

THIRD WALNUT CREEK MUTUAL
REGULAR SESSION MEETING MINUTES OF THE BOARD
MONDAY, NOVEMBER 9, 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 10:01 a.m.

Roll Call

Directors Present:

Arlyss Rothman, President Dist. IX, (2022)	
Chuck Decker, VP Dist. X, (2021)	Nan Warren, Director Dist. XIV, (2022)
Matt Kaplan, Treasurer Dist. V, (2022)	Walt Braun, Director Dist. XIII, (2023)
John Swearingen, Secretary Dist. VII, (2021)	Donna Landeros, Director Dist. VIII, (2023)
Gery Yearout, Director Dist. XI, (2021)	James McFarland, Director Dist. III, (2021)
Marilyn Mason, Director Dist. XV (2022)	Tom Lauck, Director Dist. IV, (2023)

Also Present: Mutual Operations staff was represented by Clayton Clark, Building Maintenance Manager; Paul Donner, Mutual Operations Director; Kelly Maki, Board Services Coordinator; Rick Chakoff, Chief Financial Officer; and Tess Haskett, Assistant Controller

Members' Forum

Residents were afforded the opportunity to express their general concerns and make comments. No comments were made.

Approval of Meeting Minutes

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

- a) Regular Board Meeting MinutesOctober 12, 2020
- b) Executive Session Meeting MinutesOctober 12, 2020
- c) Special Budget Meeting MinutesOctober 26, 2020

A motion was made to approve all the above minutes. There was discussion on the executive session minutes from October 12, 2020.

Moved, Seconded, Carried 9-2, Directors Swearingen and Mason voted No.

President's Report

President Rothman reported on the October President's Forum. Topics discussed at the forum included: feral pig damage in a few Mutuals; draft policies to prohibit gas generators; satisfaction with extermination services; Welcome Custodial Services; gutter guards/filters; AB 3182 regarding rental restrictions; and COVID update.

Secretary's Report

No report was presented this month.

Treasurer's Report

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Treasurer Kaplan gave the following Report:

Treasurer Report: November 9, 2020

This report is based on the TWCM financial report for September 2020.

As of September 30, 2020, the TWCM bank balance was \$14,409.

TWCM payments in September were \$37,787 allocated as specified to the projects.

Republic Services trash pick-up was \$23,022. Legal services were \$7,487 all to Ann Rankin. MOD trash recycling was \$5,563. Trash Enclosures was \$1,715 to Commercial Support.

TWCM Owner Billables (amounts owed by owners to their project) as of September 30, 2020 was \$189,384 excluding the Project 64 assessment. This was a slight reduction from the prior month.

TWCM Assessments (Coupon) owed as of September 30, 2020 was \$102,334, a small decrease from the prior month.

- a. **Motion that the Mutual Funds Report has been reviewed by the Treasurer and a summary provided to all Directors:** The motion was made for the September 30, 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 September 30, 2020.
Moved, Seconded Carried 11-0

Building and Maintenance Committee

Nan Warren gave the following report:

At the Building Maintenance Committee meeting on Thursday November 5th the committee continued work on the Power Backup policy. This policy will make it clear that generators powered by gasoline, diesel, or any other flammable material is not allowed in Third Mutual because of the danger of carbon monoxide poisoning and the possibility of the danger of fire. The committee then turned to the Architectural Standards, which were audited and edited by Director Tom Lauck. The committee made suggestions and will endeavor to finish work on both the Power Backup policy and the Architectural Standards next month.

Landscape Committee

The committee had no report to give this month.

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Governing Documents Committee

Marilyn Mason gave the following report:

Meeting Date:	November 3, 2020		
Attendees:	Marilyn Mason, Chair	Guests:	Duncan Carter
	Arlyss Rothman		Jeane Dekelver
	Nan Warren		
	Roxanne Stallings		

The meeting was called to order at 3:00 p.m. by Chairperson Marilyn Mason.

The committee continued discussions regarding revisions to Policies 75 and 76 concerning dispute resolution. Following discussion on several points, it was determined that once these points were incorporated, a final draft would ensue.

Although the committee had hoped to provide a final draft to the TWCM Board at their meeting on Monday, November 9, for approval of Policy 75, due to the need for legal review by attorney Ric Fong, the approval will be reset for the next board meeting instead.

The committee also discussed recently enacted AB 3182. This bill was signed into law by Gov. Newsom on September 28 of this year and goes into effect January 1, 2021. This new law modifies Civil Code section 4740 and adds new section 4741 to the Davis Stirling Common Interest Development Act. Both sections address rental restrictions in CIDs, requiring a review by the Governing Documents Committee of Policy 41, LEASING MANORS, as well as the section of the CC&Rs addressing this topic as well. The committee will consider the impact on TWCM governing documents at their next meeting.

The next Governing Documents Committee meeting is scheduled for Tuesday November 24, 2020 at 3:00 p.m.

The meeting was adjourned at 4:50 p.m.

Alteration Permit Application Review

The committee had no report to give this month.

Communication Committee

The committee had no report to give this month.

Emergency Preparedness Committee

Arlyss Rothman announced that the committee has been busy working with EPO & CERT. A virtual seminar was presented last week on preparation for wildfires. There is a very informative

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YouTube video on the EPO website: www.rossmoor.epo.org.

Dispute Resolution Committee:

Nan Warren gave the following report:

Volunteers in dispute resolution are scheduled for training in Conflict Resolution, on November 12th. A practice session will follow. The training will be led by Maude Provere, who has taught this subject at the University level.

Old Business

- a. **Recording of CC&Rs:** President Rothman announced that the CC&Rs were officially recorded on October 14, 2020 and the Board is still waiting on a copy of the stamped version. The CC&Rs are now enforceable and the stamped copy will be posted online at www.rossmoor.com once they are received. At that time, a letter will be mailed to all owners with instructions on how to access them. In the meantime, the unstamped version is available on the Rossmoor website.

New Business

- a. **Revised Policy 75 – Dispute Resolution:** As stated in the Governing Documents Committee Report, the draft policy was not ready for Board review and has been tabled to the December meeting.
- b. **Review of Proposed Pond Sign for P54:** After discussion and review of a proposed pond sign from members of P54 a motion was made to approve the proposed sign and look further into information on state, county, and city ordinances for retention ponds that may require further action by the Board.
Moved, Seconded, Carried 8-3, Directors Rothman, Landeros and Yearout voted No.
- c. **Approve Acct# 02617237 for Collections and Lien:** A motion was made to send Acct# 0261723 to collections and have a lien recorded on the property.
Moved, Seconded, Carried 11-0
- d. **Approve Acct# 02610834 for Collections and Lien:** A motion was made to send Acct# 02610834 to collections and have a lien recorded on the property.
Moved, Seconded, Carried 11-0
- e. **Approve Acct# 02610471 for Collections and Lien:** A motion was made to send Acct# 02610471 to collections and have a lien recorded on the property.
Moved, Seconded, Carried 11-0
- f. **New Legislation AB 3182:** This item was tabled for discussion after receipt of the legal opinion of Richard Fong.

Adjournment to Executive Session

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

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Executive Session Summary

The Board met in Executive Session to consider variance requests, hold an owner hearing, consider late fee waivers, and discuss legal matters.

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