

# FIFTH WALNUT CREEK MUTUAL

REGULAR MEETING MINUTES OF THE BOARD  
FRIDAY, MARCH 26, 2019 AT 11:00 A.M.  
GATEWAY BOARD ROOM  
1001 GOLDEN RAIN ROAD, WALNUT CREEK, CA 94595

## **Call to Order**

President Todd called the meeting to order at 11:00 a.m.

## **Roll Call**

**Directors Present:** Ted Todd, President  
Marlene Farrell, Secretary  
Mary Fielder, Treasurer

**Directors Absent:** Sandra Lew, Vice President

**Also Present:** Paul Donner, Mutual Operations Director  
Rick West, Building Maintenance Manager  
Kelly Mattison, Board Services Coordinator

## **Approval of Meeting Minutes**

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

Regular Meeting of the Board .....January 18, 2019  
Special Meeting of the Board.....February 5, 2019  
Ballot Count Meeting.....March 5, 2019

The minutes from the regular meeting, special meeting, and ballot count meeting were approved as submitted.

**Moved, Seconded, Carried 3-0**

## **Members' Forum**

Members were afforded the opportunity to express their concerns, make comments, or have questions for the Board and M.O.D. staff representatives answered during the members' forum. Topics discussed included lock boxes.

## **President's Report**

President Todd reported on the last President's Forum he attended. Topics included Co-Occupancy and Composting (which does not affect 5th Mutual).

## **Vice President's Report**

A report was not presented.

## **Secretary's Report**

A report was not presented.

## **Treasurer's Report**

Treasurer Fielder provided a summary chart to the Board for the months ending January 31, 2019 and February 28, 2019. She discussed variances and overages. A comparison report of

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year to date figures was also provided to the Board.

As of February 28, 2019:

Operating Fund Balance: \$15,917

Reserve Fund Balance: \$124,758

## **Landscape Committee Report**

A report was not presented.

## **Building Maintenance Report**

Rick West presented the following building maintenance report:

### **INFORMATION ITEMS:** Work in Progress or Completed

1. 1255 AS - Dry rot Repairs due to alteration - Contractor: Davis Home Pros Cost \$35,830.00. (Work Completed).
2. 1221 AS - Elevator Technical and Safety upgrades - Contractor: Otis Elevator and Muscio Electric - The Contract Should be ready for signing on 3/25. We will inform the board as soon as we get an estimated start date from Otis.  
A motion was made to approve the contract with Otis Elevator and Muscio Electric in the amount of \$129,200.  
**Moved, Seconded, Carried 3-0**
3. Estimated cost to install gutters were none exist at this time on Building 1221.  
Contractor: A One Construction - Proposal is for - \$3,553.00. Estimated cost to replace all 3 building existing downspouts - \$15,240.00. Estimated cost to replace all 3 building existing Gutters - \$14,124.00. Total estimated cost to complete this entire project - \$32,917.00  
This item is tabled until the May Board meeting.
4. Estimated cost to replace all 3 Building Light Fixtures with LED Lighting. - \$21,195.00  
The Board is not interested in this replacement at this time.

## **Reserve Study/Helsing Report**

A report was not presented.

## **Budget and Finance Committee Report**

A report was not presented.

## **Alterations Committee Report**

A report was not presented.

## **New Business**

- a. **Revisions to Policy 59 Hard Surface Flooring:** The Board discussed making revisions to the current policy 59 Hard Surface Flooring that would allow hard surface flooring to be installed in upper units with the appropriate material that reduces noise transfer to units below and next door, material with an IIC rating of 74 or better. Marlene Farrell will draft a revised policy that coincides with M70's hard surface flooring policy and present it to the Board for review at a special meeting.

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## **b. Special Assessment Ballot Count Results:**

A secret ballot in the matter of a Special Assessment in the amount of \$5,500 per manor was mailed on January 29, 2019 for a vote of the membership. Ballots were opened during an Open Ballot Count Meeting on Tuesday, March 5, 2019 at 10:00 a.m. in the Board Room at Gateway (1001 Golden Rain Road, Walnut Creek, CA 94595)

For purposes of a special assessment, the approval requirement is set by statute rather than the governing documents. Regardless of anything to the contrary in an association's governing documents, special assessments are approved by a majority of a quorum of the membership. The Davis-Stirling Act defines a quorum to mean more than 50% of the owners of the Project. It then defines a majority of a quorum to mean the affirmative vote of a majority of the votes cast, which votes also constitute a majority of the required quorum.

The following is a report prepared by the Inspector of Elections:

|                         |    |
|-------------------------|----|
| Total Manors/Units:     | 18 |
| Total Ballots Received: | 17 |
| Total Invalid Ballots:  | 0  |
| Total Valid Ballots:    | 17 |

|                |    |
|----------------|----|
| Total FOR:     | 16 |
| Total AGAINST: | 1  |

By majority vote, the Special Assessment of \$5,500 per manor PASSED. This amount will be payable due on April 19, 2019.

## **Next Board Meeting**

The next regular meeting will be held on Friday, May 17, 2019 at 11:00 a.m. in the Gateway Board Room.

## **Adjournment**

President Todd adjourned the meeting 11:45 a.m.

## **Secretary's Certificate**

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the Board of Director's meeting.



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**Assistant Secretary**