

THIRD WALNUT CREEK MUTUAL  
BOARD MEETING MINUTES OF THE BOARD  
MONDAY, MARCH 13<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 Warren called the Regular Meeting of the Board of Directors of Third Walnut Creek Mutual (TWCM) to order at 9:02 a.m.

**Roll Call**

**Directors Present:**

Nan Warren, President Dist. XIV, (2025)  
Mike Abell, Treasurer Dist. IX, (2025) Marty Schwager, VP Dist. X, (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) John Swearingen, Secretary Dist. VII, (2024)

**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: commentary on the proposed governing document changes.

**Approval of Meeting Minutes**

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

- a) Regular Board Meeting Minutes .....February 13<sup>th</sup>, 2023
- b) Executive Meeting Minutes.....February 13<sup>th</sup>, 2023

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

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

**President's Report**

President Warren mentioned that the primary conversation at the Presidents forum revolved around insurance. There will be a new resident orientation on April 26<sup>th</sup> at 7pm in the Fairway Room. There will be several speakers at this event. President Warren will be working with Sofia Genove and Lucy Limon to mail invitations later this month.

**Secretary's Report**

Secretary Swearingen reported that the February meeting report will be in this 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.**

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- b. Motion that all Directors have reviewed their Project Specific Financials.  
**No motion was made.**

**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. Gutter Cleaning Report Furnished to MOD**

Clayton Clark shared gutter cleaning reports for Projects 26, 35, 36 & 37. Reports consisted of photos of problem areas encountered during gutter cleaning with a project plan indicating photo locations of problem areas. Many areas have already been addressed in workorders issued by MOD. Directors may assist MOD by requesting work orders for problem areas not yet addressed. Recommend that gutter cleaning reports for all projects be shared with the directors.

**2. Billing for Storm Repairs**

Accounting assigns billing categories for storm repairs with input from MOD. Clayton recommends committee/directors review these categories with accounting. Some of the billings will be charged to drainage category, which is not a line item identified in monthly financial reports. Landscape will be involved in drainage and mud slide issues, not Building Maintenance. Projects will need to see where these repair costs have been assigned to reconcile budget issues for these unplanned expenditures. Many of these billings will not be assigned until March. Some will be assigned to GRF instead of TWCM projects.

**3. Exterior inspections and maintenance discoveries**

Exterior inspections are uncovering maintenance issues that require a lot of carpentry work, not covered by the current budget. Projects need to reconcile these unplanned expenditures with the reserve budgets. Projects need a schedule for planned maintenance like that furnished to Projects 36 and 37. Individual meetings with Clayton may be required to establish these schedules.

**4. Policy Reviews**

- a. Policy 60 to be reviewed for additional provisions to avoid deck overloading. Policies and enforcement will be reviewed by the committee.
- b. Policy 57 Spas – deck overloading.  
Policy 57 to be reviewed for additional provisions to avoid deck overloading. The

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- committee will consider a ban on spa installation above ground level.
- c. Policy 59 Hard Surface Flooring – subcommittee formation.  
Nan Warren has volunteered to be a member of this committee but does not wish to chair the committee. Nan will place an article in the Rossmoor News looking for TWCM volunteers for this subcommittee.
- d. Policy 61 Solar Energy Systems – maintenance issues adjacent to golf courses  
Residents who own units adjacent to the golf course need to be aware that solar panels installed on roofs adjacent to the golf course are subject to damage from errant golf balls coming off the course. The cost of the repair or replacement of the damaged panels becomes the responsibility of the owner unless the golfer takes responsibility for the damage. This responsibility should be communicated to new buyers in the meeting with the alterations and resales department. The committee will propose a language to include in the policy as well.

#### **5. New members for Maintenance Committee**

An ad was placed in the Rossmoor News to solicit new committee members. No responses received to date.

Clayton Clark presented the following report:

#### **TWCM BUILDING STATUS REPORT**

*For the month of March 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.**
- ❖ **Pool contract approved. Reviewing samples. The rough start date is Mid-May but depending on sample approval.**
- ❖ **Drainage issues during the storm with landscape drains.**
  - 1617 Pt
  - 1555 Pt
- ❖ **Gutter guard test approved for 1621 Ptarmigan.**
- ❖ **Chimney issues continue. Hiring another chimney contractor for another prospective to reduce smoke entering non-burning fireplace unit.**

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**Project 27**

- ❖ **A roof section will be repaired next year along with a roof in Project 31.**
- ❖ **Few rain leak repairs and dryouts due to rains. Restoration should be completed this month.**

**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. 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.**

**Project 34**

- ❖ **Pricing out gutter guards.**
- ❖ **Fixing items noted from SB 326 inspections.**
- ❖ **Roof repairs were conducted at 997 TCal composition roof due to metal transition.**

**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.**
- ❖ **Painting directional sign near 1955 CC due to concerns of visibility.**
- ❖ **Paving out to bid to complete all paving work.**
- ❖ **Minor rehab of selected buildings.**

**Project 37**

- ❖ **Paving out to bid.**

**Project 38**

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- ❖ **Several landscape drains backed up at end of Entry 2 TCal. 975 Tcal 6 drainage work completed by Fleece. 985 TCal damages resolved.**
  - **Drain at rear of 855 TCal being addressed by contractor to clear.**

**Project 42**

- ❖ **Will inspect crawl spaces this month due to prior issues of drainage from golf course. Pending.**
- ❖ **Plans submitted for French drain at 626 Tcal. Will get bids as time permits.**

**Project 44**

- ❖ **Termite report received and will start doing estimates for 3076 RP rehab.**
  - **New color committee wil need to be formed.**
- ❖ **Completion of efforts to rid rat intrusion at 3108 RP. Referring all future issues to the pest control department.**

**Project 45**

- ❖ **Mudslides on Entry 3, 7 and 8 RP during storms. Refer to Landscape and Trust Maintenance dept for oversight.**

**Project 49**

- ❖ **No major issues to report.**

**Project 51 A:**

- ❖ **4243 TGR-rotten roof beams under review. No action to report.**
- ❖ **Termite reports received for rehab of Entry 13 TGR pricing. Pest issue with racoon uncovered and being resolved. Access hatch was not secure allowing critters getting in.**

**Project 51 B:**

- ❖ **No action to report.**

**Project 54:**

- ❖ **Color committee is being formed.**
- ❖ **Rehab planned for 1404 SD.**
- ❖ **Drains inspected and cleared at 1434 SD to consider a drain cleaning program.**
- ❖ **Entry 5 hillside damage has been referred to Trust Maintenance.**

**Project 64**

- ❖ **Gutter guards have been installed on all buildings.**

**General:**

1. **Hiring another carpenter to support operations.**

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**Landscape Committee**

Jerry McNair reported that she and John T. have met and are in the process of putting together a notebook that outlines the responsibilities of the landscape chair. She advised that there will be a landscape committee meeting sometime this month. Jerri has spoken to several residents regarding the gutter issues and helped resolve them.

**Governing Documents Committee**

Les Birdsall announced that the ballot count meeting in regard to the governing documents restatement is scheduled to take place today, March 13<sup>th</sup> at 1pm in the Fairway Room and via zoom. Directors have done a lot of reaching out to residents to get them to vote.

A motion was made to reschedule the ballot count meeting to Monday, April 10<sup>th</sup> at 1:30pm to allow for more ballots to be returned.

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

A motion was made to set the ballot deadline for mailed and hand-delivered ballots on Friday, April 7<sup>th</sup> at 5:30pm.

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

**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 60% of residents have responded to the live survey in TWCM. Thank you to all residents have taken the time to complete it.

**Old Business**

**a) Civil Code 5502 Resolution for 2023:**

A motion was made to approve the Board resolution as written by Richard Fong, Legal Counsel, for 2023 money transfers in compliance with civil code 5502.

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

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- b) CC&R, Bylaw, and Policy Mailing:  
*Please read under Governing Documents report for update.*

**New Business:**

- a) Balcony Inspections..... Ms. Warren  
All balcony inspections must be completed by January 1<sup>st</sup>, 2025. If residents haven't had their inspections yet, please contact Clayton Clark for a list of licensed structural engineers.
- b) Possible Budget Flaws/Omissions ..... Mr. Abell  
Mike reported that he has spoken with several directors, and they believe that some expenses were not included in this year's budget. Mike has contacted the management and asked for a document that addresses the projected expenses for the rest of the year.
- c) Financial roles and duties for non-appointed residents from my conversation with Richard Fong ..... Mr. Abell  
Mike contacted Richard Fong to discuss what is within the scope of the Finance committee and what is not. Mike will be in contact with the committee to delegate new tasks as advised by Richard Fong.
- d) Motion to approve a lien on account #14704 ..... Mr. Abell  
**Moved, Seconded, Carried 9-0**
- e) Motion to approve a lien on account #9878..... Mr. Abell  
**Moved, Seconded, Carried 9-0**
- f) Motion to approve a lien on account #11165..... Mr. Abell  
**Moved, Seconded, Carried 9-0**
- g) Motion to approve a foreclosure on account #13637..... Mr. Abell  
The Board held off on this motion for a month.
- h) Motion to approve a foreclosure on account #10834..... Mr. Abell  
**Moved, Seconded, Carried 9-0**

**Announcements**

The next scheduled meeting will be held on Monday, April 10<sup>th</sup>, 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 10:05 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 accounts, liens, and foreclosures, contract formation.

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**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