

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

Call to Order

Vice President Schwager called the Regular Meeting of the Board of Directors of Third Walnut Creek Mutual (TWCM) to order at 9:00 a.m.

Roll Call

Directors Present:

Mike Abell, Treasurer Dist. IX, (2025) Marty Schwager, VP Dist. X, (2024)
Les Birdsall, Director Dist. XIII, (2023) Tom Lauck, Director Dist. IV, (2023)
John Swearingen, Secretary Dist. VII, (2024) Bill Leary, Director Dist. V, (2025)
James McFarland, Director Dist. III, (2024) Lauralee Barbaria, Director Dist. XV (2025)

Directors Absent: Nan Warren, President Dist. XIV, (2025) (*Excused*)

Also Present: Mutual Operations staff was represented by Paul Donner, Director of Mutual Operations; Joel Lesser, Chief Financial Officer; Clayton Clark, Building Maintenance Manager; John Tawaststjerna, Landscape 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: 2023 budgets booklets and echo meetings.

Approval of Meeting Minutes

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

- a) Regular Board Meeting MinutesDecember 12th, 2022
- b) Executive Meeting Minutes.....December 12th, 2022

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

Moved, Seconded, Carried 8-0

President's Report

No report was given.

Secretary's Report

John Swearingen reported that there was an incorrect section of the TWCM meeting report in last weeks edition of the Rossmoor news.

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:

Moved, Seconded, Carried 8-0.

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- b. Motion that all Directors have reviewed their Project Specific Financials.
Moved, Seconded, Carried 8-0.

Finance Committee Meeting

Mike Abell provided the following report:

Finance Committee Meeting Minutes from December 15 Meeting

Attendance:

Mike Dwyer – Gave a presentation on Insurance options.
Florence McConnell
Kay Barthold
Joel Lesser
Mary Neff
Anne Dailey
Nan Warren

Absent – Tom Lauck, Patty Tanner

During the meeting discussions focused on Insurance costs for the mutual, Interfund actions – both 2022 and 2023, Recently published October results, Owner Billable update. Joel gave an update supplementing Mike Dwyer’s presentation.

Building and Maintenance Committee

Clayton Clark presented the following report:

For the month of January 2023

Project 23

- ❖ **Review of SB 326 report for next year’s work, pending.**
- ❖ **Hot water heater leak repaired at 1121 AS.**

Project 26

- ❖ **1501 Pt rehab:**
 - **Near completion except.**
 - **Newly discovered landing area by stairs**
 - **Beam repair.**
- ❖ **Looking into plastering pool instead to save costs. Waiting contract approval.**
- ❖ **Drainage issues during the storm with landscape drains.**

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Project 27

- ❖ **Rehab completed. A roof section will be repaired next year along with a roof in Project 31.**

Project 31

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

Project 32

- ❖ **Looking into gutter guard test. No action to report.**
- ❖ **Same root issue with 2528 Pt around toilet.**
- ❖ **SB 326 inspection report received, and MOD carpenters are providing repair scope.**

Project 33

- ❖ **Pricing out painting per Entry 9 request for 2023, as well as paving.**
- ❖ **Repaired a deck section at 4024 TGR. Deck follow up will be done later in 2023.**

Project 34

- ❖ **Emergency callout on Christmas weekend due to nonfunctioning light.**

Project 35

- ❖ **No action to report.**

Project 36

- ❖ **Resolving rain leak issues at 2105 CC. Waiting on storm test to ensure issue resolved to meet owner's request.**
- ❖ **Resolving owner alteration claim at 2175 CC.**

Project 37

- ❖ **No action to report.**

Project 38

- ❖ **Several landscape drains backed up at end of Entry 2 TCal.**

Project 42

- ❖ **No action to report. Will inspect crawl spaces this month due to prior issues of drainage from golf course.**

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Project 44

- ❖ Discussed golf balls hitting and breaking solar panels.

Project 45

- ❖ Assisting with collection issues.

Project 49

- ❖ Looking into new entry signs consistent with Entry 5 SD, recently completed. Waiting on sign delivery.
- ❖ 2018 leak repaired again at 1752 SD sliding door threshold (owner responsibility).

Project 51 A:

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

Project 51 B:

- ❖ No action to report.

Project 54:

- ❖ Signage for Entry 6 replaced.

Project 64

- ❖ Fire sprinkler reporting is being changed to more “cloud-base” as inspection reports are uploaded to database.

General:

1. Continue to review work orders-accounting processing. Will help in Jenark conversion.
2. Some accounting staff are displaced due to drain stoppage at MOD and working from home.

Landscape Committee

Jerry McNair provided the following report:

Trees: Pine trees and Oak Trees

Michael Baefsky, Certified Arborist

Lawn Conversation: Mr. Lietky on Cactus Ct and 2145 Cactus Ct.

Concept Plan by Tom Wilhite

Governing Documents Committee

No report was given.

Alteration Permit Application Review

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No report presented.

Communication Committee

No report presented.

Emergency Preparedness Committee

No report presented.

Dispute Resolution Committee:

No report presented.

Trash Committee – AD HOC

This committee could potentially be terminated at the February meeting. If any resident is interested in being the committee chair, please contact Nan Warren.

Old Business

a) Status of Outstanding Receivables Balances:

Owner Billable Recap - TWCM			
	Delinquent Coupon	Outstanding Owner Billables	Total Delinquent
30-Jun-22	\$164,290	\$229,544	\$393,834
31-Jul-22	\$157,199	\$252,458	\$409,657
31-Aug-22	\$144,187	\$252,834	\$397,021
9/30/22	\$117,044	\$242,813	\$359,857
10/31/22	\$102,197	\$179,169	\$281,366
11/30/22	\$109,154	\$101,911	\$211,065
12/12/2022 BD Mtg Est	\$68,000	\$140,000	\$208,000
12/31/2022 Cur Est	\$73,200	\$88,900	\$162,100

New Business:

- a. 2023 Code of Ethics Signage.....Ms. Limon
 Ms. Limon advised all Board directors to please submit their sign code of ethics agreement for 2023 to her.

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- b. AD HOC Committee on Electric Car ChargingMr. Leary

A motion was made to create an AD-HOC Electric Car Charging Committee.

Moved, Seconded, Carried 8-0

A motion was made to appoint Bill Leary as the chair of the AD-HOC Electric Car Charging Committee.

Moved, Seconded, Carried 8-0

- c. Board Resolution to Transfer \$150k from Project 51A Reserves to a CD \$50k for 90 days, \$100k for 180 daysMr. Abell

A motion was made to allow the transfer of \$150k from [Project 51A](#) reserves to a CD - \$50k for 90-days and \$100k for 180-days.

Moved, Seconded, Carried 8-0

- d. A Board Resolution to transfer \$150k from Project 51B Reserves to a CD \$50k for 90 days \$100k for 180 daysMr. Abell

A motion was made to allow the transfer of \$150k from [Project 51B](#) reserves to a CD - \$50k for 90-days and \$100k for 180-days.

Moved, Seconded, Carried 8-0

- e. Motion to approve that the proposed amendments to the Bylaws and CC&Rs be mailed to TWCM Members with a ballotMr. Birdsall

After discussion, the Board tabled this matter. Director Birdsall will be in contact with the Mutuals attorney for clarification on a couple issues.

- f. Motion to approve that the proposed amendments to the Policies be mailed to TWCM Members for the required 28-day comment periodMr. Birdsall

A motion was made to approve the changes to the policies and to mail the proposed changes to the membership for the required 28-day comment period.

Moved, Seconded, Carried 8-0

- g. Preferred Member Contact Information Notice.....Ms. Limon

Per Davis Stirling, CC4041 requires that the Mutual annually ask members what their preferred method of contact is. TWCM will be sending a notice to all members to comply with this new requirement.

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h. Motion to proceed with foreclosure on account #13637.....Mr. Abell

A motion was made to proceed the foreclosure on account #13637.
Moved, Seconded, Carried 8-0

i. Motion to proceed with foreclosure on account #10834..... Mr. Abell

A motion was made to proceed the foreclosure on account #10834.
Moved, Seconded, Carried 8-0

j. Motion to adopt a resolution for 2023 certifying compliance with Civil Code 5502 to allow MOD Accounting to sign checks for TWCM.
Moved, Seconded, Caried 8-0

Announcements

The next scheduled meeting will be held on Monday, February 13th, 2023, at 9 am in the Board Room at Gateway and on Zoom.

Adjournment to Executive Session

There being no further business, the Regular Meeting of the Board was adjourned at 10:15 am and the Board moved into executive session.

Executive Session Summary

The Board met in executive session from 10:25 am to 10:49 am to discuss member matters, delinquent accounts, liens, and foreclosures.

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