



Walnut Creek Mutual Fifty (Mutual 50)

**BOARD MEETING MINUTES
TUESDAY, SEPTEMBER 20th, 2022, AT 10:00 A.M.
FAIRWAY ROOM – CREEKSIDE
1010 STANLEY DOLLAR DR – WALNUT CREEK, CA 94595**

Call to Order

President Landeros called the Regular Meeting of the Board to order at 10:01 a.m.

Directors Present

Donna Landeros, President
Rich Johnstone, Treasurer Joan Schwanz, Secretary

Also Present

Mutual Operations staff was represented by Paul Donner, Mutual Operations Director; Clayton Clark, Building Maintenance Manager and Lucy Limon, Board Services Coordinator.

Members Forum

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

Approval of Meeting Minutes

President Landeros asked if there were any additions or corrections to the following sets minutes:

- a. Regular Meeting Minutes August 16th, 2022
- b. Executive Meeting Minutes August 15th, 2022

A motion was made to approve the above sets of minutes.

Moved, Seconded, Carried 3-0

President’s Report

A motion was made to allow MOD staff to work on a new alteration history report format.

Moved, Seconded, Carried 3-0

Secretarial Report

Joan Schwanz gave the following report:

The Board has been working on 2 items that have come to our attention as potential liability issues.

The first is the problem of flower containers and other items placed on railings of balconies, decks and elevated walkways that are a hazard if they are displaced by wind or normal human contact. If they fall on people, animals or objects below, not only can people be hurt significantly but this creates a liability issue for M50. There are two types of plant containers that can be attached to railings which are safe to use however, and a letter was sent to all Homeowners explaining this a few weeks ago. Please read it carefully and enjoy your flowers safely!

The second item concerns parking signs scattered throughout M50. They say, “Visitor Parking”, “Guest Parking” and one at the end of E25 makes reference to those spaces belonging to Project 50, not 55. All of these signs were placed when M50 was part of TWCM as Project 50 and thus are no longer meaningful. There are 62 car spaces in M50, of which 12 have signs on them, reducing the number of usable spaces for residents. Now they cause confusion as some people want them enforced and others ignore them. They reduce the pool of useable spaces for our Homeowners, and we are receiving complaints about lack of parking spaces during the day. Our legal counsel indicates the signs are no longer meaningful and should either be removed or M50 should clarify they want them enforced. We would like to have a Board vote on the following:

A motion was made to remove all signs and posts that restrict marked outdoor parking spaces to guests or visitors, so these parking spaces will be unrestricted and may be used by residents, guests, and visitors.

Moved, Seconded, Carried 3-0

Lastly, I am sorry to report for personal reasons my husband and I must return to Canada where we were both born, but I don’t leave until Dec 1. The Board is looking for a replacement from Dec 1 until my term expires in May 2023 next year. Please contact any of us if you are interested in serving.

Treasurers Report

Rich Johnstone gave the following report:

Operating Fund

- 1) Used for routine payments, such as building and landscape maintenance, insurance, utilities, and professional services.
 - 2) As of July 31, Operating expenses were 58% of the 2022 budget.
 - 3) As of July 31, the Operating Fund was \$217,916, an increase of \$48,951 from December 31.
 - 4) Significant July financials:
 - a) Rain leaks: Significant decrease to \$251 in July. \$20,860 for January-July 2022. \$10,990 for all of 2021.
 - b) 2021 GRF surplus refund: \$44,676
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- 5) Note: In August 2021 MOD surplus refund of \$16,045 is expected.

Reserve Fund

- 1) Used mainly to pay for capital improvements in the current year and to fund capital improvements in future years
- 2) As of July 31, Reserve expenses were 11% of the 2022 budget.
- 3) As of July 31, the Reserve Fund was \$1,027,554, a \$209,713 increase over December 31.
- 4) Significant July financials: Total expenses under \$1,000

Bank Accounts

- 1) Mutual 50 has two checking accounts at City National Bank (CNB): One for Operating funds and the other for Reserve funds. In addition, there are two checking accounts for Project 50: One for Operating funds and the other for Reserve funds. CNB has informed the Accounting & Finance department that M50 and P50 each have \$250,000 in FDIC insurance, for a total of \$500,000.
- 2) As of July 31, the combined balance of the M50 checking accounts was \$37,718. The combined balance of the P50 checking accounts was \$203,188.
- 3) The remaining M50/P50 balances were \$1,017,815 in Reserve funds deposited in CNB Deposit Sweep accounts, which were 100% covered by FDIC insurance.

- i. Motion to certify compliance with Civil Code 5500 by review of the July 3^{1st}, 2022, Financial Report.

Moved, Seconded, Carried 3-0

Committee Reports

Buildings and Facilities

Rich Johnstone gave the following report:

Update on Roof Tune-Up for the 5333 Building

- a) An initial assessment of "OK" for the underlayment and valleys.
- b) The roofers caulked slipping and broken tiles and attempted to widen the valleys to approximately .75" to improve flushing of debris off the roof.
- c) We are expecting a report from our roofing consultant, Mr. Hogue. The report should include tune-up results, cost, and a drop-box of before and after roof pictures. Mr. Hogue will recommend the next building for a roof tune-up.

Update on Replacement of Exterior Light Fixtures

- a) Six 3000k fixtures have been installed at the 5521 building. Our assessment is the 3000k fixtures provide satisfactory lighting.
 - b) Remaining are 2 sombrero top fixtures for the entryway and walkway.
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- c) If the sombrero top fixtures provide satisfactory lighting like the building and carport fixtures, the committee will make a recommendation to the Board regarding the installation of LED light fixtures in M50.
- d) 8 compact fluorescent (CFL) bulbs on the 4 entryway signs (two per sign) were replaced with LED bulbs. One of the fixtures needed to be replaced.

Status of Condo Smoke Detectors

- a) The M50 attorney has been asked to consult with an expert in fire and building codes to provide an opinion on the current code requirements regarding replacement of the hard-wired smoke (AC powered) detectors and disconnection of their exterior alarms. The committee consensus is these detectors and alarms have exceeded their useful life and should be replaced.
- b) The hard-wired detectors and exterior alarms are independent of external bells that alarm when sprinklers within a manor building are activated by heat.
- c) If the exterior alarms are no longer required, the committee consensus is the hard-wired smoke detectors in hallways should be replaced with battery-operated smoke detectors with 10-year batteries.

Balcony Inspections

- a) Balcony inspections are required by California Senate Bill 326/Civil Code 5551.
- b) The visual inspections should be completed no later than 2024.
- c) The balcony inspectors will notify M50 to take action if they identify any areas of concern.

The Buildings & Facilities Committee (BFC) is proposing the following motion to replace the 5/28/2021 and 6/21/2022 motions regarding approval of alteration requests:

- 1) Most alterations to the interior of a Unit are standard alterations: MOD does not require approval from the Mutual but requires BFC to be notified. Exceptions: Hard-surface flooring on Units that are above other Units requires Mutual approval; also, any non-standard electric or gas appliances (including HVAC and water heating systems) that increase electric or gas usage require Mutual approval.
 - 2) All alterations to the exterior of a Unit (including decks and balconies) are non-standard alterations: MOD requires explicit approval from the Mutual as defined below. Exception: Like replacement of exterior air conditioning and heating components are standard alterations.
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- a) The following exterior alterations can receive final review and approval by BFC without review and approval by the Board (so long as these alterations are undertaken in accordance with plans and specifications that are consistent with the Architectural Rules in the CC&Rs):
 1. Replacement of window glass only or any window replacement that does not require temporary removal of exterior or interior siding or trim
 2. New or replacement sunshades and awnings on the exterior of manor buildings, garages, or carports
 3. Pergolas and trellises
 4. Exterior door color
- b) Other exterior alterations not listed above can be reviewed and approved by BFC but require final review and approval by the Board. These other alterations include, but shall not be limited to, the following:
 1. Window replacement that requires temporary removal of exterior or interior siding or trim
 2. Installation of a solar energy system
 3. Installation of an antenna or satellite dish that is a) not located within the walls of a Unit or b) located within the walls of a Unit that can transmit radio frequency signals at high power levels that can be harmful to humans or electrical appliances and other equipment. (Receive-only antennas that comply with CC&Rs 4.16 and 7.1.1 do not require Mutual approval.)
 4. Enclosure of a deck or balcony
 5. Encroachment on common area

A motion was made to approve the recommendation above from the Building and Facilities committee.

Moved, Seconded, Carried 3-0

Landscape -

Joan Schwanz gave the following report:

For 2022 we are finishing up several projects. The MOD Aug days successfully recaged 6 trees and added bubblers to many more young trees along the E25 hill. The annual Waraner tree trim and dead tree removal should be done soon, and the Black Pine Hedge between 5581/5565 was removed. We plan to have a grinder in soon to remove the 5 large root balls from that BP hedge. Someday we will add more oleanders to where the hedge was, but the ones there are doing very well.

I will go over 2023 Landscaping plans next month, except to say we are going to hold the succulent garden display we have planned for the corner of 24/25 because it will use up most of our remaining “extra” funds from other years.

We are working with several Homeowners regarding unpermitted outdoor alterations which have occurred over the last 10-15 years. Currently we are focusing

on hoses attached to hose bibbs placed on above grade balconies for watering plants or other uses, or any ground level hoses that leave the hoses under pressure. At no time should we have any pressurized systems in hoses, other than MOD systems. These have led to dry rot and hose bibb breakage and are not permitted by P&P 20.12. They must be removed and dry rot from such installations will be repaired at the owner's expense. I am pleased to report that Homeowners have cooperated, and we are slowly but surely coming to agreement about some previous unpermitted alterations.

We are currently discussing the number of lawn ornaments, flowerpots and unsightly personal items which some Homeowners have placed on common areas. Since the common area is owned and enjoyed by all Homeowners, by the "letter of the law" all of these objects are unpermitted by CCRS 4.7 (Use of the Common Area). The Landscape Committee has asked the Board to clarify the issue of "how many decorative pots are, OK?" for MOD staff and Homeowners as it can become an issue for Groundskeepers and MOD staff on resale. We will discuss this further on #10A.

John Tawaststjerna, Landscape Manager gave the following report:

Mutual 50 Landscape Report

MOD Days

- 11/17 - 11/21 (3 total days)
 - o Plant replacements
 - o If M50 wishes to participate in plant replacements, the submission deadline for those requests is October 1st
 - o Please use the email below to submit requests
 - plantreplacement@rossmoor.com

Landscape Maintenance

- Clearing of v-ditches and drainage systems
- Fertilization of trees, shrubs, and ground covers
- Pruning of overgrown shrubs

Governing Documents -

No report was presented.

Social – AD HOC

No report was presented.

Old Business

New Business

- a. Discussion of flowerpots, lawn ornaments, statutory, etc. on common area creating safety or unsightly issues (CCRS 4.7 & 4.8):

A flowerpot was observed falling from an overhead railing missing a Homeowner below by 10 ft. Discussion of the danger and liability to the mutual for injuries from falling objects balancing on overhead rails.

A newsletter was mailed to each Homeowner describing the problem, with 2 types of flower planters which are acceptable as they are stable even in wind- ones with a step like base to grip the rail, and ones with metal grips to hold on to the wooden rail. Description of same.

One Homeowner refuses to move some of her pots, and we are in discussions with her.

MOD Manager's Report

Paul Donner reported that budgets are in process, Mutual 50's budget has not been completed. GRF has held their finance meeting and the expected increase is set to be \$25. The MOD increase was expected to be 5%, however it appears that it will actually be 8%. In regard to the CEO search, a draft brochure has been sent to the recruiter. Resumes will be closed at the end of October to begin interviews. GRF is expecting to have the position filled by February or March of 2023, in the meantime there will be an interim CEO, most likely someone from in-house.

Announcements

Next scheduled meeting will be held on Tuesday, October 18th, 2022, at 10am in the Fairway Room at Creekside.

Executive Meeting Disclosure

The Board met in an executive session on Monday, September 19th to discuss legal matters, member matters.

Adjournment

The Board Meeting adjourned at 12 PM.

Secretary's Certificate

I hereby certify that the foregoing is a true and correct copy of the minutes.

Lucy Limon

Assistant Secretary
Mutual 50
