04 a.m.

2. Roll Call of Directors

Mary A. England – President – District 5
Peter Catalano – 1st Vice President – District 4
Young Chung – 2nd Vice President – District 3
Jen Moreau – Secretary – District 2 – Absent
Jean Autrey – Treasurer – District 1

Mutual Operations Staff

Dave Peakes – Building Maintenance Manager
Charice Jimenez – Board Services Coordinator

3. Members' Forum

Members were afforded the opportunity to express their concerns, make comments, or have questions for the Board. Comments included:

- Misuse of funds to mail ballots to members for an uncontested election.
- Work Yard contract – There is no work yard contract. No heavy equipment stored in the work yard and no machinery is being used. Equipment is parked on Rockledge causing excessive noise. There is no other location for the work yard. Fire hazardous materials are stored in the work yard causing a safety issue. The work yard impacts property values. Policy 4.1 states that no commercial activities may be conducted in the common area. Policy would need to be amended if MOD grants contractors with a lease. There is a zoning issue as the county assessor's office recorded the two parcels that the work yard sits on shows as condominiums and co-operatives.
- Insurance rate increase for 2025. The financial health of residents is not considered. To effectively manage budget increases, it is crucial to conduct a thorough review of line items, identifying areas where cuts can be made without compromising key objectives.
- The issuance of permits for a kitchen remodel by the MOD, categorizing it as a standard alteration despite involving significant changes to the manor's interior, raises concerns about compliance with regulations and oversight on such projects. Non-standard alterations typically require more review and approval processes, that could have negative implications for future alterations. Vinyl flooring was installed in the entire manor. Questioned why this didn't get reviewed by the Architectural Control Committee. Questioned why the Board didn't inspect the alteration for verification that it was a standard alteration. Questioned why Bill Parsons' deceptive answers are not questioned.

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4. Unfinished Business

Action Items

- a. Proposed Amended Bylaws – *Chung*
 - Paragraph 3.15 EUCA statement.
 - Article 13 – removed statement about ACC – there is already an ACC Charter document. We should just amend the Charter to reflect the changes; i.e., 5 Member committee, at least 3 Directors, others may be Members appointed by the BOD. Committee is empowered to rule on ACC matters, subject to appeal to the full BOD.
 - Paragraph 8.1 and 8.6 – Number of Directors changed from 9 to 7.

Motion made by England, seconded by Chung, to approve the draft Bylaws contingent on legal counsel review the EUCA statement and 9.8. Approved by vote. (3-1 Autrey Abstained)

5. New Business

Action Items

- a. Building Maintenance Drainage Project – *Peakes*

The top of Fairlawn (E5) has a history of flooding when excessive rains cause the large basin to quickly fill up with debris and then overflow. Although there is a secondary basin that sits below, water and silt continue to spill into the parking lot and carports. To help alleviate this issue, Peakes received 2 bids to install a 6” curb which would sit in front of a 4” channel drain (with a silt guard) along the top of the parking lot. The 6” curb would continue to run along to the garbage enclosure area helping to keep that clear and safe as well. Having this done previous to, the asphalt work would be extremely advantageous.

Peakes recommended Absolute Best Care for the drainage project.

Motion made by Aurey, seconded by England, to approve the Absolute Best Care contract in the amount of \$10,700.00 from the reserves account. Approved by unanimous vote. (4-0)

- b. Building Maintenance Asphalt Project

Peakes received 3 bids to go forward with this years asphalt program of repaving 3 entry’s. Entry’s 2 and 3 Pine Knoll, and entry 5 Fairlawn. Silicon Valley Paving (SVP), and Black Diamond’s bids were within \$1,200 of each other. A third bid from a new vendor (TARC) came in at significantly less. SVP did the work last year for FWCM. Also, has the Board given any thought as to the ownership or maintenance of the asphalt walking path between entry’s 12 and 26 Golden Rain. Over the years the Mutual has done some maintenance to help improve the safety of the area (lighting and signage). The overall condition of the path now requires that it either be replaced or removed.

Peakes recommended TARC Construction for the asphalt project.

Motion made by Autrey, seconded by England, to approve the TARC Construction Care contract in the amount of \$158,989.00 from the reserves account. Approved by unanimous vote. (4-0)

- c. HVAC Filters

Peakes was asked to provide comparisons on furnace filters. Currently, the filters used are MERV 4 that cost approximately \$4 each and are required to be changed annually. MERV8 filters cost approximately \$9 and with normal usage are recommended to be changed twice a year. MERV 12 filters are approximately \$10 each and are recommended to be changed 3 to 4

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times a year. The higher the MERV rating the denser the filter and more constricting on components of the equipment. Peakes does not recommend going higher than a MERV 8 filter and only replace them once a year.

Board determined that residents can purchase a filter of their choice if they choose to.

- d. Reinstatement Mutual with Franchise Tax Board by filing a FTB 3500 form – *England*
Autrey reported that CFO Todd Arterburn has already signed the form as the Assistant Treasurer and refiled the FTB 3500 form.

Motion made by Autrey, seconded by Chung, to authorize payment to the Mutual's CPA Porter & Lasiewicz in the amount of \$750.00 to refile the FTB 3500 form. Approved by unanimous vote. (4-0)

- e. Fire extinguisher Inspection Requirement – *England*
California has a new code on inspections, Title 19 Division 1 Section 574.1, that requires the Mutual manually inspect each fire extinguisher monthly.

Before making a vendor selection the Board requested more information on how other Mutuals are training a volunteer to inspect fire extinguishers. Chung and Catalano will research this and report back to the Board.

- f. Contractor Work Yard Presentation – *England*
Topic Deferred
- g. Communication Support Services Contract with VistAbility – *England*
The bid includes cleaning 97 trash enclosures and changing the cleaning from twice a month to once a month beginning in September.

Motion made by Autrey, seconded by England, to approve the VistAbility contract for trash enclosure cleanings to be done once a month and authorize Mary A. England to sign the contract on the Mutuals' behalf. Approved by unanimous vote. (4-0)

6. Informational/Discussion Items

- a. Election of Directors Schedule – *England*
Two events left are: voting deadline and ballot counting meeting on September 30th and October 1st is the election result and notice deadline.

7. Adjourned

There being no further business the Board of Directors Special Meeting adjourned at 11:09 a.m.

Board Assistant Secretary's Certificate

I hereby certify that the foregoing is a true and correct copy of the minutes.

Victoria Thomas