

MINUTES
FOURTH WALNUT CREEK MUTUAL
TUESDAY, FEBRUARY 18, 2020 AT 1:30 P.M.
BOARD ROOM – GATEWAY

President Swisher called to order a regular meeting of the Board of Directors of Fourth Walnut Creek Mutual at 1:30 p.m. on Tuesday, February 18, 2020 in the Board Room at Gateway complex, 1001 Golden Rain Road, Walnut Creek, California.

ROLL CALL: PRESENT:	Vicki Swisher	President
	Linda Brown	Vice President – arrived 2:12 p.m.
	Carolee Perrich	Treasurer
	Pamela Ovalle	Secretary
	Sheldon Schwartz	Director

ABSENT: None

Representing Mutual Operations were Paul Donner, Director of Mutual Operations; and Anne Paone, Administrative Secretary.
Rick West, Building Maintenance Manager-Excused; Rebecca Pollon, Landscape Manager-Excused.

Ms. Swisher welcomed 5 residents in attendance.

APPROVAL OF CONSENT CALENDAR

Mr. Schwartz moved to approve the consent calendar with the minutes listed as follows: January 20, 2020 Regular Board Meeting and Executive Sessions as follows: January 15, 2020, and January 24, 2020. Ms. Ovalle seconded and the motion carried without dissent.

RESIDENTS' FORUM

Resident asked about sewer lines being blocked. Ms. Swisher reported that there is now a maintenance program in place to do cleanouts. Cameras are also used.
Resident stated that the PG&E box at Entry 8 needs cleaning and painting. Mr. Donner said that MOD can paint it if they can get the correct color. Ms. Swisher will send Mr. West an email.

MANAGEMENT REPORT

Mr. Donner reported that he will discuss items later in the agenda.

PRESIDENT'S REPORT

As part of Ms. Swisher's report, she would like to share some of the information from the January President's Forum.

- The Presidents were asked by a Rossmoor resident to include a Residents Forum in the meeting. The Presidents agreed that this is not a voting meeting, so it is not open to Rossmoor residents.

- One of the Presidents asked how each Mutual is dealing with reducing fire risk. Ms. Swisher explained how Mutual 4 has extended the fire zone to 150 feet, is actively removing low tree branches, and has removed juniper bushes and rosemary to limit fire problems. Ms. Swisher also explained that Mutual 4 has received a \$5K rebate from Contra Costa county for their fire prevention efforts.
- The President of Mutual 28 asked if any Mutuals were evaluating building components that need to be replaced due to age. Ms. Swisher explained that Mutual 4 has instituted a preventive maintenance program for sewer cleanouts that require each line to be augered and evaluated using a camera to determine degradation. She also provided details on the installation of copper wiring in the detached carports and the replacement of 120v outlets with GFCIs.
- The President of Mutual 61 indicated that they have encountered problems with mail fraud and identity theft. Individuals believed to be residents or co-occupants of Rossmoor residents have been using other residents addresses to obtain goods and credit cards of residents that are often absent for 3 – 6 months. Securitas and Walnut Creek police are investigating this problem.
- A discussion was held about the new HOA election rules created by SB 323. Some of the Presidents stated the importance of implementing new Operating Rules as soon as possible because of the new time limits for notifying residents of an election.
- Mutual 4 asked if any Mutuals have encountered alteration requests for installing hard surface flooring in second story manors. Only one other Mutual indicated this had occurred and they changed their operating policies to accept hard surface flooring with acceptable IIC values of 72 or higher, or if it was a legal disability issue.
- Paul Donner presented the 2020 MOD organizational chart which indicated whether personnel are funded as part of the Management contract, billable to Mutuals' work orders, or funded from alteration/resale fees.
- Rick Chakoff presented the December 2019 MOD financials. Based on the preliminary numbers, each Mutual should receive a refund after the yearly financial audit and GRF vote in April. The refund is due to lower than expected costs.
- Paul Donner stated that MOD personnel managed by Rick West have experienced 200 straight days of no lost time accidents.
- Because of the recent problem with a trespasser found in the laundry rooms at Tice Creek Entry A, Rossmoor residents have asked GRF if there is a way to increase security. Tim O'Keefe discussed how Securitas handles auto and foot traffic through the gates. Approximately 9000 vehicles enter Rossmoor each day. Changing the entry and exit lanes to swinging gates to better prohibit trespassers on foot would cause a massive backup in traffic flow. Securitas must keep traffic clear when emergency vehicles are approaching. This occurs approximately 7 times a day. This is why some vehicles are quickly signaled through to keep lanes open for emergency traffic. Also, most trespassers do not enter through the gate area. Since Rossmoor is not a walled or fenced community, trespassers have many locations where they can enter undetected. As a result, changing practices at the gate will not

keep trespassers out. Also, most crimes in Rossmoor are not a result of trespassers.

- As part of the President's Report, Ms. Swisher let the Board know of her discussion with Sustainable Rossmoor about recyclables. It is not clear whether Republic only charges us for recycle violation when a yellow tag is issued. The Board is going to discuss this situation with Republic. Based on random checks of our blue recycle bins, we still have numerous non-recyclable items regularly deposited in each bin.

TECHNOLOGY AND PREVENTATIVE MAINTENANCE TASK FORCE

Ms. Swisher reported the following:

Last Month's Activities:

- Continued drainage program by clearing debris from catch basins and drain pipes and removing debris from wire mesh, as needed. The wire mesh installation has proven to be very successful and shows little degradation after almost two years.
- The sewer line inspection program has been underway for almost two months. 10 sewer lines are cleaned and inspected for degradation each month such that all lines are completed each calendar year. The program has identified some lines with blockage due to household debris or roots. Some sewer lines are cracked or degraded such that a replacement is necessary. The Board has asked for bids on the work.
- Continued walk-downs of Entries #11 - #17 to identify major dry rot damage that may need to be added to the current replace/repair project.
- Research has verified that there is no hard surface underlayment on the market that reduces noise as effectively as a typical carpet and pad.
- Continued to evaluate EBMUD water reports for Mutual 4 to identify evidence of major underground water leaks.
- Continued researching potential new materials or techniques for repair/replacement of degraded gutters.
- Responded to owner questions regarding potential alterations and structural issues.
- Continued reviewing the Condominium Design Drawings located at MOD to identify drainage, irrigation, and structural details.

Activities Scheduled for Next Month:

- Continue ongoing activities listed above (drainage inspections, water reports, dry rot inspections, etc.).
- The Task Force has been made aware that one of our buildings has high water pressure. The Task Force is going to separate the water pressure test from the leak test procedure to expedite evaluation of water pressure regulators.
- Continued the draft of the Mutual 4 electrical vehicle charging policy. The policy covers both the use of carport 110 outlets and owner installation of a charging station.

Open Items:

- None

TASK FORCE ON PARKING

- Our next order of business is the Task Force report on Parking Solutions. Although this Task Force is currently idle, two parking issues were brought to the Board's attention by Securitas. A vehicle was parked for many weeks in Entry #17 without any movement. The vehicle owner was identified and the Mutual member related to the vehicle owner was notified. The owner has removed the vehicle. The second vehicle is still being investigated.

LANDSCAPE AND GROUNDS, FIRE CLEARANCE

Mr. Donner reported that mulching is being done. Approximately, 300-400 yards of mulch will be used. Below Entry 8, the hillside is to be planted if the issue is resolved.

BUILDING MAINTENANCE REPORT

Mr. Donner read Mr. West's report as follows:

INFORMATION ITEMS: Work in progress or completed.

1. 2019/2020 Phase II Dry Rot and Painting Project – Contractor: MOD
This project will include repairs and paint to 18 Buildings and 12 Carports.
This will include entries 10 and 11 Skycrest Dr.
The Board has approved NTE \$32,600.00 to complete entry 10 first.
Total YTD Costs - Carpentry rehab \$158,614 Balcony rehab \$29,167
Paint \$20,600.00.
(Work is currently in progress).
2. Interior electrical building and unit panels inspections - Contractor: Sang Electric
(Work is currently in progress).
3. Installing new Main Line Galv. to Copper piping on seven G – 11 Buildings. Contractor: Davis Plumbing – 1509 is complete/ 1901 is piped and needs change over / 1933 is piped and needs change over / 1133 has been started / Buildings Remaining -1940 SC / 1941 SC / 1309 SC
(Project is in progress).
4. 1149 SC # 4 – Cold water copper line break in the wall. Contractor: Five Star cost \$1,175.00.
(Work has been completed).
5. 1301 SC #4 – Roof downspout leak into unit. Contractors: ERI / Protera / AMAC
(All mutual property repair work has been completed).

6. Sewer line drain annual preventive snaking. Five Star to complete ten buildings per month for \$2,100.00. Additional estimate will be sent to the board to install additional cleanouts as needed.
(Work is in Progress).
7. 1801 SC #6 – Dishwasher leak / Resident billable. Contractor ServPro.
(Work has been completed)
8. 2109 SC #7 – Rear Deck Excel Coating – Contractor: A One Construction.
(Work is being scheduled with the resident).

Ms. Swisher reported the following:

- The Board has been made aware of a sewer line drainage issue for 1413 Skycrest Drive. Five Star has been requested to add this location to their February sewer line cleanout list. *Ms. Swisher to confirm with Rick West.*
- MOD needs to determine if Davis Plumbing can improve the schedule for replacement of the galvanized piping in the affected G-11 buildings. The residents are getting impatient with the progress and want to know when their building will be completed.
- The owner of 1941 Skycrest Drive #5 has notified the Board of major low water flow issues. This G-11 building is on the list for replacement of the galvanized water line. The owner is asking the Board to replace the vertical galvanized pipes to his shower in conjunction with his current alteration to upgrade the master bathroom. His alteration already involves removing the drywall. At Ms. Swisher's request, his contractor has provided a bid for this replacement with pex pipe plus replacement of all of the other domestic water lines leading to the main galvanized line. Because the contractor's bid to replace all water lines (sinks, toilets, dishwasher, washer, and shower) and perform put back is for \$4,200, Ms. Swisher is inclined to consider this bid as long as Davis Plumbing can link the pex to the new horizontal copper pipe. This bid is considerably less than previous bids for the same work done in building 1909 Skycrest Drive. Those costs were typically \$15,000 - \$20,000 per manor. Ms. Swisher has asked for a second bid for copper instead of pex which will increase the cost.

Ms. Ovalle moved to accept the bid from RA & JV General Construction not to exceed \$6000, as long as re-piping does not interfere with the manor below. Ms. Brown seconded and the motion carried without dissent.

- A work order needs to be issued immediately to measure the water pressure at 2144 Tice Creek #1 Entry #A and expedite corrective actions such as repair or replace the water pressure regulator to lower the pressure to 80 psi. *Ms. Swisher will submit a work order right away.*
- The owner of 2109 Skycrest Drive #7 has not heard from MOD regarding a date for installation of the rear deck Excel coating. Her contractor needs to know this information.
- The owner of 2109 Skycrest Drive #7 has notified the Board that her neighbor has installed an electrical outlet on her deck that appears to not meet code. The owner plans to install a cabinet in front of the outlet but is concerned about fire hazards.

The Board requests MOD inspect the outlet located on a wall between the decks of 2109 Skycrest Drive #5 / #7. *Ms. Swisher will tell Rick West.*

- Ms. Swisher asked if MOD has obtained information regarding the possibility of installing a 100 – 200 foot one-piece gutter as requested in the January Board meeting? *Mr. Donner will ask Rick West.*

ARCHITECTURAL CONTROL AND ALTERATIONS; COMPLIANCE

Ms. Swisher reported the following:

- Alterations Updates - Resident alteration requests covering the period 08/01/2019 to 1/31/2020 include:
 - 11 alterations were approved by the Board and are in progress.
 - 31 alterations were completed.
 - 2 alteration required further evaluation by the Board before approval.
- Compliance Updates
 - No compliance issues were identified in any of the above approved alterations.

EMERGENCY PREPAREDNESS COMMITTEE

Steve Adza reported that the February 3rd was the monthly EPO meeting. Jill Meyers from the Counseling Department made a presentation. The topic was supporting neighbors and yourself in a traumatic event. She explained what to do with stress and sleep disruptions. There are 2 new people doing the FRS checks. They are focusing on training for volunteers.

COMMUNICATIONS COMMITTEE

Mr. Brown reported that nothing has changed on the website. He has no articles for the next newsletter. He has a volunteer to do editing. The Board discussed articles to include in the newsletter.

POLICY COMMITTEE

A. Status Updates

- Since the Board Director previously designated as Chairperson of the Policy Committee is no longer on the Board, Ms. Swisher will provide the report on behalf of the Committee:
 - Work on the new electric vehicle charging policy is still underway.
 - There remain open items regarding golfport usage, rent, and ownership.
 - The policy on fines needs to be updated to be in compliance with Davis-Stirling. This remains an open item.

OFFICERS REPORTS

1. President: Ms. Swisher reported that she would like to use the President's report as the mechanism for listing any work orders or invoices between \$500 and \$5000 that were signed during the past 2 months by her per the requirements of the Board to ensure financial disclosure in the meeting minutes. These include:
 - Steve Adza for \$175.00 for miscellaneous January expenses.
 - ACS for \$1,777.10 for contract change order to complete dry rot work during roofing work on 1401 Skycrest Drive.
 - Nice Cans for \$220.50 for January cleaning of the compost bins.
 - Five Star for \$1425.00 to repair sheetrock due to plumbing leak at 2152 Tice Creek Drive #1 & #2.
 - Five Star for \$1425.00 to repair asphalt in trash enclosure at Skycrest Drive entry #11.
 - Putback costs resulting from downspout leak 1301 Skycrest Drive #4 for \$4,227.60 based on AMAC estimate. Owner intends to install alteration.
 - Adam Stirling for \$3700.00 for SB 323 related work as approved by the Board at the last monthly meeting.
 - Charles Salter Associates for \$3,500.00 for acoustical test of hard surface flooring in a second story manor.
 - Adam Stirling for \$2,492.00 for legal services related to issues associated with 1301 Skycrest Drive #4.
2. Vice President: No report.
3. Treasurer: Ms. Perrich gave the Treasurer's report. Based on the Preliminary Financial Report, as of 12/31/2019, the YTD Reserve Fund balance is \$1,596,485 and the YTD Mutual Operating Fund balance is \$42,212. The Reserve Fund shows an excess of revenue over expenses of \$7,162 for the month of December and an excess of revenue over expenses for YTD of \$44,845. The Operating Fund shows a deficiency of revenue over expenses of \$15,978 for December and a deficiency of revenue over expenses for YTD of \$22,096. During December, we had expenditures in MOD Management Fees, Building Maintenance and Public Works, Custodial Services, Insurance, Utilities, and Other General and Administration that were higher than budgeted. Expenditures in Landscape Maintenance, and Professional Services were lower than budgeted.

Ms. Ovalle moved to certify the Board's compliance with Civil Code Section 5500. Mr. Schwartz seconded and the motion carried without dissent.
4. Secretary: No report.

UNFINISHED BUSINESS

A. Locks on Tice Creek Entry A Laundry Room Doors

- Handles with locks have been installed on the laundry room sliding glass doors at Tice Creek Entry A. Combination lock boxes containing a door key on a lanyard have been installed adjacent to each door. Written instructions for use of the lock boxes and keys will be distributed to all members of Mutual 4 prior to locking the laundry room doors.

B. Compost Bin Usage

- Some members of the Mutual have asked to be assigned usage of a compost bin in an adjoining entry. After evaluating the capacity of the bins immediately before pickup and discussing the issue with compost coordinators in Entries 11, 13, 15, and 16, it was determined that the bin in Entry #13 is the only one typically not close to capacity each week. Since Ms. Swisher is the compost coordinator for that trash enclosure, she agreed to permit one member in Entry #17 to use the compost bin in Entry #13. Other members are welcome to request access to the compost bins. The compost coordinators will continue to observe bin capacity to determine whether other members can use the bins.

C. Status of SB 323 Mutual Governance Update

- Our attorney at Adam Stirling has been asked to provide the New Election Rules Package, election rules “cheat sheet”, complete update of Mutual Bylaws, election packet, and Membership List Request Policy to ensure the Mutual complies with SB 323. All of these items, with the exception of the updated Bylaws, should be provided in time to meet our July election. The updated Bylaws are not required prior to the election. They will need to go through a member review process later this year and must be voted on by the Mutual members for approval.

D. Installation of Hardwood Floors in Second Story Manors

- At the January Board meeting, the owner of 2109 Skycrest Drive #7 requested that the HOA grant her the ability to install hard surface floors in her living room and bedrooms of her second story manor even though Mutual governance prohibits this type of installation. The basis for this request was that she has a disability in the form of dust allergies and the IIC (impact insulation class) rating on hard surface flooring and underlayments are now equivalent to carpet as indicated in the product specifications.
- The Board indicated that a previous informal noise test had shown this not to be true. However, based on recommendations from the Fair Housing act to provide “a reasonable accommodation” for someone with disabilities, the Board was willing to permit installation of 12 – 18 inches of hard surface flooring around the perimeter of her rooms to assist in removal of dust. The center of the rooms had to be carpeted.
- The owner rejected this offer at the last Board meeting. As a result, the Board agreed to have a noise test performed by a certified acoustical engineer and obtain legal advice from our Mutual attorney to determine whether denial of the alteration may be unlawful.
- On Feb. 7, Pam Ovalle and Ms. Swisher observed the acoustical test performed by Charles Salter Associates at 2109 Skycrest Drive #7 to evaluate the noise levels transmitted by a hard surface floor versus carpet from a second story manor to the lower manor. The test was run by comparing carpet with a standard pad, high grade luxury vinyl with a premium underlayment, nominal grade luxury vinyl with a premium underlayment, and nominal grade luxury vinyl with no underlayment. The results were clear. The carpet was almost twice as quiet as any of the hard surface floors. The Board expects to receive the formal report from the acoustical engineers by the end of this week.

- Ms. Swisher was pleased to notify the Board that after observing the acoustical test, the owner of 2109 Skycrest Drive #7 has accepted our previous offer. She will install a 12 – 18 inch wide border of hard surfacing flooring around the perimeter of her living room to assist in removing dust along the edges of the room. The remainder of the living room and both bedrooms will be carpeted.
- The Board needs to consider whether we should update our policies to include this accommodation to hard surface flooring if a resident has a disability or handle it on a case by case basis.

Ms. Swisher asked the Board if she can share information from the acoustical test at the Presidents' Forum.

Ms. Ovalle moved to allow Ms. Swisher to share the test results and information at the Presidents' Forum. Ms. Brown seconded and the motion carried without dissent.

NEW BUSINESS

None

ANNOUNCEMENT

The next meeting is the Regular Meeting scheduled for Monday, March 16, 2020 at 1:30 p.m. in the Board Room at Gateway.

ADJOURNMENT

Having no further business, the meeting adjourned at 3:30 p.m.



Anne Paone, Assistant Secretary
Fourth Walnut Creek Mutual

***The Board of Directors met in executive session on January 15, 2020 at 2:50 p.m. to discuss the following:

1. Personnel – Downspout water leak – waiting for information
2. Legal – Various items discussed
3. Contracts – Contract approved for put back work
4. Member Compliance – Discussion regarding foreclosure
5. Payment Plans – Items tabled

Having no further business, the executive session adjourned at 4:30 p.m.

***The Board of Directors met in executive session on January 24, 2020 at 1:07 p.m. to discuss the following:

1. Legal – Board discussed request for flooring
2. Member Compliance – Resident requested reimbursement for some expenses. Board to review; Discussed resident's responsibility for damages done; possibility of Lien turning into Foreclosure
3. Payment Plans – Discussion on filing liens on 2 past due accounts

Having no further business, the executive session adjourned at 4:05 p.m.