



## Walnut Creek Mutual Forty

MEETING MINUTES OF THE BOARD  
THURSDAY, AUGUST 24<sup>th</sup>, 2023, AT 1:00 PM  
FAIRWAY ROOM AT CREEKSIDE  
1010 STANLEY DOLLAR DR – WALNUT CREEK, CA 94595

### **Call to Order**

Vice President Gould called the meeting to order at 1:02 p.m.

### **Directors Present**

Greg Gould – Vice President  
Gayl Westendorf – Treasurer  
Nancy Herney – Secretary  
Kathy Parish – Director

### **Directors Absent**

Susie White – President

### **Staff Present**

Jeroen Wright, Mutual Operations Director  
Clayton Clark, Building Maintenance Manager  
John Tawaststjerna, Landscape Manager  
Lucy Limon, Board Services Coordinator

### **Approval of Minutes**

1. Board of Directors Meeting Minutes of July 21<sup>st</sup>, 2023
2. Executive Session Meeting Minutes of June 27<sup>th</sup>, 2023
3. Executive Session Meeting Minutes of August 14<sup>th</sup>, 2023

Nancy Herney noted for the record that Meeting #2 should read June 27<sup>th</sup>, 2023.

Kathy Parish made a motion and Gayl Westendorf seconded to approve the minutes to the aforementioned Board Meetings.

**Moved, seconded, Approved 4-0**

### **President's Report**

There was no President's Report.

### **Treasurer's Report.**

Motion to confirm review of July financial reports by all directors in compliance with Civil Code section 5500, seconded and **passed 4-0**.

Gayl Westendorf reported that one non-budgeted expense was a shared deductible contribution for the fire damage to a Unit in Mutual 2 in the amount of \$7,071. He also reported higher than budgeted legal



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expenses, primarily due to legal services needed to catch up on collection of some old member receivables. He reported that good progress is being made on reducing the amount of outstanding member receivables.

### **Committee Reports**

#### **Landscape Committee -**

Kathy Parish gave the following report:

The Committee met on Wednesday, August 2nd. It was attended by Susie Manners, Rod Walker, Ted Bush, Susie White, Fred Kerns, and Kathy Parish. Pam Dieckman, the Landscape Chair from Mutual 39, and Nancy Herney attended as Guests.

The first discussion regarded Common Area Encroachments. The Mutual has reclaimed two Private Gardens and has made a concerted effort to enforce the Mutual CC& R's regarding Encroachments. In addition, issues involving cacti, planter boxes, fountains, birdbaths, and fruit trees were discussed and explained.

Coordinators were asked to remind their neighbors that anything planted or removed from the Common Area or a Private Garden must have the approval of the Landscape Chairs and /or the approval of the Board.

Our last MOD workdays this year will be in mid-September. The landscape chairs will meet with Eddie and John to combine the resident requests and allocate priorities. Some priorities are areas where Junipers were removed and the common area around buildings that were rehabbed last year. Project 40 has had three additional "emergency" tree removals since our last meeting. Two were in Entry 9 and one was in Entry 10. The cost for this work was \$2,690.00 and this may impact the plant replacement budget in P40.

The group discussed restricting all new plants and trees to those recommended by Rossmoor Landscape and /or Contra Costa County. No action was taken.

The next meeting will be September 2nd at 3:30 in the Mulligan Room at Creekside.

#### **Governing Documents Committee:**

Nancy Herney reported the following:

The following Operating Rules are in Final Draft: Alterations, Dispute Resolution, Electric Vehicles, Maintenance and Use Restrictions.

Kathy Parish made a motion and Gayl Westendorf seconded to approve these rules and have them forwarded to residents for the 28-day comment period.

**Moved, Seconded, Carried 4-0**



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### **Building Maintenance Committee:**

Joe Tracy was not present, and Clayton Clark provided the following update:

On Saklan Indian E2, carpentry, deck coating and paint are on schedule. Susie White, on behalf of the Paint Committee, will have a meeting with the residents to discuss paint choices.

The damaged gutter at 2631 is scheduled to be replaced mid-September. MOD is waiting for confirmation from the contractor.

### **Alteration/Architectural Review Committee:**

Greg Gould reported that Mutual 40 approved 12 alterations requests:

This is more alteration requests than in prior months. They include full remodels, windows, kitchens and bathrooms.

### **Emergency Preparedness Committee:**

Kathy Parish presented the following report:

No Committee meeting was held this month.

However, two Entry events were planned for the second part of our Home Fire Safety Program this year. Best Equipment discussed and demonstrated the proper use of Fire Extinguishers and residents could purchase or repair their Fire Extinguishers. They also collected old Extinguishers for proper disposal. The first event was held August 5th in Terra California Entry 9 and the second will be this Saturday, August 26th in Terra California Entry 11. The first was well attended and hoping the second will be, too.

Also, Cintas performed their annual inspection of building Fire Extinguishers. The cost for Project 40 was \$1440.00 and Project 41 was \$703.00. Clayton may be proposing that the fire extinguisher plastic cases be upgraded to a more durable model during building rehabs.

The next committee meeting will be Thursday, September 28th at 4:00 in the Bunker Room at Creekside.

### **Recycling and Green Committee:**

Stan Wells gave the following report:

I am pleased to report that Mutual's year to date trash costs remain under budget through the month of July.

We successfully had all compost cans cleaned in July--- only to have a series of maggot infestations develop in August at a number of locations.



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These infestations occur for a couple of reasons:

- a. When compost is not wrapped properly, flies are drawn, and they lay their larva where the maggots can find food.
- b. Hot weather exacerbates this condition.

We will be taking two steps to correct the maggot problem.

First, we are initiating a program to better educate and motivate residents to wrap their compost more securely.

Secondly, the best way to avoid the development of maggots is to get rid of flies.

So, I am proposing to install hanging fly traps in each of 18 of our trash sheds. The 18 traps I propose can be purchased from Amazon for \$86.95 and I am requesting authority to do so.

I plan to buy the traps on my Amazon account, submit a copy of my receipt and request reimbursement if the board approves this expense.

Greg Gould made a motion and Gayl Westendorf seconded to approve the purchase of the flytraps by Stan Wells in the amount of \$86.95.

**Moved, Seconded, Carried 4-0**

### Old Business

**1. Update on proposed merger of P40 and 41:**

Gayl Westendorf reported that the member vote on the merger of P40 and P41 is going well, with around 2/3 of members returning ballots thus far. We have sufficient returned ballots to satisfy the quorum requirements for the proposed measures, so we are ready to proceed with the ballot count meeting on September 5 at 1:00pm at the GRF Boardroom at Gateway. Drafts of the notice to members of the voting results and the notice of the special reserve assessment for P41 owners have been prepared and are being reviewed by legal counsel. Assuming a favorable member vote on the merger, the Secretary and Assistant Secretary will distribute these to members after the September 5 vote count meeting.

### New Business

**1. Application for California Franchise Tax Exemption:**

Gayl Westendorf reported that he has consulted with the Mutual's tax accountant, Gary Porter, and he has advised that our Mutual can save a significant amount of California tax on interest received from US Treasury note investments by obtaining an exemption from California franchise tax under California Revenue & Taxation Code section 23701t. Our tax accountant will prepare the required exemption application for a fixed fee of \$750. We will save more than that in taxes in the first year.

Gayl Westendorf made a motion that the Mutual apply for an exemption from California franchise tax and engage Mr. Porter to process that application for a fixed fee of \$750.



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**This motion was seconded and passed 4-0.**

### **Managers' Report**

Jeroen Wright provided status on the GRF efforts to become FireWise certified. As part of that work, the Task force is fully staffed and the Contra County Fire Inspector has been on site to review various areas of Rossmoor. Rossmoor's certification request underway will be submitted in October. We fully expect Rossmoor to be certified for 2024. This certification will not impact the expected insurance increased but will help to remain insurable.

### **Member's Forum:**

Should Rossmoor consider being self-insured: This has been considered in the past but is not feasible.  
What are we doing about Residents who are past due on coupon payment: Being addressed.  
A contractor is storing carpet removed from a unit in the carport: Addressed  
Has storm related roof damage at 2631 Saklan Indian going to be repaired: Inspection for damage is completed.

### **Executive Session Summary**

No executive session was held.

### **Announcements**

A Ballot Count Meeting will be held on September 5th, 2023, at 1pm, in the Board Room at Gateway.  
The next scheduled Board meeting will be on September 28th, 2023, at 1 pm, in the Fairway Room at the Creekside Clubhouse.

### **Adjournment**

With no further business, the meeting was adjourned at 1:50 a.m.

Lucy Limon

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### **Assistant Secretary**

Walnut Creek Mutual No. Forty