

THIRD WALNUT CREEK MUTUAL  
BOARD MEETING MINUTES OF THE BOARD  
MONDAY, APRIL 11<sup>th</sup>, 2022, AT 9:00AM  
ZOOM AND IN PERSON  
BOARD ROOM AT GATEWAY  
1001 GOLDEN RAIN RD – Walnut CREEK, CA 94595

**Call to Order**

President Rothman 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:**

Arlyss Rothman, President Dist. IX, (2022)	
Matt Kaplan, Treasurer Dist. V, (2022)	Nan Warren, VP Dist. XIV, (2022)
John Swearingen, Secretary Dist. VII, (2024)	Les Birdsall, Director Dist. XIII, (2023)
James McFarland, Director Dist. III, (2024)	Tom Lauck, Director Dist. IV, (2023)
Martin Schwager, Director Dist. X, (2024)	Steve Park, Director Dist. XV (2022)

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

**Members' Forum**

Members were afforded the opportunity to express their general concerns and make comments. Topics discussed included replanting without adequate irrigation, juniper removal, empty landscape committee chair and the cost to maintain landscape.

**Approval of Meeting Minutes**

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

- a) Regular Board Meeting Minutes .....February 14, 2022
- b) Regular Board Meeting Minutes .....March 14, 2022
- c) Executive Meeting Minutes.....March 14, 2022
- d) Special Meeting Minutes.....March 25, 2022

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

**Moved, Seconded, Carried 9-0**

**President's Report**

President Rothman welcomed Kris Peterson, Admin Services Manager, and John Tawaststjerna, Landscape Manager. Arlyss mentioned that Chris Preminger, Business Operations Manager, presented a demo of all the sales in all the Mutuals, she reported that the median age for new residents in TWCM is 70. Accounting continues to be behind on the monthly financial statements. Tess Haskett's leave has further affected the department, but a temporary CPA has been hired to help relive the burden. Joel Lesser and his staff have

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drafted a plan to have more accurate and timely financial statements to all Boards. Richard Fong has drafted a Board resolution to comply with civil code 5502, this matter will be addressed under new business.

**Secretary's Report**

John Swearingen briefly reported the February meeting report will be in the paper this week.

**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.  
**No motion was made.**

**Building and Maintenance Committee**

Tom Lauck provided the following report:

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

1. **Status of outstanding items from prior Committee meeting.**

a. **TWCM Survey of Structural Integrity and Performance of Occupied Buildings.**

Database of 262 occupied buildings has been completed with the following results:

Building Type	No. of Stories	Years Built	Bldg. Code
4 plex 45%	One 16%	1971-1973	1970 52%
Duplex 30%	Two 79%	1974-1976	1973 19%
6 plex 10%	Three 5%	1977	1976 12%
8 plex 10%		1980	1979 5%
9 plex 3.4%		1984-1985	1982 11%
12 plex 1.1%		1991	1988 1%
3 plex 0.4%			

Representative buildings will be selected based on these parameters and the availability of drawings for each building type. We suggest evaluation of two typical 4 plexes, one with an attached garage and one without, a one-story duplex and a two-story duplex, and a typical 8 plex. Building Maintenance Committee will work with MOD to put together a request for proposal for the pricing of structural evaluations and pricing for design of

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retrofit schemes, and present that to the Board for action.

**b. Hard surface flooring report from TWCM Board Meeting 2-14-22**

Interest remains high for approval of hard surface flooring in upper levels units. Policies adopted by the Fifth Walnut Creek Mutual, with 18 units, and Mutual 70, with 172 units, allowing hard surface flooring with an IIC rating of 74 on upper floors, are being cited as policies that should be considered by Third Mutual. In discussion with Mutual 70 it was learned that no in-place acoustical testing has been performed on approved, installed hard surface flooring, and there have been no complaints made by residents below. Should the committee pursue this issue further and perhaps invest in some in-place testing of these existing hard surface flooring installations, if the floor construction is similar to that found in Third Mutual units?

**c. Building Maintenance Committee Charter/Objectives**

Proposed definition of Committee Objectives:

The TWCM Building Maintenance Committee is established by the Board to ensure that the policies and procedures of TWCM pertaining to owner alterations and building maintenance are consistently followed. The committee will make recommendations to the Board regarding maintenance issues that are of concern to the general membership. The committee will recommend courses of action to the Board and will act as a liaison to the MOD who will generally address maintenance issues on behalf of a Project and TWCM. The committee will provide input for policy generation by the Governing Documents Committee related to alterations and building maintenance.

**2. Clayton Clark Maintenance Issues**

Clayton spoke with Bill Parsons in the Alterations Department about City requirements with respect to set back for solar panel installations to allow for roof maintenance and servicing of other rooftop elements. The only code requirement found for solar panel installations was a fire code requirement for 18 inches clearance from any roof ridge. Access clearance at roof edges is recommended by Building Maintenance department to be 3 feet. This recommendation should be a requirement included in the policy for solar panel installations and be provided by the Governing Documents committee.

**3. New items for Maintenance Committee review**

Resident in Project 35 reported rodent infestation in attic that requires removal of rodent droppings and replacement of insulation. Clayton confirmed that this work is to be provided by the Mutual and may include removal of some sheetrock depending on the duration and extent of infestation. Sealing access points to attic is provided by contracted pest services.

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**Clayton Clark gave the following report:**

*For the month of April 2022*

**Project 23**

- ❖ Obtained bid on SB 326 inspections from FWC. Proposal is waiting to be signed and will coordinate schedule.
- ❖ **Guardrail at 1129 AS 6C: Met with Engineer and obtained bids. Contract is underway to have AMAC, familiar with these decks, to do the repairs.**
- ❖ Rear balcony concrete deck issues at 1109 AS. **Waiting approval.**

**Project 26**

- ❖ **Painting underway to complete 2021 rehab.**
- ❖ **1501 Pt resident leak progressing as estimate obtained for insurance company for sheetrock reinstallation.**
- ❖ Fiala providing costs for tile pop outs on 1501 pt, as well as flat roof between building and carports as owners are concerned of puddling of roof. **Proposal submitted.**
- ❖ **Discussions on performing SB 326 inspections at 1501 pt as part of rehab and 1621 Ptarmigan as well.**

**Project 27**

- ❖ Pricing swale repairs behind 2316 Ptarmigan. Reviewing two options: repair damaged section or repair entire section as tree heaving other section. **Will be completed this month.**
- ❖ Prepping for rehab Entry 14 Pt. Submitted pricing for trash enclosure completion in project.

**Project 31**

- ❖ Resolving woodpeckers at 2601 Pt pecking wood shingles. Waiting on the weather to setup scaffolding, and MOD crew availability. **MOD carpentry completed and painting will be completed this month.**

**Project 32**

- ❖ Reviewing leaf guards for underground drains to minimize plugging. Several locations noted as plugged by gutter cleaners at 2520 and 2528 Pt.

**Project 33**

- ❖ Pricing out metal gates due to trash company abuse. **No action to report.**

**Project 34**

- ❖ **997 Tcal sewer leak emergency service completed.**

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- ❖ **Electrical service (see under P38) will be done this year.**

**Project 35**

- ❖ Reviewing paving issue at 3100 TGR due to nearby redwood tree. **No action to report.**
- ❖ 3118 TGR electrical wiring issue under review. Met with concrete company to determine extent.
- ❖ Correcting pest issue at 3126 TGR in attic.

**Project 36**

- ❖ 2185 CC: Tile modification completed. Will resolve at resale.
- ❖ 2105 CC rain leak under review. Roof section will need to be replaced to avoid future damage. **Met with roofing contractor on pricing.**
- ❖ **Wood floor issue at 2175 CC. No mutual issue.**
- ❖ **IDA performed SB 326 balcony inspections on March 3<sup>rd</sup> and awaiting findings.**

**Project 37**

- ❖ **Carpentry rehab should be completed in Entry 4 Cactus Court this month.**
- ❖ **Roof section at 2110 CC will need to be replaced in 2022 due to roof leaks and working on contract.**
- ❖ **5 Star and landscaping are working on drain line between E2 and E4 CC.**
- ❖ **Assisting pest control on odor issue at 1995 Cactus Court. Animal decaying and odor dissipating with ozone treatment.**

**Project 38**

- ❖ **Color selection completed and painting will begin this month.**

**Project 42**

- ❖ 622 TCal may have building settlement concerns as doors are having trouble closing. **Soil engineer Olnes scheduled for June.**
- ❖ 618 Tcal bathroom remodel noted moisture decay in framing. **FWC plans were bid and AMAC selected for contract.**
- ❖ 600 TCal: Alteration contractor reported water under building. Staff discovered plumbing leak and referred to Davis Plumbing to fix. **No action to report.**

**Project 44**

- ❖ **Termite reports for 2022 rehab have been received.**
- ❖ Resolving resale repair at 3196 RP.
- ❖ Advising Director on golf ball issues at 3076 Rossmoor Parkway, as this has been a common complaint in the past. **Nets were in good shape.**

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**Project 45**

- ❖ GRF truck hit 3377 RP construction completed.
- ❖ 3276 RP-reviewing drainage on opposite side of releveling. ESR visited site and provided a bid for drainage. Looking into other turnkey contractors who can do this work as well. Waiting on another bid.
- ❖ **Siding decay noted on Entry 3 will be addressed during 2022 rehab.**
- ❖ Letter written to owner of 3258 RP 3. Leak was not due to Mutual components, but owner claims no responsibility. **No action to report as matter is still unsettled.**

**Project 49**

- ❖ Moved elevator maintenance to reserves for 2022. Elevator at 1766 SD down during holidays as part need to be ordered and shipping delays encountered.
- ❖ Confirming termite inspections for 1766 SD and 1614 SD for work in 2022. **No action to report.**
- ❖ **Investigating water line break between 1738 and 1726 SD, near a previous repair.**
- ❖ **1824 SD repair under review with AC Enterprises.**

**Project 51**

- ❖ **Working on re-roof pricing.**
  - **Developing costs projects for rehab, paving and roofing for future reserve contribution discussions.**
- ❖ **Drainage:**
  - 4139 TGR has plugged drain left side of building due to roots. Landscaping advised.
  - 4167 TGR has plugged drainpipes on right side of building.
  - 4259 TGR drain under investigation for roots.

**Project 53**

- ❖ Investigating options to developer installed hard-wired detectors. **No action to report.**
- ❖ **4332 and 4320 TGR for roof replacement in April 2022.**

**Project 54**

- ❖ **Waiting on entry sign delivery for entry 5. New sign at #5a has some issues with darker building numbers on darker building outline which MOD is evaluating.**
- ❖ **Termite inspections for Entry 6 under 5yr maintenance program.**

**Project 64**

- ❖ Resolving building isolation valves and insulation with Davis Plumbing.

General:

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1. Discussion of lower enclosure decks with vinyl roofs on above balconies. **No action to report.**

**Landscape Committee**

The landscape committee has no chair at the moment, however the 5-year plan established by Rebecca Pollon is still being followed. In the past a survey was done with Terra Landscape to ensure that work was done properly, the Board considered reinstating the landscape walkthroughs.

Arylss suggested that a Board member be a liaison to the landscape committee. New director, Les Birdsall, agreed to take on the liaison role.

John Tawastsjerna advised that the MOD crew is currently mulching throughout the Mutual. He also suggested that the directors contact Kevin to begin scheduling walkthroughs again.

**Governing Documents Committee**

Steve Park gave the following report:

1. The committee met to discuss additional revisions to Policy 45, Assessments Due Date, Delinquent Payments, and Default, but deferred action until the TWCM's designated collections specialist HOA-Repay provides additional information about needed changes. It was suggested that Directors should not take any action on delinquent accounts until the collection process is clarified. Mike Abell will take the lead in developing draft changes for the committee to discuss.
2. The Committee discussed the need to update the Bylaws to address new requirements regarding elections by acclamation. Christine Monsen will take the lead in drafting something for the committee to discuss.

The Committee discussed the problems on installation of solar panels as addressed by a concerned resident. Specifically, the necessity of adequate setback and walkways on the roof when installing solar panels was highlighted for the safety of MOD staff and vendors who need to work on the roof. The Committee has noted that the Building Maintenance Department recommended the minimum 3' setback from the edge of the

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roof. The Committee will wait to hear if the Alterations Department or the Building Maintenance Department will address the issue or recommends additional changes in the policy.

3. The Chairman submits an application for a committee membership from Adena Gilbert, a resident of District 15. She has extensive experience in interpreting and applying local, state and federal law, and is particularly adept at understanding complex legal practices and translating them in language and by analogy in ways that anyone who is not an attorney can understand.

A motion was made to appoint Adena Gilbert to the Governing Documents committee.

**Moved, Seconded, Carried 9-0**

The next meeting of the Committee is scheduled for April 26th.

**Alteration Permit Application Review**

Jim McFarland reported that 24 solar applications were approved and 2 were denied because of inadequate insurance information.

**Communication Committee**

No report was given.

**Emergency Preparedness Committee**

Arlyss Rothman presented the following report:

There will be a large community meeting on Rossmoor Wildfire Evacuations on Wednesday April 27 at the Event Center (4 to 5:30 PM). Public Safety Manager Tom Cashion will send out a Zoom link via Rossmoor NIXLE for those who wish to attend at home. The link will also be published in the Rossmoor News, at [www.rossmoor.com](http://www.rossmoor.com) and at Rossmoor EPO's web site [ [www.rossmoorepo.org](http://www.rossmoorepo.org) ]. City and county public safety representatives will be present to



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answer questions on how to evacuate safely and effectively.

The city will evacuate all of Mutual 68 (233 condos and 350+ residents) on Sunday morning May 15 at 7:30 AM. Residents will be guided by police department officers coupled with CERT volunteers over to Heather Farm Park — the end destination for this first historic evacuation drill for Rossmoor. City and county officials will measure how effective the planning is for getting that many cars out of the main gate and over to the park successfully. This will form the basis for future evacuations that might be called for any one or several of our eight Rossmoor evacuation zones following a major event or incident resulting in a mandatory evacuation order.

Encourage directors to encourage their residents to sign up for Contra Costa County's Community Warning System on their cell phones. This is an opt-in alert service that assures Rossmoorians the "latest-greatest" disaster/emergency alerts and specific instructions on how to respond to remain safe.

Alerts will be tied to the eight evacuation zones the city has establishes for our community, so it is vital residents know their evacuation tied specifically to their entry. Alerts will name the zone being evacuated and likely will not include specific streets. The tip sheet for signing up for CCC CWS is on Rossmoor's web site under "Resident Resources."

A mandatory evacuation called by outside public safety agencies will come quickly with little time for residents to get prepared. Therefore, it is imperative folks know their Walnut Creek evacuation zone ahead and have a Grab n' Go Bag at the ready for all in their household including pets.

**Dispute Resolution Committee:**

Nan Warren mentioned there was one dispute. This matter will be discussed in executive session.

**Solar Committee:**

Nan Warren presented the following report:

All but one of the solar installations in Cactus Court have been installed, but not connected. After inspections by MOD and the City of Walnut Creek and PG&E, the installations will be connected. The installer, Your Energy Solutions is responsible for arranging for the proper inspections. Further installations in other parts if Third Mutual are continuing.

**Trash Committee – AD HOC**

John Murphy reported the following:

The committee will begin drafting articles that will be published in the Rossmoor News and

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newsletters will also be sent to residents. John also reported that one-third of the enclosures have been audited. MOD has forwarded Republic invoices which the committee is carefully reviewing with the goal to find the incorrect fines. Murphy reminded the Board of Nice Cans, a company who cleans the garbage, recycle, and compost bins.

**Old Business**

**P53 Disengagement Update:**

A ballot count meeting was held on April 5<sup>th</sup>, 2022, in the Board Room at Gateway. Inspector of Elections, John McDonnell, certified the following results:

Total Ballots Received: 61  
Total Invalid Ballots: 1  
Total Valid Ballots: 60

Total Votes for: 57      Total Votes Against: 3  
Number of Manors: 72

The quorum requirement set in the current Governing Documents require a majority (50% plus 1) approval of the members of Project 53 for disengaging from TWCM (i.e., at least 37 out of the 72 manors must vote “FOR”).

The Vote for Project 53 to disengage from TWCM **passed**.

**P23 Update:**

No update.

**Policy 75 and Policy Revision:**

Both Policy revisions were mailed to residents in June of 2021 for commentary, no further action was taken. Due to staff turnover at the Board office this matter was left unaddressed. Arlyss and Lucy Limon will work together on this to complete a second mailing.

**New Business:**

**Appointment of Evan Spinrod as Inspector of Elections – 2022:**

A motion was made to appoint Evan Spinrod as Inspector of Election for 2022.

**Moved, Seconded, Carried 9-0**

**Electronic Recording of Meetings:**

This matter was brought to the Board by residents so that more accurate minutes of Board meetings are produced.

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A motion was made to allow audio recordings of Board meetings by the Board Services Coordinator, to be saved for only two (2) months, that can be reviewed by residents, directors, and staff upon request.

**Moved, Seconded, Carried 9-0**

**Civil Code Board Resolution:**

Richard Fong, Legal Counsel, presented the Board with a resolution to comply with civil code 5502. This resolution was received just before the Board meeting; therefore, the Board did not have enough time to review the proposed language. While reviewing the proposal, directors commented that the proposal needs to be further reviewed by legal counsel in order to be voted on.

This matter will be reviewed again at the May meeting.

**Announcements**

The next Regular Board Meeting will be held on Monday, May 9<sup>th</sup>, 2022, at 9am via zoom and in person in the Board Room at Gateway.

**Adjournment to Executive Session**

There being no further business, the Regular Meeting of the Board was adjourned at 10:54 am and the Board moved into executive session.

**Executive Session Summary**

The Board met in executive session from 11:00 am to 11:35 am to discuss member matters, golf ball damages, and P23 matters.

**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

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**Assistant Secretary**

Third Walnut Creek Mutual