

Walnut Creek Mutual 50
GOVERNING DOCUMENTS COMMITTEE
Minutes

Meeting of May 13, 2022, at 11AM
Held remotely on Zoom

- 1) Present: Rich Johnstone and Abigail Ogawa. Toby Dicker was unable to attend. The meeting was open to all Owners, and no Owners attended.

- 2) After review of comments from the Building and Facilities Committee and discussion, the Committee agreed to recommend that the Board add the following to the Mutual 50 Policies and Procedures:

Policy 20.20 OWNER INITIATED ALTERATIONS: CAMERAS

In addition to those general requirements of Policies 20.5 and 20.6, the following specific requirements apply to a grant of permission for installation of a camera in Common Areas and Exclusive Use Common Areas:

- 1. The Owner/applicant shall, in all cases, provide written notice to all other Owners who may be affected by the camera installation. Such notice will include the proposed location of the camera and the range of view of the camera. At a minimum this will include neighbors residing in the same building as well as Owners whose Units are potentially in view of the camera.***

- 2. The range of the camera must be limited such that it does not infringe on the privacy of another Owner (i.e., a view of the windows, doors, interior garage, or Exclusive Use Common Areas of the other Owners). Video and audio recordings captured by the camera shall be maintained or erased by the owner and are confidential. It shall not be publicly shared or published electronically (internet), absent a request from law enforcement or fire officials. The President of the Mutual may also authorize additional access***

to and use of the material when he/she deems circumstances warrant such use.

3. The Owner applicant shall sign an agreement promising to abide by these conditions, along with a drawing of the camera's location and range of view, as a condition of being permitted to install the camera. The Owner shall pay for any AC power required to operate the camera system.

4. Upon transfer of ownership, the camera will be removed unless the new Owner assumes responsibility for compliance with the above agreement, either by endorsement or by signing a new agreement.

3) The Committee then reviewed a draft amendment to Policy 21.3 provided by the Landscape Committee. After discussion and some adjustments to that draft, the Committee agreed to recommend the following:

The current Policy states:

21.3 OVERWATERING OF PLANTS ON DECKS

All plant containers on decks must be placed in saucers or the equivalent large enough to prevent excess water from spilling on the balcony, deck, and/or patio. Plants may be watered only with watering cans. Hoses in any form are not allowed. Over-watering is to be avoided to prevent continual wetting of the balcony and/or deck and runoff to other decks below. To the extent that over watering promotes dry rot, the Owner shall be held liable for repairs.

The proposed amended Policy would read:

21.3 WATERING OF PLANTS ON DECKS

1. All plant containers on decks must be placed in saucers or the equivalent large enough to prevent excess water from spilling on the balcony, deck and/ or patio. Plants may be watered only with watering cans, except for the following: Hoses on decks are allowed in instances of Owner limitations related to disability.

2. Overwatering is to be avoided to prevent continual wetting of the balcony and/or deck and runoff to other decks below. To the extent that watering causes rot or other damage, the Owner shall be held liable for repairs.

4) The Committee then discussed the input each Member had provided on how adequately the CC&Rs and the Policies and Procedures address certain topics. The recommendations that came out of the discussion are listed below.

1. It should be clear that parked vehicles may not obstruct the sidewalk. This is not specifically addressed, and should be added to Policies 14.3 and 14.6, and perhaps, subject to further review, there are other Policies that could be clarified on this issue.
2. The CC&Rs state that "Exhibit B" lists garage and carport assignments. It does not include such a listing with respect to carports.. This may simply be a carryover from TWCM CC&Rs that does not apply to Mutual 50. Further investigation is warranted to eventually correct this reference or correct Exhibit B.
3. The CC&Rs allow Owner to Owner sale and lease of Carports (5.12). Policy 13.1 is inconsistent with this CC&R provision, and makes it appear that a carport could be leased outside the Mutual to another Rossmoor Resident, which is not permitted by the CC&Rs. Policy 13.1 should be amended to correct this discrepancy.
4. Policy 6.1 should be updated to reflect the change in California Code, requiring monthly rather than quarterly financial reviews by the Board.
5. Update Policy 7.1, last paragraph, with the new California Code citation.
6. Clarify, and likely revise, Policy 7.3 which seems to include a significant typographical error.
7. We also discussed several areas requiring legal advice with respect to interpretation of the existing documents, prior to considering whether amendments should be considered..

The meeting was adjourned at approximately 12:30PM.