



Walnut Creek Mutual Fifty-Three (Mutual 53)

**BOARD MEETING MINUTES  
FRIDAY, JANUARY 27<sup>th</sup>, 2023, AT 2:00 P.M.  
FAIRWAY ROOM – CREEKSIDE  
1010 STANLEY DOLLAR DR – WALNUT CREEK, CA 94595**

---

**Call to Order**

President Mintz called the Regular Meeting of the Board to order at 2:04 p.m.

**Directors Present**

Barbara Mintz, President  
Brad Schimek, Vice President Matt Kaplan, Treasurer  
Barbara Landberg, Secretary

**Directors Absent**

Michele Huff, Director

**Also Present**

Mutual Operations staff was represented by Paul Donner, Mutual Operations Division, Clayton Clark, Building Maintenance Manager, John Tawaststjerna, Landscape Manager and Lucy Limon, Board Services Coordinator.

**Members Forum**

Residents were afforded the opportunity to express their general concerns and make comments. Comments included violation of fire codes regarding plantings under steps (John T. to check on this). President Mintz welcomed new member, Marie.

**Approval of Meeting Minutes**

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

- a. Regular Board Meeting Minutes ..... November 18<sup>th</sup>, 2022
- b. Executive Meeting Minutes ..... January 19<sup>th</sup>, 2023

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

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

**President’s Report**

President Mintz reported that M53 made it through the storms with only a few issues. MOD responded quickly to the “lake” that was formed and is being actively drained. Barbara and Anne have completed a walkthrough and determined that

several new plants died. Another walkthrough will be done with Terra Landscape soon. President Mintz thanked Jim Jennings for all the work he has done regarding the crash issue. Finally, contact has been made with Hartford Insurance and an agreement has been reached.

### **Treasurers Report**

Matt Kaplan gave the following:

The December 2022 Financial Report was not available, so this report is based on the November 2022 Financial Report.

As of November 30, 2022, our cash balances were as follows:

- Operating account - \$145,839
- Reserve account - \$413, 219
- City National Securities (Treasury Bill) - \$402,994
- Total Cash & Equivalent - \$962,052

Through November 30, 2022, we are approximately \$5.8K overbudget on operations. This is a small percentage of our \$311K operating budget. We are underbudget on a few items, but overbudget on Insurance expense at -4.8K and Legal expense at -9.7K.

Our 2022 Reserve budget is \$243K. Through November 2022, we have expended \$210K, the vast majority of this for two roof replacements.

Amounts owed by owners to our Mutual is \$3.2K (\$44 per manor).

Our Board of Directors has been asked by CFO, Joel Lesser, to vote to approve a temporary transfer of \$20K from our Reserve Account to our Operating Account. This is to provide a small cash cushion in our Operating Account due to the large, approximately \$120K annual insurance premium payment that will be withdrawn shortly. If our operating expenditures are close to budget in 2023, then we will be able to transfer the \$20K back to our Reserve Account.

- i. Motion to certify compliance with Civil Code 5500 by review of the latest Financial Report.

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

- ii. A motion was made to transfer \$20k from Reserves to Operating to pay for the 2023 insurance premiums.

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

### **Committee Reports**

---

## **Governing Documents -**

No report was given.

## **Landscape -**

Anne Winters reported that there was a lot of planting in December. MOD planted 50 new plants during the two MOD days. Two lawns were taken out and replaced with shrubs. Terra Landscape will also be coming back out to replace plants that have died. There will be 4 more days in April. The landscape committee will be meeting to plan what the 2023 priorities are in 2023.

## **Building Maintenance -**

Jim Jennings provided the following report:

### **Storm Damage**

The Building Maintenance Committee was notified of 4 leaks reported to MOD.

1. A leak coming in around an oven vent at 4364 Terra Granada –The roof was installed in 2021, with the installation warrantee still in force. A crew from Fiala Roofing responded within a day of the report, found inadequate roof caulking at the vent, and completed the repair. No cost to Mutual 53.
2. A significant leak above a window at 4340 TG, was reported to the work order desk on a weekend. The work order desk referred this matter to Building Maintenance Division of MOD as such leak reports are addressed as soon as possible. An MOD crew traced the leak to the roof and located five cracked roofing tiles. A temporary repair was completed. The roof of this building will be replaced in late spring of this year (2023).
3. A leak from the top of a kitchen window at 4400 TG was reported to the work order desk and eventually to the Building Maintenance Division. Response is scheduled for January 30<sup>th</sup>.
4. A water stain appeared in the ceiling of a unit at 4436 TG indicating a leak in the roof. This was reported to the Building Maintenance Division of MOD. An MOD crew responded, cracked tiles were located and a temporary repair completed. A company that specializes in drying out objects/surfaces and deals with mold will respond to ensure attic spaces and sheet rock are dry. This will be followed by repainting of the stained ceiling. The roof of this building will also be replaced in late spring or early summer of this year (2023).

Rainwater pooling near front porches of two residences at 4444 Terra Granada

---

As the result of a complaint from a resident an inspection of 4444 TG was conducted by the Building Maintenance Committee. That inspection revealed that two downspouts extending from roof gutter above the entry walk of two units had been installed so that the pipes emptied onto the walkway and adjacent dirt planting strip. This matched the installation of downspouts on the 4372 Terra Granada building however those pipes emptied into underground drains. Unfortunately, and for reason we will never know, the builder did not install underground drain lines at these two locations at the 4444 TG building. This resulted in ponding on the walkways as well as water travelling under the building.

#### Building Maintenance Committee Report (continued from page 1)

Earlier this month I met with Clayton Clark and Jim Hayes of Mutual Operations Department, at 4444 TG to explore options to correct this problem.

Two options were identified, and the pros and cons of each option were considered. After much discussion, it became clear that one of the options is preferable as it involved less disruption to residents and has the potential to be less costly, thanks to the cooperation of Frank Fiala Roofing Incorporated, the original installer.

A proposal has been prepared and submitted to the Mutual 53 Board of Directors for their consideration and approval. I will be relaying the decision of the Mutual 53 Board to the Mutual Operations Department. In that proposal Frank Fiala Roofing Inc. will facilitate the removal of the two existing downspouts, cosmetic touching up of the building and installation of the two new and rerouted downspouts.

A motion was made to have Fiala roofing correct the drainage issue by rerouting the drainpipes.

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

#### Garage Repair 4348 Terra Granada 2A

A second contractor was retained and has conducted an examination of the damage. Yesterday MOD received a detailed assessment of the damage and a detailed cost estimate for repair of that damage. That estimate has been submitted to The Hartford Insurance Group.

Clayton Clark and Daniel Philapil of MOD, continue to do an excellent job of communicating with the Mutual 53 Board and the Maintenance Committee, as well as the garage owners, Dave Hendrick and Albert Oliver.

#### Soil Erosion – Rear 4372 Terra Granada

---

Residents of this building have reported what appears to be soil erosion occurring in two locations on the steep slope, behind 4372 TG.

This is an extremely steep location and is a challenge to access. Mutual 53 Building Maintenance Chairman examined the location, noting that there appeared to be undermining of the soil behind 4372 TG 3A and 3B, near the foundation. Further examination revealed indications that water runoff has been coming to the surface four to five feet down the slope from the undermined area, creating some soil erosion. Also noted were points where soil had been worn away allowing access points under the foundation and leading under the building. It is possible that one of the underground drain lines may be broken, allowing rainwater to flow down the slope.

An inspection of the slope was done in 2021 by MOD. As a result, some netting was installed on sections of the slope, however during this current inspection it was noted.

#### Soil Erosion (continued from page 2)

that the netting is three to four feet from the building foundation. No netting was in place to prevent rodent access under the foundation.

The Building Maintenance Chair contacted Clayton Clark regarding this issue. Clayton is aware of the issue as the location was inspected by soils engineer in October 2021. At that time there may have been a recommendation that the slope be inspected yearly to determine if erosion was continuing. Clayton Clark will facilitate another inspection by a soils engineer.

#### Deer Highlands Trash Enclosure Posters

As residents may remember, In November new, laminated posters describing what items are to be recycled, composted or deposited in landfill, were put up on the walls of the 7 trash enclosures in Deer Highlands.

Those posters are laminated on the front and back but unfortunately the edges are not laminated. The rain seeped in behind the layer of laminate and all of the posters began to disintegrate. Most all have fallen off the walls and have been disposed of (in the landfill binds, I hope).

Republic Services provided new signs however the edges are still not laminated. Once I seal the edges, I will be able to post the new signs.

#### **Architectural Review**

Brad Schimek reported on the 2 current applications since the last Board meetings. One application was regarding solar, and the other was a window replacement.

---

## **Finance Committee**

No report was given.

## **Old Business**

- a. Update of Policies and Procedures Status – Board to discuss and vote to accept Maintenance Matrix and Solar Installation Policies:

The proposed owner-initiated solar policy and responsibility matrix were mailed or emailed to residents on November 30<sup>th</sup>, 2022, for the required 28-day comment period. During those 28-days, the Board answered all questions, comments and concerns that were brought up by residents.

A motion was made to adopt the proposed policy and responsibilities matrix.  
**Moved, Seconded, Carried 4-0**

Approved policies to be distributed to owners.

- b. Board consideration for Proposed Policies for Collections of Delinquent Assessments and Voting will be reviewed by Board for discussion in February:

Policies provided by Melissa Ward, Legal Counsel, no changes will be made to the collections policy for now. The Governing Documents committee will be working to simplify the language of the voting policy. More of this to come at later meetings.

- c. Update on M53 Bank Accounts:

Matt reported that the M53 bank accounts are now open but MOD still has some work to do to integrate the new Mutual with Jenark. Florenda hopes this issue will be addressed soon.

- d. Update on joining ECHO:

President Mintz decided to hold off this topic another month before making a decision.

- e. Update on Landscape Improvements

See Landscape committee report.

## **New Business**

- a. Mutual 53 Lighting Project:

Tom Roberts, member of the Building Maintenance Committee and Brad Schimek will begin research for replacement of lighting fixtures in

---

Mutual 53. This project will probably be done in a couple phases. Residents are encouraged to contact VP Brad Schimek if any lights need immediate attention.

b. Mutual 53 Mailbox Discussion:

The Board is searching for volunteers that are willing to contact the post office and determine what needs to be done to lead this project. Albert Oliver volunteered to help on this project.

c. Civil Code 4041 2023 Update Vote:

This item is tabled until the September annual meeting.

### **MOD Manager's Report**

Paul Donner reported on the "lake" that was formed during the storms. MOD has brought in large pumps to relieve the excess water. Eventually, all the water will be drained. Other than that, M53 had very little damage. Joel Lesser, CFO, has resigned, his last day will be April 6<sup>th</sup>. The GRF Board is actively reviewing resumes for the CFO and Resident Services Director positions.

### **Announcements**

Next scheduled meeting will be held on Friday, February 24<sup>th</sup>, 2023, at 2pm in the Fairway Room at Creekside.

### **Adjournment**

There being no further business President Mintz adjourned the Board Meeting adjourned at 3:05 PM.

### **Secretary's Certificate**

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

Lucy Limon

---

Assistant Secretary  
Mutual 53

---