

Minutes for Special Board Meeting  
Mutual 70  
July 2, 2021

Meeting called to Order: 9:12 am

1. Roll Call:

Janet Maleski  
Herma Lichtenstein  
Wally Brohaugh  
David Kirkpatrick  
Jeff Cheung

2. Solar Project Engagement Letter

Mr. Cheung:

- a. Presented Flow Chart #1 Overall Project Flow for each Mutual that diagramed how the cost figures correlated with the Feasibility Analysis, Conceptual Design and Implementation along with where the “off ramps” existed for Mutual 70 to disengage from the agreement if desired.
- b. Presented Flow Chart #2 M70 Solar Power Project Time Line & Major Decision Points.

Mr. Kirkpatrick:

- a. Calculated worst-case scenario for going ahead with the feasibility study would be a maximum loss to the mutual of \$9,700 plus out of pocket legal expenses and, even if Table Rock was unable to put together a project that saved members substantial money, the Mutual would gain a lot of information that we would need in the future at no cost. The best-case scenario would be saving 20-30% of member’s PG&Es and perhaps get some infrastructure work done without tapping the reserve fund.
- a. Our attorney has indicated there is no particular concern with the project as designed. She confirmed that the Board had the power to vote to continue through the feasibility study. If the Board feels after studying the feasibility report they wish to enter into a long-term contract with a new entity for services (i.e. authorize the interconnection agreement with PG&E), there must be an affirmative vote by a majority of all members of the mutual to continue. The attorney for Table Rock (Orrick) indicated that there were 3 ways around the PUC ruling that excludes condominiums from entering this type of arrangement. Our Attorney indicated that she is aware of other condo associations that have already established a virtual network energy metering system. She felt the board did not have to do more to meet its fiduciary obligation in reviewing the proposed engagement letter.
- b. If the mutual proceeds with this project we would need to rewrite our solar policy as it currently only pertains to individual units.

Discussion:

- a. Feasibility definition is a little vague
- b. When giving the residents our best estimate of the amount of savings they can expect from going ahead with the project we need to be clear

- c. Need to decide when additional expenses such as inspecting and upgrading interior and exterior electrical boxes, etc. is added or subtracted to expense for project
- d. Must end up clearly defining the benefits of the project to residents in understandable language
- e. Solar committee will have to define and draft the information that goes to the residents. The educational campaign will need to be done within a month. Then a campaign to get member approval will have to be complete by September 1.
- f. We may use leafleting, email (with permission), mail, posting, newspaper when sending educational information out to residents as long as we are not advocating for a particular outcome. Once we advocate for a particular outcome, the mutual needs to work with opposing views to give them comparable support.
- g. Both the Board and Table Rock require strict confidentiality with all things that are contained in the contract. This does not prevent presenting the results of the feasibility study to members of the mutual.
- h. Board feels the plan provides enough ways for the mutual to exit the process if it decides it is no longer in our best interest to continue and that this will not incur too much cost to the mutual.

Mr. Kirkpatrick

Moved that we authorize our President to sign the letter of engagement from Table Rock once it is reviewed and approved by our attorney.

Mr. Brohaugh

Seconded the motion

All Board members were in favor. Motion carried

### 3. Paint Trim and Door Colors

Mr. Brohaugh

Moved to stick with the colors previously agreed on and that have been applied to Unit #3319.

There was no second to the motion

Discussion

- a. There was no consultation with other residents or Building committee members on this recommendation
- b. Comments were made that the motion was made last meeting that the decision be made with input from members of the building committee and other residents not on the committee to get a cross-section of opinions on the trim and door colors. This was done in an effort to be more transparent and inclusive.
- c. The term "Trim" was defined to include the gutters, front and patio rails and trellises.
- d. The color used for back patio railings may or may not be the same as the color used for gutters.

Ms. Lichtenstein

Moved that the Paint Committee present at the next Board meeting on July 15 their recommendations for trim and door colors.

Mr. Brohaugh

Seconded the motion

Vote

All members were in favor. Motion carried

4. Member Forum

Al Davis, Chair of Mutual 70 Solar Committee

Commented that the Solar committee needs to get active so that they can meet the deadlines for the development and transmission of educational material to residents.

Ms. Lichtenstein

Responded that the Board will take that into consideration and there will be more information at the July 15 Board meeting.

5. Meeting adjourned: 10:20 am

Submitted by: Janet Maleski



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Anne Paone, Assistant Secretary  
Walnut Creek Mutual Seventy