

# THIRD WALNUT CREEK MUTUAL

REGULAR SESSION MEETING MINUTES OF THE BOARD  
MONDAY, JANUARY 9, 2017 AT 9:00 A.M.  
GATEWAY BOARD ROOM  
1001 GOLDEN RAIN RD., WALNUT CREEK, CA 94595

## **Call to Order**

President Yearout called the Regular Meeting of the Board of Directors of Third Walnut Creek Mutual to order at 9:00 a.m. on Monday, January 9, 2017.

## **Roll Call**

### **Directors Present:**

Gery Yearout, President XI	Toby Dicker, Director District VIII
Judy Bank, Vice President XV	Kathy Poling, Secretary III (10:24-10:31)*
John McDonnell, Treasurer X	Walt Braun, Director District XIII
Jane Norbeck, Director District IV	Jack Case, Director District V
Jean Faszholz, Director District XII	Carol Keating, Director District IX

\*Attended via teleconference

### **Directors Absent:**

Victor McPhun, Director District V	Christine Monsen, Director District XIV
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**Also Present:** Mutual Operations staff was represented by Paul Donner, Mutual Operations Director; Rick Chakoff, Chief Financial Officer; Rebecca Pollon, Landscape Manager; Will Kim, Board Services Coordinators.

## **Approval of Meeting Minutes**

President Yearout asked for any corrections and/or additions to the following sets of minutes:

Regular Meeting of the Board .....	December 12, 2016
Executive Session of the Board .....	December 12, 2016

There being no corrections, the minutes were approved as presented.

Moved, Seconded, Carried 9-0

## **Members' Forum**

Residents were afforded the opportunity to express their general concerns and make comments. The following topics were expressed by Residents: rules and regulations, owner maintained gardens, Residents' Forum format, Landscape Committee, and Solar Energy Systems.

## **President's Report**

The December Presidents' Forum was cancelled for the Holidays. The Nixle emergency notification system is currently in the testing phase and should be up and running in approximately one (1) month.

# THIRD WALNUT CREEK MUTUAL

## **Secretary's Report**

No report was presented to the membership.

## **Treasurer's Report**

- The Third Walnut Creek Mutual maintains a checking account at City National Bank.
- The beginning balance as of 10/31/2016 was \$18,761.86
- The ending balance as of 11/30/2016 was \$17,088.79
- The Aging Report reflects amounts owed the projects for overdue coupon payments and late fees.
- The amount owed to all projects as of 11/30/2016 amounted to \$7,160.23
- The Owner Billable Report reflects amounts owed all the projects for overdue payments that are billable to owners for work done to their manor for work not covered by the coupon.
- The amount owed to all projects as of 10/31/2016 was \$115,148.45

## **Budget and Finance Committee**

No report was presented to the membership.

## **Building and Maintenance Committee**

The board reviewed the TWCM Building Status Report for the month of November through December 2016. Director Braun brought attention to a massive hot water dispenser leak from an upstairs unit that caused damage to property & furniture in a lower unit. Due to the possibility of these types of events, the membership was reminded to obtain homeowners insurance.

## **Landscape Committee**

On December 12, 2016, the Landscape Committee was asked to evaluate current procedures, rules, standards, and to develop appropriate restrictions that would allow the Board to decide about whether to allow owner maintained landscaping in the future.

A motion was made to table the vote on the future of permits for owner maintained landscaping going forward, until the February 6, 2017 meeting.

Moved, Seconded, Carried 9-0

## **Governing Documents Committee**

A short Governing Documents Committee meeting was held on December 27<sup>th</sup>.

## **Alterations Review Committee**

The Board reviewed Alteration Application No. 39241 regarding a window extension request. The request to extend their window was turned down by the Committee due to noncompliance with TWCM Architectural Standards.

## **Audit Committee**

BHLF (Bong Hillberg Lewis Fischesser) has started the audit of financial statements and the preparation of federal and state tax returns. The results of the audit should be available

## THIRD WALNUT CREEK MUTUAL

around March 2017.

### **Communication Committee**

No report was presented to the membership.

### **Emergency Preparedness Committee**

No report was presented to the membership.

### **CC&R Revision Task Force**

The task force has been broken into sub-groups and each sub-group has a facilitator. Thus, the facilitators will report on the ideas and concerns of their sub-groups during the CC&R Revision Task Force meetings. The Task Force is researching and evaluating examples of current and well written CC&Rs.

### **Encroachment Issues: Owner Maintained Landscaping**

The board discussed the following issues with owner maintained landscaping encroachments throughout the Mutual:

- Owner maintained landscaping encroaching into the common area installed before 2006, but with all applicant applications and approvals.
- Owner maintained landscaping encroaching into the common area installed after 2006, without 67% (2/3) approval of project owners granting exclusive use of common area, but did obtain prior approval from the board
- Owner maintained landscaping encroaching into the common area installed after 2006, without 67% (2/3) approval of project owners granting exclusive use of common area and did not obtain prior approval from the board
- Application process for owner maintained landscaping going forward

A motion was made to have the Board take no action on owner maintained landscaping encroaching into the common area, installed before 2006, subject to any and all restrictions at the time of resale.

Moved, Seconded, Carried 7-1-1, Director Dicker voted no & Director Bank abstained

A motion was made to have the Board take no action on owner maintained landscaping encroaching into the common area, installed after 2006, without 67% (2/3) approval of project owners granting exclusive use of common area, but did obtain prior approval from the board, subject to any and all restrictions at the time of resale.

Moved, Seconded, Carried 8-1, Director Bank abstained

A motion was made to table a Board decision regarding action on owner maintained landscaping encroaching into the common area, installed after 2006, without 67% (2/3) approval of project owners granting exclusive use of common area and did not obtain prior approval from the board.

## THIRD WALNUT CREEK MUTUAL

Tabled, pending further investigation and discussion by the Board

### **Solar Energy Systems: Project 39**

A legal opinion was obtained regarding a project-wide election to prospectively approve the grant of exclusive use common area for the installation of solar panels on Common Area roofs. Although it does not strictly comply with the requirements of Civil Code section 4600(a), the Board is well within its authority to choose this option. Therefore, a meeting date will be determined and announced regarding a Project 39 election to approve the grant of exclusive use common area for the installation of solar panels.

### **Next Board Meeting**

The next meeting will be held on Monday, February 6, 2017 at 9:00 p.m., in the Gateway Board Room.

### **Adjournment**

There being no further business, the Regular Meeting of the Board was adjourned at approximately 10:31 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**

Third Walnut Creek Mutual

An Executive Session was held following the open session at 10:44 a.m. Topics included the following:

1. Hearing: Account No. 17779
2. Hearing: Account No. 15956
3. Lease Extension Request: Account No. 6884
4. Hearing on Alteration App. No. 38191: Door Installation
5. Hearing on Alteration App. No. 39241: Window Extension
6. Legal Opinion: Request for Resident Email List
7. Legal Status Report
  - a. Account No. 14890
  - b. Account No. 12730
  - c. Account No. 16677

THIRD WALNUT CREEK MUTUAL

d. Account No. 17954

With no further business to discuss, the board adjourned the Executive Session at 11:32 a.m.