

# THIRD WALNUT CREEK MUTUAL

## REGULAR SESSION MEETING MINUTES OF THE BOARD MONDAY, MAY 11, 2020 AT 10:00AM ZOOM VIDEO AND CONFERENCE CALL MEETING

### Call to Order

President Rothman called the Regular Meeting of the Board of Directors of Third Walnut Creek Mutual (TWCM) to order at 10:00 a.m.

### Roll Call

#### **Directors Present:**

Arlyss Rothman, President Dist. IX, (2022)	
Gery Yearout, VP Dist. XI, (2021)	Nan Warren, Director Dist. XIV, (2022)
Matt Kaplan, Treasurer Dist. V, (2022)	John Swearingen, Director Dist. VII, (2021)
Marilyn Mason, Secretary Dist. XV (2022)	Donna Landeros, Director Dist. VIII, (2020)
Kay Barthold, Director Dist. XIII, (2020)	James McFarland, Director Dist. III, (2021)
Chuck Decker, Dist. X, (2021)	Poppy Tanner, Director Dist. IV, (2020)

**Also Present:** Mutual Operations staff was represented by Paul Donner, Mutual Operations Director; Clayton Clark, Building Maintenance Manager; and Kelly Maki, Board Services Coordinator.

### Members' Forum

Residents were afforded the opportunity to express their general concerns and make comments. Topics discussed included: revised policy 64, CC&Rs duplicating policies, landscape committee report, finance report, and building rehab.

### Approval of Meeting Minutes

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

- a) Regular Board Meeting Minutes ..... March 25, 2020
- b) Executive Session Meeting Minutes ..... March 25, 2020
- c) Regular Board Meeting Minutes ..... April 13, 2020

A motion was made to approve the March 25, 2020 Regular Board Meeting Minutes.  
**Moved, Seconded, Carried 11-0**

A motion was made to approve the March 25, 2020 Executive Session Meeting Minutes.  
**Moved, Seconded, Carried 11-0**

A motion was made to approve the April 13, 2020 Regular Board Meeting Minutes.  
**Moved, Seconded, Carried 11-0**

### President's Report

Arlyss Rothman reported on the last President's Forum: Tim O'Keefe gave an update on where Rossmoor is at regarding Covid 19. As far as he knows, there have been no cases within Rossmoor. The County has been asked to notify Tim if any Rossmoor cases are reported.

## THIRD WALNUT CREEK MUTUAL

For the President portion of the Forum, questions were asked about insurance coverage.

### **Secretary's Report**

Secretary Mason reported an article was published in the Rossmoor News for the Board opening in District IV. The article was supposed to run through June 1st, and it was not in last week's or this week's paper. The Rossmoor News has been notified and it will be published for four weeks.

### **Finance Committee Report and Treasurer's Report**

Treasurer Kaplan gave the following Report:

Treasurer Report: May 11, 2020

This report is based on the TWCM financial report for March 2020. As of March 31, 2020, the TWCM bank balance was \$15,213.

TWCM payments in March, were \$62,641 allocated correctly to the projects.

Republic Services trash pick-up was \$21,576. Legal services were \$23,520, with \$8,917 to Hughes, Gill, and Cochrane, and \$14,603 to Ann Rankin. MOD trash recycling was \$10,773. CSS Trash Enclosures cleaning was \$5,944 (two months payments). Printing and mailing were \$773, to Integrity, and \$55 went to Levy, Erlanger.

February's TWCM single check payment to Terra Landscaping was due to staffing issues. The normal process of each Project making a direct payment to Terra Landscaping was resumed in March.

TWCM Owner Billables (amounts owed by owners to their project) as of March 31, 2020 was \$120,820.

TWCM Assessments (Coupon) owed as of March 31, 2020 was \$54,974.

- a. **Motion that the Mutual Funds Report has been reviewed by the Treasurer and all Directors:** The motion was made for the March 31, 2020 Mutual Funds Report.  
**Moved, Seconded Carried 11-0**
- b. **Motion that all Directors have reviewed their Project Specific Financials:** The motion was made for all Project Specific Financial Reports ending on March 31, 2020.  
**Moved, Seconded Carried 11-0**

### **Building and Maintenance Committee**

Kay Barthold gave the following report:

The committee met via Zoom and all members were present. Clayton Clark made a slide presentation to the group regarding smoke detectors. Clayton gave a brief review of the Mutual's smoke detector history as it related to the current "Policy 70 - Smoke Alarms", which was last revised in 2010, as well as sections of "Appendix Policy 48 - General Maintenance

## THIRD WALNUT CREEK MUTUAL

and Repair Information” that was last revised in 2013.

Clayton noted that since that time the type of smoke detectors that are installed throughout Third Mutual had changed. In 2015, Third Mutual had started installing smoke detectors with 10-year batteries, thus no longer requiring the annual changing of batteries that is provided for in the current Policy 70. Clayton provided a chart that showed how this change to 10-year batteries had reduced the maintenance costs related to smoke detectors in one example Project.

Because of this, and other reasons, the current Policy 70, as well as parts of Policy 48, are out of date and in need of revisions. In addition, Clayton recommended changes to the parts of the current policy that relate to carbon monoxide detectors.

There was a great deal of discussion regarding the various aspects of smoke detector maintenance, replacement and their related costs. The committee also reviewed what the proposed new CC&Rs state about smoke detectors. Kay will work with Clayton to create a first draft of a new smoke detector and CO2 Policy.

### **Landscape Committee**

Gery Yearout provided Steve Ormond’s Landscape Report and the scorecard from the February 27<sup>th</sup> landscape maintenance review in the board packet. Gery reported that the crew and services return to normal this week following the relaxing of COVID 19 restrictions. The MOD rehab calendar was discussed and provided to all Directors in the packet. Some projects had their rehab days rescheduled due to Shelter in Place.

The one-year quarterly evaluation of Terra maintenance in various projects is up and no further reviews have been scheduled. During Shelter in Place the terms of the contract were being met. A reduction on the maintenance contract cost will not be possible. Some crews worked on Saturdays to keep up the maintenance.

### **Governing Documents Committee**

Kay Barthold gave the following report:

The Governing Docs committee met via Zoom and all members were present. The Committee discussed whether a new Policy should be created related to smoking. The Committee voted (4-2) that a new Policy was not needed at this time.

The Committee discussed the issue of requests for medical exemptions to Policy 59 that prohibits hard-surface flooring in upper units except for certain limited areas such as kitchen, baths and utility room. Arlyss discussed the sound report commissioned by Mutual 4, which was done by the highly regarded San Francisco sound specialist company, Salter, to test sound transference in Rossmoor residential buildings similar to those in Third Mutual. The test results stated that no currently available hard-surface flooring comes close to carpet in its ability to dampen sound transmission from an upper unit to a lower unit, especially footfalls. The study showed that the lower units heard more noise when carpet was removed and replaced with hard surface flooring regardless of how high the hard-surface flooring’s IIC ratings were.

## THIRD WALNUT CREEK MUTUAL

In the case that occurred in Mutual 4, the residents in the upper unit were surprised to learn from the testing how much more noise is actually transferred to the lower unit when carpet is removed, and a compromise was reached regarding the flooring.

Discussion followed regarding what is required in terms of accommodations for ADA-based requests for exemptions. Roxanne volunteered to inquire with HUD for information regarding this. The Committee is attempting to find a compromise that would both accommodate those requesting an ADA exemption to Policy 59, and at the same time protect the residents living in the lower unit from undesirable noise transfer.

### **Alteration Permit Application Review**

The committee had no report to give this month.

### **Communication Committee**

Marilyn Mason reported on abstention: when a Board Member is entitled to abstain (i.e. insufficient information to make a decision).

### **Emergency Preparedness Committee**

Arylss Rothman reported that the committee attended a Zoom webinar with EPO and CERT regarding FRS radios. The webinar is available for viewing on [www.rossmoorepo.org](http://www.rossmoorepo.org). Owners are encouraged to go through their emergency supplies to ensure they have adequate food, water, meds, batteries, etc. in an emergency. On May 19 there will be another Zoom webinar with medical operation professionals. Please visit [www.rossmoorepo.org](http://www.rossmoorepo.org) for more information.

### **Old Business**

- a. **Appoint Inspector of Elections for District VIII Director Election:** This director election for District VIII consists of Projects 50 and 55. A motion was made to appoint Evan Spinrod as the Inspector of Elections.  
**Moved, Seconded, Carried 11-0**
- b. **Update on Disengagements:** Gery Yearout reported that District XI has no new information on their disengagement process. They are waiting on a ballot template from their attorney to review. The process was put on hold due to Covid 19. Once the ballot is finalized the voting package will be sent out to the District members.  
Donna Landeros reported that District VIII will likely disengage as separate projects (P50 and P55). P55 is busy with the process and 27% of the owners have volunteered to either be on a committee or run for the Board. P50 has 4 volunteers and Donna working on the process. They are looking at the finances and budgets prior to going to the membership to discuss the disengagement process.
- c. **Update on letter to John Tastor:** Arylss Rothman reported that no feedback has been received from the letter of January 30, 2020 that was sent to John Tastor and she will send a follow up email regarding the matter.
- d. **Dispute Resolution Committee Goals and Confidentiality:** Arylss Rothman and Nan Warren reported they worked with Maude Pervere from Stanford regarding the development of a course including active listening and basic dispute resolution techniques. The intended goal/mission of the committee is to provide early intervention dispute resolution when the Mutual has a situation that could escalate, whether it be a

## THIRD WALNUT CREEK MUTUAL

dispute between owners/residents, between owners and the Mutual or owners and the Board. The committee plans to offer some basic training in communication skills and dispute resolution. Out of all the owners who indicated interest about serving on the committee, 7 owners have provided the requested resume for doing so. A motion was made to form a stand-a-lone committee and after Board discussion, the motion was withdrawn. Arlyss Rothman will discuss the potential of liability surrounding resident confidentiality with board counsel, Richard Fong.

### **New Business**

- a. **Appoint Inspector of Elections for Project 64 Special Assessment Ballot:** A motion was made to appoint John Rice as Inspector of Elections and to receive the ballots at his residence for the Project 64 Special Assessment Ballot.  
**Moved, Seconded, Carried 11-0**
- b. **Adoption of New/Revised Policies 64, 78, 94, and 95:**

A motion was made to adopt revised Policy 64 – Power Sources as it was mailed to all owners on April 3, 2020 for comment.  
**Moved, Seconded, Carried 11-0**

A motion was made to adopt revised Policy 78 – Outdoor Barbecues as it was mailed to all owners on April 3, 2020 for comment.  
**Moved, Seconded, Carried 11-0**

A motion was made to adopt new Policy 94 – Exterior Paint Color Selection as it was mailed to all owners on April 3, 2020 for comment.  
**Moved, seconded, Carried 11-0**

A motion was made to adopt new Policy 95 – Changing the Paint Color of a Front Door as it was mailed to all owners on April 3, 2020 for comment.  
**Moved, seconded, Carried 11-0**
- c. **Alteration Applications:** The Board discussed if authorization should be given to MOD during Covid 19 to approve alteration applications. Arlyss Rothman announced that Bill Parsons was given approval to move forward with 14 Standard application approvals that were approaching the 45-day deadline. The Board discussed the responsibility and liability to review these applications. A motion was made to continue with the current procedures and legal obligation that require review and approval by the Project's Director of all alteration applications.  
**Moved, Seconded, Carried 7-4, Directors Rothman, Yearout, Decker, and Landeros voted against.**
- d. **MOD Imprest Account (AKA TWCM General Account):** It was clarified that this account is not a MOD account but a TWCM account. The most common expenses paid from this account are legal fees, Secretary of State filing fees, and trash. Rick Chakoff, along with Marilyn Mason, requested that the Board table the conversation to the next Board meeting so he can be present to answer any questions the Board may have.
- e. **Resolution for Lien on APN 186-200-020-3:** A motion was made to approve the following resolution: Resolved, Pursuant to California Civil Code Section 5740(b) and 5650(a) and 5660, the Third Mutual Board of Directors authorizes and instructs Pro Solutions to record a Notice of Delinquent Assessment ("Lien") for the full amount of unpaid assessments, late charges, interest and collection fees and costs against that property bearing the Assessor's Parcel Number APN 186-200-020-3 ("Property") if such account has not been reinstated by the Notice of Intent to Lien expiration date.

## THIRD WALNUT CREEK MUTUAL

**Moved, Seconded, Carried 11-0**

### **Next Board Meeting**

The next Regular Meeting of the Board is scheduled for Monday, June 8, 2020 at 10:00 am, via Zoom.

### **Adjournment to Executive Session**

There being no further business, the Regular Meeting of the Board was adjourned at 12:15 pm and the Board moved into executive session.

### **Executive Session Summary**

The Board met in Executive Session to discuss owner variance requests.

### **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.



---

**Assistant Secretary**

Third Walnut Creek Mutual