



THIRD WALNUT CREEK MUTUAL  
BOARD MEETING MINUTES  
MONDAY, AUGUST 14<sup>th</sup>, 2023, AT 9:30AM  
ZOOM MEETING AND IN-PERSON  
BOARD ROOM – GATEWAY  
1001 GOLDEN RAIN RD  
WALNUT CREEK, CA 94595

**Call to Order**

President Lauck called the Regular Meeting of the Board of Directors of Third Walnut Creek Mutual (TWCM) to order at 9:30 a.m.

**Roll Call**

**Directors Present:**

- Tom Lauck, President Dist. IV, (2026)
- Mike Abell, Treasurer Dist. IX, (2025) (zoom) Nan Warren, Director Dist. XIV, (2025)
- LauraLee Barbaria, Director Dist. XV (2025)(zoom) Bill Leary, Director Dist. V, (2026)
- John Swearingen, Secretary Dist. VII, (2024) James McFarland, Director Dist. III, (2024)

**Directors Absent:** Florence McConnell, Director Dist. XIII, (2026), Marty Schwager, VP Dist. X, (2024)

**Staff Present:**

- Jeroen Wright, Director of Mutual Operations
- Clayton Clark Building Maintenance Manager
- John Tawaststjerna, Landscape Manager
- Lucy Limon, Board Services Coordinator

**Members’ Forum**

Members were afforded the opportunity to express their general concerns and make comments. Topics discussed included: condo plans, and ECHO.

**Approval of Meeting Minutes**

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

- a) Regular Board Meeting Minutes ..... July 10<sup>th</sup>, 2023
- b) Executive Meeting Minutes..... July 10<sup>th</sup>, 2023

Bill Leary made a motion and Jim McFarland seconded to approve the minutes to the aforementioned Board meetings.

**Moved, Seconded, Carried 7-0**

**President’s Report**

President Lauck gave the following report:

In addition to GRF staff, Chris Giddis, from the Contra Costa County Fire Protection District, attended the Presidents meeting to discuss the Firewise USA program. GRF is looking for a committee of volunteers for the program to begin work on a three-year action plan. Program requirements are



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outlined on the Firewise USA website. See details provided on the Public Education page to learn more about Firewise USA requirements. <https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA/Become-a-Firewise-USA-site>

Fran Gibson from the Rossmoor Emergency Preparedness Organization (Rossmoor EPO) also attended the meeting to discuss fire risks at home. The EPO is working to establish an emergency preparedness committee for each Mutual in Rossmoor. Every resident needs their own plan for fires, wildfires, and earthquakes. EPO is available to help plan evacuation drills in the event of a fire, wildfire, or earthquake. A self-drill for evacuation is important for lessons learned. Mutual 68 on Eagle Ridge with 233 manors did a self-drill. They are waiting on a report of lessons learned from that drill. There is an abundance of material on the Rossmoorepo.org website. All Rossmoor residents are encouraged to review the materials available there.

The insurance task force discussed expected significant increases in the commercial property insurance premium, and ways to mitigate the increases, including reducing the maximum loss coverage, or looking at “walls-out” coverage instead of “walls-in” coverage currently provided. GRF will start discussion of premium increases with the residents in September. Mutuals should review the insurance provisions in their CC&R’s which specify that 100% coverage should be provided. Language may require modification to specify that we provide the “most coverage available”, which may be less than 100%.

Tom Hand, Rossmoor CFO, discussed the replacement of the Jenark software currently used. Powerpoint slides by the software consultant, Pemeco Consulting, were shown without going into much detail of the content. Tom will forward slides to the Presidents to review in detail after the meeting. GRF will thoroughly test the selected software with all Rossmoor departments before roll-out. Tom also noted that all the Mutual financials for June 2023 would be distributed by the end of July.

A committee/task force, comprised of Mutual presidents from several different mutuals, is working on performance metrics that should be set for GRF that are both quantitative and qualitative. These metrics will include record keeping, timeliness, and compliance with civil code requirements. A draft of their proposed metrics will be distributed to all Mutual presidents when completed and will be discussed in future meetings of the presidents.

**Secretary’s Report**

No report was given.

**Treasurer’s Report**



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No report was presented.

- a. Motion that the Mutual Funds Report has been reviewed by the Treasurer and a summary provided to all Directors:  
**Moved, Seconded, Carried 7-0**
  
- b. Motion that all Directors have reviewed their Project Specific Financials.  
**Moved, Seconded, Carried 7-0**

**Managers' Report – Jeroen Wright**

Jeroen Wright announced that he is heading a project to get Rossmoor certified as a fire wise community.

The first phase of the program is to form a Firewise Committee with nine volunteers. The purpose of the Committee is to organize the volunteer efforts and the monetary spend that Rossmoor puts towards defensive actions against wildfires. Once the Committee is formed, Rossmoor will partner with a fire inspector. Create a three-year action plan and fulfill the action plan. After three years, Wright would submit a fulfilled action plan to a California state liaison with the National Fire Protection Association to get the certification if approved.

The Committee will organize a group of volunteers to walk their Mutual to determine what could or has been done to prevent the risk of wildfires. Items to look for are: overgrown landscaping, removal of gathered debris, removal of shrubs, junipers, etc. Resulting with up to 15 feet of clearance between vegetation and large trees and buildings.

Wright added that becoming certified will not reduce the Mutual's insurance exposure or allow Rossmoor to continue to get insurance. He said the purpose of the program is to educate residents on fire safety with wildfires. The program is not designed to reduce insurance costs. However, being certified may allow Rossmoor to continue to be insured.

Wright asked residents to contact him if they would like to volunteer. Wright's email address is [jwright@rossmoor.com](mailto:jwright@rossmoor.com).

**Finance Committee Meeting**

Mike Abell gave the following report:

Finance Committee Meeting Recap

**In attendance:**



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Mike Abell  
Florence McConnell  
Mary Neff  
Roxanne Stallings  
Kay Barthod  
David Jennings

**Absent:**

Nan Warren  
Tom Lauck  
Anne Dailey  
Patty Tanner

Discussion centered on the following:

Planned meeting with Tom Hand & Jeroen Wright on Aug 3:  
Recent banking actions noted in the July board meeting minutes, acted upon by Accounting.  
Managing delinquencies – foreclosure auction Aug 2, several liens in process, delinquencies are at a recent low level.

Insurance update – lots of rumblings of continued increased cost and reductions in coverage  
Budgets / Helsing useful life analysis. Overall, we have a lot of anxiety about the current useful life analysis and updates. We hope to learn more from MOD as to their plans for the budget, timing and support.

Next scheduled Finance Committee Meeting August 28, 2023, 9:30 am.

**Building and Maintenance Committee**

Tom Lauck made a motion, and Jim McFarland seconded to appoint Nan Warren as the Building and Maintenance Committee Chair.

**Moved, Seconded, Carried 7-0**

Nan Warren presented the following report:

The meeting of the Building Maintenance Committee took place on July 27, 2023. Members attending were Nan Warren, Chair, Mike Abell, Phil Prasek, Roxanne Stallings, Duncan Carter, and Clayton Clark, MOD Manager for Third Walnut Creek Mutual.



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We discussed the fact that Policy 60.0 and 57.0, both concerning overloading decks either by large planters or hot tubs, have been sent to the Governing Documents committee for review and submission to the board for approval.

Clayton gave a progress report on the data sent to Helsing for their use in preparing our Reserve reports, and the progress of the balcony inspections required to be completed by 2025.

The committee indicated that it was prepared to take on the question of hardwood floors in upper story units, to see if there was new technology that would make the noise downstairs less aggravating. Nan has queried a resident in her district to see if he would be able to serve on the committee. This resident had indicated that he was interested in the subject. Tom Lauck supplied contact information for a resident in his district who was away until September, but had both interest and expertise in the matter, according to Roxanne Stallings. Nan agreed to contact the resident.

Clayton Clark presented the following report:

*For the month of August 31, 2023*

**Project 23**

- ❖ Review of SB 326 report for next year's work, pending. Working on 2-story building's balcony deck issues. **Difficulty getting contractors to respond but have AMS providing a bid.**

**Project 26**

- ❖ **1501 Pt rehab:**
  - **Near completion except.**
    - Newly discovered landing area by stairs. Waiting for a City permit to start work.
- ❖ **Pool:**
  - **Plastering nearly complete. County inspection planned Aug 11<sup>th</sup>.**
  - **Pool antisiphon valve found leaking and Picture Perfect will repair.**
  - **Pool surface staining and painting will be deferred until pool closure.**
- ❖ **1555 Pt Drainage:**
  - **2 large roots were yanked out of the drain under the building. Mitigate issues over the winter.**
  - **Rear drainage is packed with roots and cannot be resolved without replacing the drainage. 5 Star will do this work.**



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- **Rest of drainage issues will be referred to landscaping.**
- ❖ **Gutter guard review of 1617 Ptarmigan.**
- ❖ **Chimney issue continues.** Hiring another chimney contractor for another prospective to reduce smoke entering non-burning fireplace unit. **No action to report but will have more information next month.**

**Project 27**

- ❖ **A roof section will be repaired next year along with a roof in Project 31.**
- ❖ **1904 Pt had leaking manifold behind vanity. Leak capped and plumbing rerouted to supply shower.**
- ❖ **Electrical panels inspections planned for Entry 14.**

**Project 31**

- ❖ **2733 Pt roof section will be repaired in 2023.**
- ❖ **Major work at 2709 Ptarmigan completed due to redwood roots. Drain coupling became loose and roots got into drain stopping up lines. Excavated floor and repaired. Waiting on concrete to cure before flooring.**
- ❖ **SB 326 report received, and MOD carpenters are providing repair costs. Pending in winter.**

**Project 32**

- ❖ **Looking into gutter guard test. Price submitted and under review for 2528 Pt.**
- ❖ **Working on quote for condensate lines due to 2 issues over past few months.**
- ❖ **SB 326 inspection report received, and MOD carpenters are providing repair scope as time permits.**

**Project 33**

- ❖ **Budget review to determine**
  - **Paving can be started in 2023.**
  - **Determining carport replacement.**
- ❖ **Damage repairs to building due to tree completed.**
- ❖ **4006 Pt 2 tile buckling waiting approval.**

**Project 34**

- ❖ **No action to report.**

**Project 35**

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



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**Project 36**

- ❖ **MOD roofing looking into repairs at 2105 CC.**
- ❖ **Resolving 2185 CC concrete alteration tile issue. Slab demolished this month.**

**Project 37**

- ❖ **Resolving hot water heater slab leak at 1925 Cactus Court.**

**Project 38**

- ❖ **Area near 941 TCal parking under review for seal coat. Contractor will seal coat that section again, however, recommends water controls of area keep seal coat in good condition.**

**Project 42**

- ❖ **SB 326 inspections completed.**
- ❖ **Plans submitted for French drain at 626 Tcal. Will get bids as time permits as drainage contractors are very busy.**

**Project 44**

- ❖ **3076 RP rehab completed.**
- ❖ **SB 326 inspection agreement approved will be scheduled upon completion of p49.**
- ❖ **Paving work is being scheduled.**

**Project 45**

- ❖ **SB 326 inspection report pending. Should receive this month.**
- ❖ **Fiala will be doing roof at 3612 RP rear balcony due to past leaks.**
- ❖ **Work order DocuSign processing issue at 3245 RP under review**

**Project 49**

- ❖ **Meeting conducted with Director to go over 4 leaks attributed to windows/sliders which have reached their useful life.**
- ❖ **SB 326 inspection completed Aug 7<sup>th</sup> and 8<sup>th</sup>.**
- ❖ **Looking into additional sewer cleanouts. 1606 SD bid pending to avoid backing up inside unit.**

**Project 51 A:**

- ❖ **4243 TGR-rotten roof beam under review. No action to report.**



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- ❖ **MOD carpentry rehab costs within budget for rehab. Obtaining other contractor quotes.**
- ❖ **Roofing contract for last 2 roofs in progress.**

**Project 51 B:**

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

**Project 54:**

- ❖ Final selection of Entry 5 SD color palate.
- ❖ Rehab carpentry completed. Waiting on Deck coating and painting.

**Project 64**

- ❖ No action to report.

**General:**

1. Hiring another carpenter to support operations. Unable to find carpenters in the union salary range.
2. Looking into additional support staff for building and landscape maintenance coordinators.

**Landscape Committee**

Jerri McNair reported that the committee meetings will be every 2 months. She will send follow-up reports to the Board.

The landscape committee has 4 subcommittees. The main subcommittee is charged with arranging the landscape maintenance schedule.

Jerri requested that the Landscape Representative Quick Reference sheet be posted on the TWCM Rossmoor website.

**Governing Documents Committee**

Bill Leary presented the following report:

The Governing Documents Committee met on July 19 to discuss a proposed policy from the Building Maintenance Committee: Policy 97 related to Solar Battery Systems. Owners of solar panels are increasingly wanting to add solar batteries to store excess power generated from those panels, which raises important safety issues.

Policy 97 mimics our existing Policy 61 on Solar Energy Systems insofar as it imposes requirements for





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the installation of the system, including safety measures, licensure, of installers, insurance, permits, maintenance, and removal. A significant difference is that solar energy system are installed on common area roofs whereas, except for residents with garages, solar battery systems are to be installed on exterior building walls in a location designated for that use. Unlike roof installations of solar panels, alterations involving exterior walls will require consideration of aesthetic as well as safety so will need involvement of an architecture committee. The policy may also need to examine batteries charged by sources other than solar panels.

The committee will be examining proposals being considered by other mutuals before presenting a policy for Board action.

**Alteration Permit Application Review**

No report presented.

**Communication Committee**

No report presented.

**Emergency Preparedness Committee**

Fran Gibson provided the following report:



**America’s New National Earthquake Early Warning System and How to Download the “MyShake” App to your Cell Phone Third Mutual Board Meeting by Fran Gibson, Chair Emergency Preparedness Forum**

The ShakeAlert™ Earthquake Early Warning system (joint achievement of United States Geologic Survey, California Office of Emergency Services and UC-Berkeley) is now available on all California smart phones and may provide residents priceless seconds of warning to protect you before ground shaking begins in a major earthquake striking Rossmoor and beyond.

ShakeAlert is based on seismic sensors placed along earthquake fault lines throughout our state — California contains 500 active faults — which record the first seismic movement before any main temblor



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shaking begins for all earthquakes with a magnitude of 4.5 or greater and those at a level of 3 or greater on the ten point Modified Mercalli Intensity Scale — offering Rossmoor residents precious seconds to get under a desk or table or against an interior manor wall or interior room corner to “drop, cover and hold on” — cradling your head with your arms above to protect you from flying debris which is the main cause of earthquake deaths and injuries.

Earthquakes are Rossmoor’s highest natural hazard risk — well above our other four Rossmoor-specific natural hazard risks — wildfires, severe weather events, landslides and flooding. The free MyShake app should soon be downloaded and activated on every Rossmoor smart phone!

California's early earthquake warning system uses seismic science, state-of-the-art ground motion monitoring, as well as new and existing alerting technology to deliver warnings through your cell phone before you feel the main shaking under your feet. Seconds to tens of seconds of warning can provide invaluable opportunity for you and your household to take life-saving actions to “drop, cover, and hold on”.

"Dropping, covering and holding on" will help you prevent getting injured by falling objects and protect your head and other parts of your body when the shaking is bad. In a serious shaking situation, you may be knocked to the ground — sheltering yourself quickly and effectively is the safest thing to do.

Drop, cover and hold on under a strong table or desk, against an inner wall of your manor or in an inner corner in your manor. Never stand in your main exit doorway, never go outside (flying debris and downed power lines are safety dangers) and when the main shaking stops, prop open your main exit so it does not jam tightly shut in a strong aftershock and prevent you from receiving first responder help.

The further you are from the quake’s origin (or epicenter), the more warning seconds you will receive — the speed of the alert varies then depending on your distance from the origin of the earthquake. The closer you are to the epicenter, the quicker you will receive the alert. In some cases you may receive an alert once you already feel the shaking or after the shaking ceases.

UC-Berkeley’s seismology lab estimates early warning for the 1989 Loma Prieta 7.5 magnitude earthquake would have offered Marina District residents in San Francisco 20 seconds of warning, Candlestick Point 15 seconds of warning, San Jose several seconds of warning and Santa Cruz would have received no seconds of warning because the epicenter of the 6.9 magnitude and intensity 9 earthquake was Loma Prieta Peak in the Santa Cruz mountains.



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Your cell phone itself also becomes a real-time earthquake sensor in this new national early warning system — your cell phone joins with California’s smart phone network to collect valuable seismic motion data from your cell phone. MyShake and ShakeAlert combine to become a citizen science project that overtime will build a stronger global early warning systems for earthquakes worldwide.

The MyShake Alert information is found on the Rossmoor EPO ’s websites under Resident Resources at the bottom in blue color — [www.rossmoorepo.org](http://www.rossmoorepo.org) and videos helping you to effectively drop, cover and hold on regardless of your location or physical challenges can also be found under “earthquakes” in the Resident Resources section.

Go to Apple App or Google Play stores to download the free MyShake app — it could literally save your life!

Android phones with updated operating systems are automatically subscribed to “Android Earthquake Alerts” which is identical to MyShake.

All other cell phone users need to personally opt into the app to receive these lifesaving warnings.

Take a few minutes soon and go into each room of your manor to answer one question — if the ground began to shake, where precisely would you “drop, cover and hold on” in each room of your home? Decide now before the Big One hits!

**Old Business**

- a) Civil Code 4041 Form..... Mr. Lauck

Richard Fong, Mutual Attorney, has reviewed the Civil Code 4041 document that will be sent to all TWCM members. The Civil Code 4041 document will be mailed to TWCM residents as soon as possible.

**New Business:**

- a) James McFarland requests a board resolution to reinvest the \$300k Treasury bill that matures on August 10, 2023, for a 90-day term into another Treasury bill ..... Mr. McFarland/Mr. Abell  
**Moved, Seconded, Carried 7-0**
- b) Michael Abell requests a board resolution to reinvest the \$407,986 Treasury bill that matures on August 17, 2023, for a 6-month term into another Treasury bill.... /Mr. Abell  
**Moved, Seconded, Carried 7-0**



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- c) Lauralee Barbaria requests a board resolution to reinvest the \$150,501 Treasury bill that matures on August 17, 2023, for a 6-month term into another Treasury bill.... Ms. Barbaria/Mr. Abell  
**Moved, Seconded, Carried 7-0**

- d) Status of Rental Restrictions in CC&R's with respect to Calif Civ Codes 4739-4741...Mr. Lauck

The following is a response from Richard Fong, Mutual Attorney, on the matter of rental restrictions read by Tom Lauck, TWCM President:

*“As instructed, I reviewed Article 5 of the TWCM’s CC&Rs, Policy 41.0.0 and the Civil Code Sections applicable to the renting/leasing of homes in a Common Interest Development.*

*Civil Code Section 4741 prohibit Common Interest Developments (the TWCM) from restricting the rental or leasing of separate interests (Manors) to less than 25% of the total number of separate interests in the complex. However, Common Interest Developments may prohibit transient or short-term rentals for periods of 30 days or less.*

*Neither the CC&Rs nor Policy 41.0.0 restrict the percentage of Manors that may be rented. Transient and short-term rentals (less than one month) are permissively restricted under the CC&Rs.*

*The other conditions for renting or leasing Manors set forth in the CC&Rs and Policy 41.0.0 are not regulated or prohibited by the applicable Civil Code Sections.*

*Therefore, Article 5 of the TWCM’s CC&Rs and TWCM Policy 41.0.0 comply with the current Davis Striling Common Interest Development Act Civil Code Sections concerning rental restrictions.”*

**Announcements**

Next scheduled meeting will be held on Monday, September 11<sup>th</sup>, 2023, at 9:30 am, via zoom and in-



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person.

**Adjournment to Executive Session**

There being no further business, the Regular Meeting of the Board was adjourned at 10:55am and the Board moved into executive session.

**Executive Session Summary**

The Board met in executive session from 11:06 am to 12:16 pm to discuss member matters, delinquent accounts, and an IDR request.

**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