

MINUTES
WALNUT CREEK MUTUAL No. EIGHT
SPECIAL MEETING OF THE BOARD OF DIRECTORS
TO REVIEW THREE POLICIES DRAFTED BY COUNSEL
Monday, January 21, 2019 at 1:00 pm
Mulligan Room at Creekside

ROLL CALL: Directors Avery, Bell, Eisner, Viator, and Weimer were all present. Residents Jim Ware, Maureen Robinson and Valerie Abad attended to observe.

MEMBERS FORUM – None.

While this was an open meeting, the Directors were meeting as a “committee of the whole Board” to work on details of policies.

OLD BUSINESS

The Directors reviewed three policies drafted earlier by the Mutual’s legal counsel: Draft Policies on Fines, Solar Panels, Electric Vehicle Charging.

Fines: The five Directors were in agreement that there were only two small issues they had with the draft policy:

1. A reference to “foreclosure” that doesn’t conform to the ownership structure of a co-operative mutual.
2. Similarly there are multiple instances where the term “owner” is used where the term “Member” would be more appropriate, since in a co-op mutual the Corporation is the owner, and the residents generally own shares in the Corporation rather than real estate.

A motion was made, seconded and passed unanimously to ask our attorney to make these global fixes to the draft.

Solar Panels: The Directors felt that the draft policy did not deal with several issues that had arisen when other Rossmoor mutuals had solar panels installed:

1. While there was a reference to filling out an “Alteration Agreement and Permit Application”, the draft application was not labeled with those words, causing confusion.
2. There was nothing stating that solar arrays could only be installed directly over the Member’s manor, rather than in any optimal space on a roof, wherever that space might be, nor any reference to permitting or prohibiting solar arrays on free-standing carports.
3. There was no reference to leaving space for walkways so that work crews could access the roof to clear leaves, fix leaks, or do other work, and no prohibition of blocking other residents’ skylights.

Rod and Luther pointed out that other mutuals in Rossmoor have since dealt with these issues, and perhaps Counsel has access to more recent

policies adopted by other mutuals from which we could borrow language to cover these issues without having to draft language from scratch. The Directors voted unanimously to ask Counsel if she had a more recent model to borrow from.

Electric Vehicle Charging: Similarly, the Directors felt that the draft policy did not deal with several issues that had arisen in earlier discussions:

1. The term “Owner” was used where the term “Member” would be more appropriate for a co-op mutual.
2. The policy does not differentiate clearly between fast charging with a 240-volt system, and trickle charging with a 120-volt system. In fact, most of the wording seemed to focus on fast charging, when our residents are more likely to opt for less expensive trickle charging systems—the kind of charging that has created fire-safety problems for us in the past.
3. There is a disclaimer at the end of Paragraph 7 that puzzled us, as it seems to controvert the whole policy. It seems to permit trickle charging using an existing circuit of unspecified amperage and uncertain voltage and does not require million-dollar liability insurance coverage when the trickle charger is plugged into “an existing National Manufacturers Association standard alternating current power plug.” The same disclaimer appears again in subparagraph 12.d.i. We wondered if it would be better to address the issue of trickle charging directly, as has been done by Second Walnut Creek Mutual: “No electric or hybrid automobile or truck may be plugged into any unmodified electrical outlet in Common Area, exclusive use Common Area or other Mutual outlet.” Perhaps it would be better to state positively that any charging would require installation of a dedicated circuit from a mutual Service Panel with a sub-meter to track usage.
4. Looking forward to a future where all of the Mutual’s service panels have had their spare circuits tapped by EV owners, **we wondered if the installation by the Mutual of a public 240V EVCS with a couple of service ports would satisfy Davis-Stirling §4745 as a “reasonable accommodation”?** That might enable the Mutual to avoid designating parking spaces near electrical Service Panels for the private use of EV-owning residents.

It was pointed out that these issues too probably have been dealt with more recently by other mutuals in Rossmoor, and perhaps Counsel has access to more recent policies adopted by other mutuals from which we could borrow language to cover these issues without having to draft language from scratch. The Directors voted unanimously to ask Counsel if she had a more recent model to borrow from that addresses these issues.

A motion was made and voted unanimously that the president should draft a letter to Counsel asking if she could find existing language used by other mutuals that addresses these issues and resubmit draft policies on Solar Panels and Electric Vehicle Charging. The draft letter would be circulated to the other Directors for comments and suggested changes before sending it to Counsel.

Once the Board and its legal counsel are agreed upon wording, the three draft policies will be submitted to the Mutual 8 membership for a 30-day period of review and comment.

NEW BUSINESS – None.

ADJOURN

The chair asked for a motion to adjourn at 2:15 pm. The next regular Board Meeting is scheduled for Friday, February 15, 1pm, in MPR3 at Gateway.

EXECUTIVE SESSION: None.