



THIRD WALNUT CREEK MUTUAL
BOARD MEETING MINUTES OF THE BOARD
MONDAY, APRIL 10th, 2023, AT 9:00AM
ZOOM MEETING AND IN-PERSON
BOARD ROOM – GATEWAY
1001 GOLDEN RAIN RD
WALNUT CREEK, CA 94595

Call to Order

President Warren called the Regular Meeting of the Board of Directors of Third Walnut Creek Mutual (TWCM) to order at 9:01 a.m.

Roll Call

Directors Present:

- Nan Warren, President Dist. XIV, (2025)
- Marty Schwager, VP Dist. X, (2024) John Swearingen, Secretary Dist. VII, (2024)
- Les Birdsall, Director Dist. XIII, (2023) Tom Lauck, Director Dist. IV, (2023)
- Bill Leary, Director Dist. V, (2025) Lauralee Barbaria, Director Dist. XV (2025)
- James McFarland, Director Dist. III, (2024)

Directors Absent: Mike Abell, Treasurer Dist. IX, (2025)

Also Present: Mutual Operations staff was represented by Paul Donner, Director of Mutual Operations; Clayton Clark, Building Maintenance Manager; John Tawaststjerna, Landscape Manager; Victoria Thomas, Board Services Coordinator and Lucy Limon, Board Services Coordinator

Members’ Forum

Members were afforded the opportunity to express their general concerns and make comments. Topics discussed included: commentary on the proposed changes cc&r and bylaw changes and elections by acclamation.

Approval of Meeting Minutes

President Warren asked for any corrections and/or additions to the following sets of minutes:

- a) Regular Board Meeting Minutes March 13th, 2023
- b) Executive Meeting Minutes..... March 13th, 2023
- c) Special Meeting Minutes March 13th, 2023

A motion was made to approve the aforementioned sets of minutes.

Moved, Seconded, Carried 8-0

President’s Report

President Warren reported on the pickleball courts and the repairs from the damages caused by the storms. Accounting published a memo regarding golf cart registration to encourage residents to



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properly register. Registration is only \$10. A special committee has been formed to work with MOD/GRF to find a more affordable approach to insurance.

A motion was made to accept the 2023 Shared Deductible Agreement.
Moved, Seconded, Carried 8-0

Secretary's Report

Secretary Swearingen reported that the March meeting report was in last week's paper.

Treasurer's Report

No report was given.

- a. Motion that the Mutual Funds Report has been reviewed by the Treasurer and a summary provided to all Directors:
No motion was made.
- b. Motion that all Directors have reviewed their Project Specific Financials.
Moved, Seconded, Carried 8-0.

Finance Committee Meeting

No report was given.

Building and Maintenance Committee

Tom Lauck presented the following report:

The Third Walnut Creek Mutual Building Maintenance Committee discussed the following items at the meeting:

1. Stucco Dust Control

Duncan Carter discussed a recent window installation by an upstairs neighbor that required cutting of stucco around windows. Dust was generated by the construction which resulted in serious eye irritation for Duncan during clean up by him and required immediate medical attention. Subsequent clean up by the contractor was requested and provided. It was suggested that an alteration permit approval for construction involving removal of stucco should specifically require contractor cleanup of neighboring properties and flag concerns regarding neighbors safety during construction.

2. Billing for Storm Repairs

Billing for storm repairs have not yet been provided to directors. Accounting will assign billing



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categories for storm repairs with input from MOD. Clayton recommends committee/directors review these categories with accounting. Some of these costs may be insured but are expected to be less than the \$250,000 deductible. Those costs may then be shared by all projects in the Third Mutual. Projects will need to see where these repair costs or shared deductibles have been assigned to reconcile these unplanned expenditures. Many of these billings will not be assigned until March. Some will be assigned to GRF instead of TWCM projects. Insured losses involving falling trees may require that Projects provide maintenance records for trees, and documentation of the age of the trees, or the remaining expected life of the trees. This is frequently discussed during a walk-thru for the purpose of determining the tree maintenance required each year but is not documented. Lauralee will reach out to the Tree Planting & Preservation Committee of Sustainable Rossmoor to discuss this issue with them and how we should be documenting the ages of our Third Mutual trees. Similarly, insurance companies may request maintenance records for claims involving roofing failures. Roofs are typically inspected by MOD every five years, and “tune-up” repairs are performed based on these inspections. As the roofs reach their useful ages it may be advisable to increase the frequency of these inspections to an annual basis.

3. Review of Third Walnut Creek Mutual Building Status Report

MOD provides a very detailed list of building maintenance tasks for each Project in the Third Mutual for each Board Meeting. This list should be reviewed by the Building Maintenance Committee each month with significant maintenance issues flagged for Board review when deemed necessary.

4. Policy Reviews

- a. Policy 60 – additional provisions to avoid deck overloading. Proposed policy wording attached for Board comment and review by the Governing Documents Committee. Wording modified to match building design code requirements at the time of construction.
- b. Policy 57 Spas – deck overloading. Proposed policy wording attached for Board comment and review by the Governing Documents Committee.
- c. Policy 59 Hard Surface Flooring – subcommittee formation. An article will be placed in the Rossmoor News looking for TWCM volunteers for this subcommittee.
- d. Policy 61 Solar Energy Systems – maintenance issues adjacent to golf courses Proposed policy wording attached for Board comment and review by the Governing Documents Committee.

5. New members for Maintenance Committee

Committee recommends Board approval for the addition of Phil Prasek as a member of the Building Maintenance Committee.



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A motion was made to approve the addition of Phil Prasek as a member of the Building Maintenance Committee.

Moved, Seconded, Carried 8-0.

The Building Maintenance Committee has submitted the following policy amendments to the Governing Documents Committee for their review:

60.3.0 OVERLOADING DECKS

As a general rule, the weight of objects placed on a cantilever deck (a deck supported by beams protruding from the walls) should not exceed an average of 2 pounds per square foot of deck area. For example, the weight of objects placed on a 200 square foot deck should not exceed 400 pounds. The live load (people) is an average of about 60 pounds per square foot. Decks supported by foundations and bearing walls can bear additional weight.

Proposed change → 60.3.0 OVERLOADING DECKS

The building code basis of design, at the time of construction for Third Walnut Creek Mutual residences, allowed for a uniform live load of 40 pounds per square foot on decks. Live loads include people and moveable objects such as furniture, plants, and other furnishings. Live loads should not exceed a concentrated weight greater than 360 pounds on an area less than 9 square feet, i.e., 3 feet by 3 feet. Decks supported by framing spanning between concrete bearing walls are limited to the loads specified above. Decks supported continuously by slabs at ground level may bear additional weight.

1. See Policy 57.0.0 for requirements for installation of spas on patios and decks.

57.0.0 Owner-Initiated Alterations Spas

An owner may install a spa (generally, a tub equipped with a water pump, sometimes called a "Jacuzzi") upon approval of a Resident Alteration Agreement subject to the following conditions:

1. The prospective spa owner must obtain written approval from owners of neighboring units that might be impacted by the sight, sound, or odor of the spa operation.
2. A licensed engineer approves the installation.

Proposed change → 2. A licensed engineer must furnish a stamped and signed drawing showing the existing or new supporting structure for a spa, and showing the weight, footprint and location of the proposed spa, which has been reviewed and approved by the City of Walnut Creek building department. The weight of the proposed spa must include the weight of the tub,



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the water, and the maximum number of occupants.

3. The spa will be removed when the owner vacates or sells the condominium, unless at that time the owner reaffirms the neighbors' written approval.
4. The spa will not be used from 10:00 p.m. through 8:00 a.m.
5. People using the spa must consider the feelings of the neighbors about excessive noise. Third Walnut Creek Mutual reserves the right to further limit operation hours or revoke its approval for a spa if necessary, to resolve complaints about excessive noise.

61.0.0 Owner-Initiated Alterations Solar Energy System

(A) Owner/Applicant of a Solar Energy System is solely responsible for all associated costs, including but not limited to: replacement, repair, maintenance, moving and/or removal of the Solar Energy System or any of its components; repair and/or replacement of any property damaged by the installation, maintenance and/or use of the Solar Energy System; payment of any medical expenses incurred by persons injured by the installation, maintenance and/or use of the Solar Energy System; and/or restoration of Solar Energy System sites to their original condition after removal.

(B) Owner/Applicant shall not permit his or her Solar Energy System to become a hazard or fall into disrepair. Owner/Applicant shall be responsible for correction of any safety hazards and Solar Energy System repair and/or replacement. Owner/Applicant shall be responsible for the cost of repainting or replacement of the visible ancillary components of the Solar Energy System, such as conduits, plumbing and supports, if deterioration occurs, whether performed by the Mutual or outside contractor.

Proposed change → (B) Owner/Applicant is advised that if the Property is adjacent to or near a golf course the Solar Energy System may be damaged by errant golf balls striking the panels. The Owner/Applicant shall be responsible for the cost of repair and/or replacement of the damaged panels if the responsible golfer does not take responsibility for the damage.

(C) Owner/Applicant shall be responsible for any increased costs incurred by the Mutual in maintaining or repairing the Common Area or those portions of a Unit or Exclusive Use Common Area which the Association is responsible under the Governing Documents for maintaining or repairing which are caused by the presence of a Solar Energy System on the Common Area.

(D) If it is necessary to temporarily remove a Solar Energy System or some of its components so that the Mutual may perform required maintenance or repairs to the Common Area, the Owner/Applicant of the Solar Energy System shall be responsible, at his or her sole expense, for removing and reinstalling the system after the maintenance or repair is completed. Unless there



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is an emergency, notices to the Owner/Applicant regarding removal shall be in writing sent by certified mail at least fifteen (15) days prior to the date removal is required. If the Owner/Applicant fails to remove a Solar Energy System or a system component when requested to permit necessary maintenance or repairs, the Mutual may remove the system or component and charge the cost of such removal to the Owner/Applicant. So long as the Mutual uses reasonable care in removing and reinstalling the Solar Energy System or any component thereof, the Mutual shall not be responsible for any damage caused to the system or component by such removal or reinstallation.

Clayton Clark presented the following report:

TWCM BUILDING STATUS REPORT

For the month of April 2023

Project 23

- ❖ Review of SB 326 report for next year's work, pending. Working on 2-story building's balcony deck issues. **Developing scope for bidding out work.**
 - Alteration issues with decks will be discussed with owners.

Project 26

- ❖ **1501 Pt rehab:**
 - **Near completion except.**
 - Newly discovered landing area by stairs. **Reviewing drawings**
 - Beam repair. **Reviewing engineer drawings.**
 - **Column repairs will be done this month.**
- ❖ **Pool contract approved. Reviewing samples. Rough start date is Mid-May but depending on sample approval.**
- ❖ **Drainage issues during the storm with landscape drains.**
 - **1617 Pt-drains inspected and cleared. Regrading will be completed.**
 - **1555 Pt**
- ❖ **Gutter guard review of 1617 Ptarmigan.**
- ❖ **Chimney issues continue.** Hiring another chimney contractor for another prospective to reduce smoke entering non-burning fireplace unit. **MOD is having difficulty getting insurance from GB Poggi who some realtors use.**



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Project 27

- ❖ **A roof section will be repaired next year along with a roof in Project 31.**
- ❖ **Restoration should be completed this month at 2416 pt due to dryer vent leak.**
- ❖ **Drainage issue at 1920 Pt due to drains clogged by mulch.**

Project 31

- ❖ **2733 Pt roof section will be repaired in 2023.**
- ❖ **SB 326 report received, and MOD carpenters are providing repair costs. Pending.**

Project 32

- ❖ **Looking into gutter guard test. Price submitted and under review for 2528 Pt.**
- ❖ **Same root issue with 2528 Pt drains, referred to landscape.**
- ❖ **SB 326 inspection report received, and MOD carpenters are providing repair scope.**
- ❖ **Mold issue uncovered during wallpaper removal. Source was an old leak. Work progressing.**

Project 33

- ❖ **Pricing out painting per Entry 9 request for 2023.**
- ❖ **Repaired a deck section at 4024 TGR. Deck follow up will be done later in 2023.**
- ❖ **Looking into bird issue at 4032 TGR carport trash enclosure. Temporary structure installed with a less expensive option contemplated.**
- ❖ **Pricing out paving patching.**
- ❖ **Damage to building due to tree.**

Project 34

- ❖ **Pricing out gutter guards.**

Project 35

- ❖ **Temporary electrical fix by 3112 TGR requires a more permanent solution.**

Project 36

- ❖ **Resolving rain leak issues at 2105 CC. Waiting on storm test to ensure issue resolved to meet owner's request. No action to report.**
- ❖ **Paving bid received to complete all paving work.**
- ❖ **Minor rehab of selected buildings.**
- ❖ **Resolving 2185 CC concrete alteration tile issue.**



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Project 37

- ❖ **Paving bids received.**
- ❖ **Assisting alterations on solar installation and battery.**

Project 38

- ❖ **No action to report.**

Project 42

- ❖ **Will inspect crawl spaces this month due to prior issues of drainage from golf course. Crawl spaces okay.**
- ❖ **Plans submitted for French drain at 626 Teal. Will get bids as time permits as drainage contractors are very busy.**

Project 44

- ❖ **3076 RP rehab will begin upon completion of 1501 Ptarmigan and good weather.**
 - **New color committee wil need to be formed.**

Project 45

- ❖ **Mudslides on Entry 3, 7 and 8 RP during storms. Refer to Landscape and Trust Maintenance dept for oversight.**
- ❖ **Assisting alterations/resales on lower unit deck enclosure leak.**

Project 49

- ❖ **Meeting conducted with Director to go over 4 leaks attributed to windows/sliders which have reached their useful life.**

Project 51 A:

- ❖ **4243 TGR-rotten roof beams under review. No action to report.**
- ❖ **Termite reports received for rehab of Entry 13 TGR pricing. MOD will be pricing.**
- ❖ **Roofing contract for last 2 roofs in progress.**

Project 51 B:

- ❖ **Roofing contract for last 2 roofs in progress.**



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Project 54:

- ❖ Color committee is being formed.
- ❖ Rehab planned for 1404 SD.
- ❖ Entry 5 hillside damage has been referred to Trust Maintenance.
- ❖ Assisting with history of coupon collection issue
- ❖ Drains snaked at 1434 SD as test case.

Project 64

- ❖ No action to report.

General:

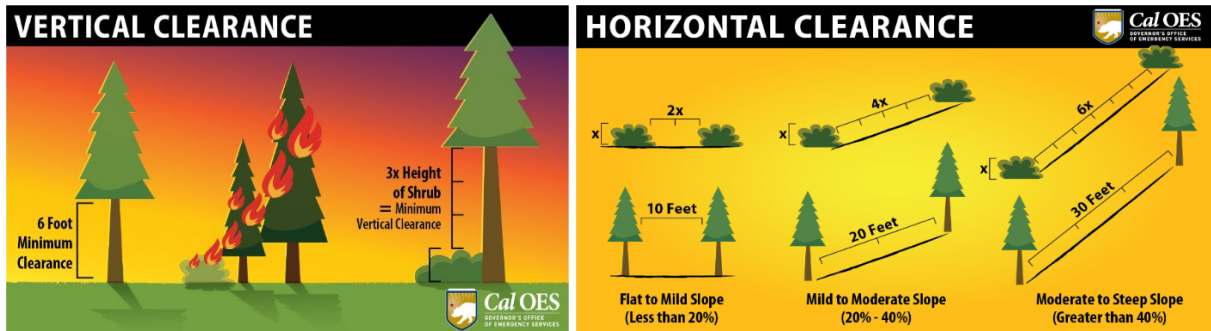
1. Hiring another carpenter to support operations. Solid candidate has yet to accept offer. Interviewed 2 other candidates. Lost carpenter to Trust Division transfer.
2. Clayton has applied for the Mutual Director position.

End of report.

Landscape Committee

Jerry McNair reported on the following:

1. The Landscape Reps will be meeting in April, May and June to establish what rehab projects need to be done during the 2023 Fall planting season. That allows enough time for design and planning work to be completed during July, August and September.
2. California Assembly Bill 3074, passed into law in 2020, requires a third zone (Zone 0) for defensible space. The Board of Forestry and Fire Protection is currently completing a public review on Zone 0. Our Fire Committee is also reviewing how we can take advantage of this to provide better protection for our residents and receive grants for fire resilience work. Please see the link below for more information and to view an Office of Emergency Services video.





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Governing Documents Committee

Les Birdsall announced that the ballot count meeting in regard to the governing document amendments will be taking place April 10th at 1:30 pm in the Clubroom at Creekside and via zoom. Les extended his gratitude to John Rice for his assistance and determination in all the work he has done.

Alteration Permit Application Review

No report presented.

Communication Committee

No report presented.

Emergency Preparedness Committee

No report presented.

Dispute Resolution Committee:

No report presented.

AD-HOC Electric Vehicle Charging Committee

Bill Leary reported that Sustainable Rossmoor continues to meet and the committee monitors those discussions. The committee is currently looking for an interested project in TWCM to install an EV charging station similar to the one at the Event Center. Directors were encouraged to discuss this idea with members of their projects.

Old Business

No old business.

New Business:

- a. New Member Orientation Meeting Ms. Warren
The TWCM new member orientation meeting is scheduled for April 26th at 7pm. President Warren discussed with the Board if they would be interested in continuing this meeting and what topics they would like to discuss. The Board decided to push this event until May to allow time to invite members and for the Board to prepare their presentations. President Warren will work with management to mail invites to new members.



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- b. Motion to appoint Bill Leary to the Board of Directors for District V via acclamation at the June Annual Meeting..... Ms. Warren
Moved, Seconded, Carried 8-0
- c. Motion to appoint Tom Lauck to the Board of Directors for District IV via acclamation at the June Annual Meeting..... Ms. Warren
Moved, Seconded, Carried 8-0
- d. Announcement of candidates for District XIII Ms. Warren
 - **Les Birdsall**
 - **Florence McConnell**
- e. Appointment of David Jennings as Inspector of Elections for District XIII Director Election.....Ms. Warren
Moved, Seconded, Carried 8-0
- f. The Future is Calling..... Ms. Warren
President Warren received a phone call from a realtor asking that Mutual provide a report of the financials building maintenance reports, etc. Ms. Warren asked the Board if they would consider making this a standard for all potential buyers. Paul Donner advised that all the documents that potential buyers request should come from the seller and the Board should not get involved.
- g. Discussion of risks to the Project..... Ms. Warren
Paul Donner, Mutual Operations Manager, advised what the Shared Deductible Agreement lists as covered losses to the Mutuals and how the agreement works for the participating Mutuals.

Announcements

TWCM Ballot Count Meeting will be held on Monday, April 10th, 2023, at 1:30pm in the Clubroom at Creekside and via zoom. Next scheduled meeting will be held on Monday, May 8th, 2023, at 9:00 am, via zoom and in-person.

Adjournment to Executive Session

There being no further business, the Regular Meeting of the Board was adjourned at 10:40 am and the Board moved into executive session.

Executive Session Summary

The Board met in executive session from 10:20 am to 10:34 am to discuss member matters, delinquent



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accounts, liens, and foreclosures, contract formation.

Secretary's Certificate

I hereby certify that the foregoing is a true and correct copy of the minutes of the Board of Director's meeting.

Lucy Limon

Assistant Secretary
Third Walnut Creek Mutual