



THIRD WALNUT CREEK MUTUAL  
BOARD MEETING MINUTES OF THE BOARD  
MONDAY, JULY 10<sup>th</sup>, 2023, AT 9:00AM  
**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 9:00 a.m.

**Roll Call**

**Directors Present:**

Tom Lauck, President Dist. IV, (2026)  
Mike Abell, Treasurer Dist. IX, (2025) (zoom) Marty Schwager, VP Dist. X, (2024)  
Florence McConnell, Director Dist. XIII, (202) LauraLee Barbaria, Director Dist. XV (2025) (zoom)  
John Swearingen, Secretary Dist. VII, (2024) Nan Warren, Director Dist. XIV, (2025)  
James McFarland, Director Dist. III, (2024) Bill Leary, Director Dist. V, (2026)

**Also Present:** Mutual Operations staff was represented by Paul Donner, Director of Mutual Operations; Jeroen Wright, Director of Mutual Operations; Clayton Clark Building Maintenance Manager; Tom Hand, Chief Financial Officer; 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: commentary on the proposed changes, project financials 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 ..... May 8<sup>th</sup>, 2023
- b) Executive Meeting Minutes..... May 8<sup>th</sup>, 2023
- c) Ballot Count Meeting Minutes ..... June 9<sup>th</sup>, 2023
- d) Annual Meeting Minutes ..... June 13<sup>th</sup>, 2023
- e) Organizational Meeting Minutes ..... June 13<sup>th</sup>, 2023

Tom Lauck made a motion and Marty Schwager seconded to approve the minutes to the aforementioned Board meetings.

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

**President's Report**

President Lauck gave the following report:

Jeroen Wright, the new Director of Mutual Operations, spoke about our need to attract insurance carriers



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by mitigating fire hazards and getting Rossmoor certified as a Firewise USA® community. Toward that effort GRF engaged a contractor to produce a drone video of our Rossmoor community featuring landscape mitigation of wildfire materials, fire breaks, manicured and maintained trees, the golf course, and highlighting the fire station located right outside our front gate. Terra Landscape and Brightview will be doing much of the work to provide defensible space around our buildings. These efforts will probably not achieve a reduction in the cost of our fire insurance but will at least enable us to keep such insurance.

GRF has also contracted with appraisers to update the values of the buildings in our community for insurance purposes at a cost of roughly \$85,000. We can expect a significant increase in our insurance rates based on these new valuations, which makes the Firewise certification even more important. A question was raised about how interior upgrades would affect the appraised values. Paul Donner said that those improvements, which will not be seen by the appraisers, will be included just as a percentage of the building's value.

GRF discussed a recent fire in the Second Mutual which resulted in a loss probably greater than the \$250,000 deductible in our Commercial Property Insurance. GRF described how the shared deductible works in these losses, with the first \$10,000 being covered by the Mutual in which the loss occurred, and the balance of \$240,000 being shared by the other 18 Mutuals who have agreed to share this deductible. Based on my calculations the Third Mutual share of this \$240,000 would be roughly \$39.15 per manor or \$43,530 for the 1112 manors in our mutual. For the Second Mutual the cost per manor would be \$39.15 per manor plus \$7.21 per manor for the first \$10,000, or \$64,295 for the 1387 manors in the Second Mutual.

Concern was raised about the losses resulting for owner absence, abandonment or negligence. It was suggested that a mutual policy may be needed to require owners who will be absent for longer 3 weeks should inform Member Services and make sure that emergency contacts information is collected and correct.

Concern was also expressed that the homeowner's personal insurance should be the first source for the coverage of these losses. Current commercial insurance coverage indicates that the blanket policies provide "walls-in" coverage including the interior of the unit. This appears to be double coverage since homeowner's policy should already be providing that coverage.

Several mutuals are in the process of writing policies for solar battery systems and EV charging. Request was made for other mutuals to share those policies. At least one mutual is in the process of updating their CC&R's and requested that other mutuals share their recently updated CC&R's. Reference was provided



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to posted CC&Rs in the Governing Documents folder for Third Walnut Creek Mutual, posted in 2020. Several other mutuals also identified that their CC&R's were updated even more recently.

There was also a discussion about performance metrics for a homeowners' association management firm. It was noted that the GRF agreement does not appear to include any measurable performance metrics. It was noted that there are online resources available that provide good references for setting performance metrics. Accounting performance is a general concern. May financials are expected to be delivered by mid-July. Concern was noted that the accounting system update may not be addressing many concerns listed in comments from the mutuals.

**Secretary's Report**

No report was given.

**Treasurer's Report**

Mike Abell gave the following report:

July 2023 Treasurer's Report - Financial Highlights

The most recent financial statements from accounting cover the period ending 5-31-2023.

Owner Billables balance is now \$33,692.

The following is a comparison of outstanding HOA coupon balances between the past 2 months:



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Number of HOA Delinquencies			
		4/30/23	5/31/23
P 23		1	1
P 26		3	3
P 27		2	1
P 31		3	2
P 33		1	1
P 34		0	1
P 35		2	1
P 36		4	2
P 37		2	1
P 38		0	0
P 42		0	0
P 44		3	3
P 45		4	4
P 49		6	6
P 54		1	3
P 51A		2	1
P 51B		3	2
P 64		0	0
Total		37	32
Dollar value		\$80,458	\$82,688

- Motion that the Mutual Funds Report has been reviewed by the Treasurer and a summary provided to all Directors:  
**Moved, Seconded, Carried 9-0**
- Motion that all Directors have reviewed their Project Specific Financials.  
**Moved, Seconded, Carried 9-0**

### **Finance Committee Meeting**

Mike Abell gave the following report:

The Finance committee held its first meeting of the current board term on June 26.



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The agenda included the following discussions:

Banking / cash monitoring  
Insurance  
Budgeting  
Helsing useful life analysis and Project reserves  
Richard Fong's response to my inquiry regarding financial roles

I proposed to Richard that we – the TWCM board establish a sub-committee or equivalent that supports the Treasurer & directors in the pursuit of delinquent accounts - whether they are owner billable or HOA fees. I would like to read Richard's suggestion and discuss.

Committee members in attendance included:

David Jennings  
Florence McConnell  
Mary Neft  
Roxanne Stallings  
Myself - Mike Abell

5 members were either on vacation or had other commitments.

In addition to the above topics, we agreed to move the meeting starting in July to the 3rd Monday of the month at 9:30 am.

**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. Policy Review**

**a. Policy 59.0.0 Owner Initiated Alterations Hard Surface Flooring**

Committee reviewed existing policy with added provision for hard surface flooring underlayment consistent with finish materials and subfloor construction. In some past installations of hardwood flooring the contractor did not provide an underlayment which provided a waterproof membrane over existing concrete. Moisture passing through the concrete caused the hardwood flooring to



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buckle. A new provision requires contractors to confirm with MOD the actual subfloor construction and makes them responsible for providing a suitable underlayment. This revised policy will be forwarded to the Governing Documents committee for review and possible modification before submission to the Board.

The proposed modifications of this policy do not address the outstanding request for a policy revision to allow more hard surface flooring in upper levels units. This request remains as a task for the Building Maintenance Committee to address.

**2. Review of Third Walnut Creek Mutual Building Status Report update from MOD**

Committee reviewed Building Status Report with respect to deck inspections per SB326. Subsequent to meeting MOD provided a summary of deck inspections completed, those in progress, and those remaining to be scheduled. The summary indicates that all required inspections will be completed prior to the deadline established by the legislation.

**3. Old Business**

Billings in March and April will include costs for storm repairs. Committee recommends that all directors carefully review their project financial reports for these costs.

**4. New Business**

Directors were requested by GRF staff to review Helsing reports for accuracy. Directors do not

have the knowledge of useful life remaining for the numerous building components in their projects that are included in the Helsing analysis. This effort requires input from the Building Maintenance Manager for Third Walnut Creek Mutual. TWCM must rely on MOD for this effort.

Clayton Clark presented the following report:

**TWCM BUILDING STATUS REPORT**

*For the month of July 2023*

**Project 23**

- ❖ Review of SB 326 report for next year's work, pending. Working on 2-story building's balcony deck issues. Bids obtained, but some contractors want to do asbestos testing of stucco so they will not be solicited. **Having difficulty finding contractors to bid project.**



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## Project 26

- ❖ **1501 Pt rehab:**
  - **Near completion except.**
    - Newly discovered landing area by stairs. **Contract to AMAC.**
      - **Agreed with contractor (AMAC) that work will be on Time-Material (T&M) basis rather than the received bid. MOD will monitor. Work will be done in accordance with FWC plans.**
    - **Beam repair at decks and AMAC is 70% completed.**
- ❖ **Pool work concrete to be done first week of July for 30 day curing for deck staining. Staff reassignment from contractor due to poor oversight.**
  - **Bid for staining under review.**
  - **Bid for painting pool gate under review.**
  - **Waiting on railings and final inspection prior to plastering pool.**
- ❖ **Drainage issues during the storm with landscape drains.**
  - **1555 Pt-Left of list to resolve from storms.**
- ❖ **1695, 1691 and 1687 Pt carpentry work near complete with minor corrective action change orders.**
  - **Painting anticipated to begin July 17<sup>th</sup> by new contractor AMS.**
- ❖ **Patch paving due to tree roots being priced.**
- ❖ **1621 pt leak due to leaking supply line in the unit.**

## Project 27

- ❖ **A roof section will be repaired this year along with a roof in Project 31.**
- ❖ **Fire inside unit at 2404 Pt 1 due to poorly installed junction box for hot water heater. Power was restored except for hot water heater which owner must resolve.**

## Project 31

- ❖ **2733 Pt roof section will be repaired in 2023.**
- ❖ **SB 326 report received, and MOD carpenters are providing repair costs. Pending.**
- ❖ **Met with Director to discuss fencing. Two fences per year will be replaced and budgeted accordingly. The construction will be similar to the trash enclosure fencing in P27.**

## Project 32

- ❖ **SB 326 inspection report received, and MOD carpenters are providing repair scope as time permits.**



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## Project 33

- ❖ Pricing out painting per Entry 9 request for 2023. **Check in**
- ❖ **Pricing out paving patching.**
- ❖ **Damage to building 4016 TGR completed except for scheduling interior work. Plumbing vent was also damaged and repaired by Davis Plumbing.**

## Project 34

- ❖ **No action to report.**

## Project 35

- ❖ **Temporary electrical fix by 3112 TGR requires a more permanent solution. Bid obtained from an electrician and Terra Landscape to re-route line and avoid trees and concrete replacement.**
- ❖ **Pricing out SB 326 inspections.**
- ❖ **Patch paving due to tree roots being priced.**

## Project 36

- ❖ **Paving bid received and work deferred until next year when costs can be budgeted for the entire amount.**
- ❖ **2185 CC concrete alteration tile issue completed.**
- ❖ **2065 CC alteration floor issue under review.**

## Project 37

- ❖ **2125 CC hot water line issue being addressed.**

## Project 38

- ❖ **Resolving landscape followup issue with 975 TCal.**

## Project 42

- ❖ **SB 326 inspections completed and awaiting report.**
- ❖ **Waiting on second bid for French drain behind 626 TCal.**
- ❖ **Reviewing concrete swale and drain in front of 600 Tcal.**

## Project 44

- ❖ **3076 RP carpentry rehab is completed.**
- ❖ **New color committee will need to be formed.**





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- ❖ Patch paving being reviewed this month to incorporate with other jobs in Rossmoor.
  - Bid from SVP but waiting on Black Diamond before selecting contractor.
- ❖ SB 326 inspection agreement approved will be scheduled upon completion of p49.

## Project 45

- ❖ SB 326 complete and waiting report.
- ❖ Assisting with alteration resale issue at 3355 RP.
- ❖ Reviewing 3276 RP settlement. Will perform level survey week of July 17<sup>th</sup>.

## Project 49

- ❖ Jim Hayes is working on stucco and dryrot leaks at 1622 SD. Work waiting P26 completion before proceeding to these locations.
- ❖ Pricing out painting of 1752 SD
- ❖ SB 326 inspection agreement approved. Trying to schedule end of July or first week of August.

## Project 51 A:

- ❖ 4243 TGR-rotten roof beams under review. No action to report.
- ❖ MOD carpentry rehab costs within budget for rehab. Obtaining other contractor quotes.
- ❖ Roofing contract for last 2 roofs in progress.
- ❖ Obtaining bid for SB 326 balcony inspections along with 51-B.

## Project 51 B:

- ❖ Roofing contract for last 2 roofs in progress.
- ❖ 4449 TGR: resolving window leak issue.
- ❖ PGE removed fence after completing work at 4485 TGR.

## Project 54:

- ❖ Color committee has been formed and Entry 5 is reviewing the color choices.
- ❖ Rehab planned for 1404 SD, planned this month.

## Project 64

- ❖ Damage done to concrete retaining wall completed. Bollard installation contemplated to prevent wall damage in future.

## General:



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1. Hiring another carpenter to support operations. Still searching as only 2 carpenters on crew. Unable to find carpenters in the union salary range. **No action to report.**
2. **Follow up with Fire Dept on fire extinguisher pins being zip tied. Referred to EPO.**
3. **Working on Helsing worksheets for initial analysis prior to budget.**

*End of report.*

**Landscape Committee**

Jerry McNair reported on the May meeting she had with the landscape reps. Jerri reported that going forward she will be asking for feedback from the Board on what they believe her role as landscape chair should be. The landscape committee performed a walk around to address water conservation issues, pruning issues, anything that the reps considered issues in their projects. The landscape meeting is tentatively scheduled for July 19<sup>th</sup> at 9am, please contact Jerri for more info.

**Governing Documents Committee**

No report presented.

**Alteration Permit Application Review**

No report presented.

**Communication Committee**

No report presented.

**Emergency Preparedness Committee**

Fran Gibson provided the following report:



**TWCM's Emergency Preparedness Forum's Report by Chairwoman Fran Gibson TWCM's  
July 10, 2023, Board Meeting frances.fraser.gibson@gmail.com (925) 300-3687**

**Evacuating Rossmoor Safely in Wildfire Conditions**



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- Be prepared during wildfire season to leave Rossmoor within 15 minutes after receiving a mandatory evacuation order for your evacuation zone number. Your “WCR” zone number can be found on your entry gate. Know your zone number - alerts come by zone number - not by street address.
- Subscribe to Rossmoor Nixle to receive emergency alerts by simply texting “Rossmoor” to 333111- you are opted-in instantly!
- You will receive two types of evacuation alerts: warnings and orders.
- An evacuation warning (or “advisory” or “notice”) means there is an impending threat to your life and property.
  - An evacuation order (which is mandatory) means there is an immediate threat to your life and property, and you must leave Rossmoor immediately. The imminent threat is estimated to be within two hours or less from your Rossmoor home.
- Assume always that a warning alert will be quickly followed by a mandatory evacuation order.
- It is a myth that Rossmoor is a “one way in, one way out” “one Main Gate” community. Rossmoor has nine alternate emergency access points with three serving strongly as possible alternate evacuation exits depending on the geographic location of any wildfire event. These alternate access points serve in the main as fire roads bringing in heavy firefighting equipment. Many are impassable by civilian cars. They are always locked and civil authorities outside Rossmoor must grant permission for them to be unlocked as needed. Rossmoor Nixle will let you know which alternate exit routes are unlocked to move residents quickly out of an impacted evacuation zone.
- If you cannot self-evacuate, you must contact your family member or friend to come evacuate you **when the evacuation warning is first issued**. You have only a few short hours to be evacuated during the limited evacuation warning time-period.
- No one **except first responders** is allowed to enter your impacted Rossmoor evacuation zone **once the evacuation order is issued**.
- When an evacuation warning is issued, move your household Grab n’ Go bags near your front door along with key documents, medications, cash (\$300 per household member in small bills of 1\$, \$5 and \$10 in case we go to a cash-only economy), charging cords, power banks and back-up batteries.
- When an evacuation warning is issued, fill up your gasoline-powered car or fully charge your electric vehicle — mass evacuations mean we will be idling “parking lot style” on roadways plugged for hours with countless other evacuees.
- During wildfire season, keep your gas tank and electric charge 3/4’s full at all times — sudden wildfire events will require you to evacuate before alerts are called.
- You can voluntarily evacuate anytime you feel uncomfortable or unsafe. Public safety officials strongly encourage voluntary evacuations before an evacuation warning or mandatory order is issued. It is easier for both residents and first responders when there are less people evacuating at once which reduces roadway congestion and increases evacuation success and firefighting capability.



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**Dispute Resolution Committee:**

No report presented.

**Electric Vehicle Charging Committee**

Lauralee Barbaria reported that the committee has not had a meeting. Mutual 1 and 2 already have a policy on how they handle EV charging in shared carports. Lauralee is interested in knowing how many projects in TWCM have shared carports and how many residents would be interested in this project. The committee has learned of a plan through MCE that Rossmoor residents might be interested in, that would help with some of the expenses. This is an ongoing project, more info to come at the next meetings.

**Old Business**

- a. Civil Code 4041 Form..... Mr. Lauck  
The Board of Directors discussed the distribution of the Civil Code 4041 form to all TWCM members after review from the Mutuals attorney.

Nan Warren made a motion and Mike Abell seconded to mail the Civil Code 4041 form to all TWCM members after the Mutuals attorney has reviewed and the Board has approved the revisions from Richard Fong.

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

- b. Echo Membership Approved by the Board in November 2022, and compliance with Civil Code § 5230. .... Mr. Lauck  
The Board discussed what would be the best way to sign up residents for the sessions provided by ECHO. President Lauck to be in communication with the ECHO team.

**New Business:**

- a) Proposed updates to CC&R Exhibits to eliminate Projects which have disengaged from the Third Mutual ..... Mr. Lauck  
President Lauck reported that the exhibits on the CC&R's will be updated to eliminate Projects which have disengaged from the Third Mutual.
- b) Change in the Board meeting time to 9:30 am in accordance with TWCM Policy 0.4.0 Calendar of Events. .... Mr. Lauck  
President Lauck announced that per Policy 0.4.0 all Board meetings going forward will begin at 9:30am.



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- c) P 45 Michael Abell requests a board resolution to move \$200,000 from the CNB sweep account to a 6-month secured investment as noted below ..... Mr. Abell
- d) P 38 – Florence McConnell requests a board resolution to move \$100,000 from the CNB Securities Brokerage account to a 6-month investment as noted below..... Mr. Abell
- e) P 26 – Tom Lauck requests a board resolution to roll over the T Bill that matures on 7-27-2023 in the amount of \$202,186 to a new 6-month investment as noted below. In addition, Tom requests that \$175,000 of the CNB Sweep account that has a balance at 4-30-2023 of \$417,313 be invested for 6 months in accordance with the guidance below... Mr. Abell
- f) P37 (Nan Warren) requests a board resolution to move \$300,000 from the City National Securities Brokerage Account to a 6-month secured investment as noted below.... Mr. Abell
- g) P 42 Marty Schwager requests a board resolution in the amount of \$100k from the CNB sweep account for a 6-month secured investment as noted below..... Mr. Abell
- h) P 44 Marty Schwager requests a board resolution in the amount of \$250k from a combination of the CNB Securities sweep account and the CNB sweep account for a 6-month secured investment as noted below..... Mr. Abell
- i) P49 has (2) T bills that have either matured or will mature soon. 1 \$300,329 matured 6-06-2023, the other in the amount of \$300,475 matures 7-05-2023. Jim McFarland P 49 director requests a board resolution authorizing rolling over both investments to new T Bills. The 6-6-2023 maturing T Bill is to be renewed for 2 months, while the 7-05-2023 is to be renewed for 3 months. .... Mr. Abell

*In addition to the items noted above, TWCM requests that the Board Resolution approved in January addressing investments for P 51A and P 51B be completed in July.*

*Pertaining to P 26, P 37, P 42, P 44 & P 45 ..... the motion requests “investing in either 6-month CDs or T-Bills with the best rate available, with CNB and accounting providing their recommendation.*

Mike Abell made a motion, and Jim McFarland seconded to approve items c-i.

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

- j. Clarification of Article 6, Section 6.2.3 TWCM Master CC&R’s...Mr. Leary  
*(See Paul Donner’s letter attached at the end of minutes)*



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Marty Schwager made a motion, seconded by Jim McFarland to accept Paul Donner's explanation to CC&'s article 6.2.3 excluding legal to Project 23.

**Moved, Seconded, Carried 6 – 2 Against (Barbaria & McConnell) – 1 Abstention (Abell)**

**Announcements**

Next scheduled meeting will be held on Monday, August 14th, 2023, at 9:30 am, via zoom and in-person.

**Adjournment to Executive Session**

There being no further business, the Regular Meeting of the Board was adjourned at 11:28am and the Board moved into executive session.

**Executive Session Summary**

The Board met in executive session from 11:35 pm to 12:30 pm to discuss member matters, delinquent accounts, liens, and foreclosures, 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





Third Walnut Creek Board Members,

The purpose of this letter is to clarify the respective responsibilities of a project and unit owner with respect to electrical wiring under the provisions of Article 6, Section 6.2.3 of the TWCM Master CC&RS. The members of Project 23 rejected the TWCM Master CC&RS primarily based on their belief that the provisions of Article 6, Section 6.2.3 substantially changes the respective obligations of the project and the owner for the maintenance, repair, or replacement of electrical wiring in the walls of a condominium.

Section 6.2.3 provides as follows:

6.2.3. Cable, Electrical, Telephone, and Telecommunications Wiring.

- (a) Project Responsibility. The Project shall be responsible for the maintenance, repair, and replacement of electrical wiring from the meter up to and including the circuit breaker, except for wiring which has been altered or replaced by the Unit Owner.
- (b) Owner Responsibility. Each Owner shall be responsible for providing maintenance, repair and replacement of electrical wiring and cable wiring located inside the Unit. Additionally, electrical wiring from the meter up to and including the circuit breaker and cable wiring from the box into the Unit is the responsibility of the Owner if the Owner has altered or replaced that wiring during a permitted alteration project. Telephone, telecommunications, and cable wiring serving the Unit is the sole maintenance, repair, and replacement responsibility of the Unit Owner.

Section 6.2.3 does not change the responsibilities of the project and unit owners in place prior to its adoption. Subsection (b) clearly limits the owner's responsibility to "the maintenance, repair and replacement of electrical wiring located inside the unit" which area is defined to mean the air space of the condominium bordered by the walls, floors and ceiling. The wiring referred to in subsection (b) is that attached to a fixture or other appliance plugged into a wall outlet. The only additional responsibility of the owner is for wiring for which the project is responsible under subsection (a) if altered by the owner.

Subsection (b) is there for clear in its limitation on owner responsibility. Accordingly, if in subsection (a) the phrase "electrical wiring from the meter up to and including the breaker box" meant something less than all of the electrical wiring in the common area of the condominium, including all of the walls, then no one would be responsible for the wiring that remains, a result that is absurd under state civil code known as the Davis-Stirling Act.

The term "unit" is a very specific term used in that civil code to separate the common area from the separate interest in a condominium development such as Project 23. The common area is owned in common with the other owners in the Project. The separate interest or unit is owned by the member.

In Civil Code Section 4125, the term condominium is defined as "an estate in real property, consisting of an undivided interest in common in a portion of real property coupled with a separate interest called a unit." Civil Code Section 4185(b) provides that "Unless the declaration or condominium plan provide otherwise, if walls, floors, or ceilings are designated as boundaries of a separate interest, the interior surfaces of the perimeter walls, floors,



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## WALNUT CREEK

ceilings, windows, doors, and outlets located within the separate interest are part of the separate interest and any other portions of the walls, floors, or ceilings are part of the common area."

Accordingly, any wiring in the common portion of the real property, including the walls, floors and ceilings, is the project responsibility, unless altered by the owner. Any wiring within the unit is the owner's responsibility. It's important to understand that "unit" is limited to the air space between the walls, floors, and ceilings. The unit does not extend to within the walls.

This clarification is consistent with and further supported by the attached Matrix of project and owner responsibilities that has guided MOD management for mutuals throughout Rossmoor, including TWCM. This Matrix is unchanged by the adoption of the TWCD Master CC&Rs, including Section 6.2.3.

This clarification is also consistent with and further supported by the provisions of TWCM policy 48, which states that "Third Walnut Creek Mutual, as a community association, is responsible for repairs, maintenance, and replacements in the common area of each of the Projects. This means the buildings as originally built and as upgraded by the Project and the landscaping as planted by the developer and as upgraded by the Project. The owners are generally responsible for the condominium unit (as defined in Policy 0.3.0) and any appurtenant owner-maintained garden area. "

Appendix A to TWCM policy 48 further specifies the Mutual responsibility for electrical wiring as follows:

1. Maintain electrical service from the meter to all electrical outlets and developer-installed switches and jacks as well as permanently installed appliances.
2. Repair/Replace original or project-installed exterior outlets and cover plates (including carports).
3. Repair circuit breakers or electrical panels —exterior and interior.
4. Repair short circuits of original wiring in walls (including doorbell wiring).
5. Repair/Replace exterior lighting fixtures controlled by an interior switch.

TWCM Policy 48 remains in effect today and was also unchanged by the adoption of the TWCD Master CC&Rs, including Section 6.2.3.

In summary, MOD, under the direction of the TWCM board have been and will continue to treat wiring in the walls as a project billable expense.

Paul Donner  
Director of Mutual Operations  
Golden Rain Foundation  
Certified Community Association Manager



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Contra Costa )  
On July 5, 2023 before me, Jeannine Lawler, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared Paul Donner  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jeannine Lawler, Notary Public  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Formal Letter to Third Walnut Creek Board Members  
Document Date: 07/05/2023 Number of Pages: 2  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Paul Donner  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☒ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: Golden Reim Foundation - Director Mutual Operations

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_