



**NEPENTHE ASSOCIATION
BOARD OF DIRECTORS MEETING**

August 5, 2020, 5:30 PM

VIA ZOOM TELECONFERENCE DUE TO COVID-19 CONSIDERATIONS
Nepenthe Clubhouse | 1131 Commons Drive | Sacramento, CA 95825

WELCOME

Thank you for attending. This is a business meeting, open to members of the Nepenthe Association and guests of the Board. The primary purpose of the meeting is to ensure that the Association is meeting its responsibility to maintain the property and to serve homeowners.

OPEN SESSION AGENDA

I. CALL TO ORDER

Present	Board Member	Position
	Christina George	President
	Linda Cook	Director
	Will Vizzard	Treasurer
	Greg Beale	Member at Large
	Mary Gray	Director

II. ANNOUNCEMENTS

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on June 15, 2020 and July 1, 2020 to consider legal matters, member discipline, personnel and contract formation.

III. COMMITTEE REPORTS

- a. Architectural Review CommitteePages 5-8
- b. Finance Committee (no report)
- c. Grounds CommitteePages 9-11
- d. Insurance, Legal and Safety Committee (no report)
- e. Outreach Committee (no report)

IV. MANAGEMENT REPORT

- a. Manager’s Financial Report - Reserve Tracker..... Page 12
- b. Management Operations ReportPages 13-16
- c. Landscape Status Meeting Minutes, July 28, 2020 Pages 17-21

V. HOMEOWNER CORRESPONDENCE Pages 22-33

VI. HOMEOWNER FORUM

In accordance with California Civil Code Section 4920(a), the Association must post or distribute the agenda for Regular Session Meetings no fewer than four (4) days prior to a Regular Session Meeting. During Homeowner Forum, items not included on the agenda that are raised by homeowners may be briefly responded to by the Board and/or Management; however, no action may occur with respect to that item unless it is deemed an emergency by the Board of Directors and developed after the agenda was posted and/or distributed. The Board of Directors may refer informational matters and direct administrative tasks to Management and/or contractors. Each homeowner will be given three (3) to five (5) minutes to speak in accordance with the Open Meeting Act, California Civil Code 4925(b), or a total of twenty (20) minutes will be granted for all to address the Board of Directors regarding items of interest or concern.

VII. CONSENT CALENDAR

In an effort to expedite the Board meetings, Management has placed several business items on a Consent Calendar. Please review the items prior to the meeting so that you may have your questions answered in advance.

Action required: Board Resolution.

Proposed Resolution: The Board approves Consent Calendar Items A to D as presented.

Begin Consent Calendar

a. **Approval of Minutes** **Pages 34-40**

Proposed Resolution: The Open Session minutes dated July 1, 2020 are approved as presented.

Proposed Resolution: The Open Session minutes dated July 1, 2020 are approved as presented.

b. **Financial Statement: June 2020** **Separate Packets**

Proposed Resolution: The Board accepts the June 2020 interim financial reports and bank reconciliations as presented, subject to annual review.

The reports reflect a negative year to date variance of \$159,116 and reserve funding of \$1,210,433.55 compared to the reserve funding budget of \$1,089,738. The Association has \$304,617 in operating funds, which represents less than one month of budgeted expenses and reserve contributions. The Association has \$9,267,398 in reserve funds.

c. **Lien Resolution** **Page 41**

Per the enclosed Resolution, Management is requesting authorization to place liens on the following accounts should the delinquent assessments not be paid within the time period established in the Intent-to-Lien letter.

Account Number	Past Due Amount
2228-01	\$1,038
2406-03	\$1,199.93

d. **Architectural Applications Separate Packet**

The Board confirms the recommendations of the committee as noted below.

	<i>Address</i>	<i>Application for</i>	<i>Recommendation</i>
1	1426 Commons	Awning	Approval
2	714 Dunbarton	Patio Hardscape	Approval
3	903 Elmhurst	Security Cameras	Approval
4	1203 Vanderbilt	Security Cameras	Approval

End Consent Calendar

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS

a. **Grounds Stewards Manuals Page 42**

Grounds Chair Steve Huffman has submitted a letter for the Board’s review. The directors are asked to review the letter, the proposed contents and photos of plants and trees.

b. **Adopt Proposed Enforcement Policy and Fine Schedule Pages 43-48**

The current Fines Schedule addresses only the assessment of monetary fines, but does not spell out a policy for enforcement actions before reaching the level of fines. The proposed Draft Enforcement Policy codifies the existing practices of the association.

State law requires the Board to take the following steps to adopt the rules. (Civil Code Section 4360) Accordingly, after the Board approves the rules, the rule adoption notice will inform the owners of the date, time, and location of the meeting where the Board intends to adopt the rules.

The Board approves the draft of the rules at an open meeting and sets a board meeting date for adoption of the rules allowing for enough time for the Association’s management to deliver the Notice for adoption of the rules with the rules a minimum of 28 days’ prior to the meeting where the Board will decide whether to adopt the rules.

Delivery of the Notice for adoption of the rules with the rules to the owners by posting the Notice and rules in the common area at least 28 days before a Board meeting where the Board will decide whether to adopt the rules.

Action required: Discussion and possible resolution

Proposed Resolution: The Board approves the Proposed Enforcement Policy and Schedule of Fines for Notice to the ownership that the policy will be adopted by the directors at the September 2, 2020 Open Session at 5:30 pm.

X. HOMEOWNER FORUM

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XI. NEXT MEETING: Wednesday, September 2, 2020 at 5:30 pm in the Nepenthe Clubhouse

XII. ADJOURN

NEPENTHE ARCHITECTURAL REVIEW COMMITTEE MINUTES
Tuesday, July 14, 2020 at 5:30 pm conducted via videoconferencing

Members present: Jenny Smith, chair; Alan Watters, Lee Blachowicz, Ken Luttrell, Jan Summers, Diane Vanderpot.

Absent: (Member Steve Farrar has taken a leave of absence.)

Also Present: Christina Romero, Assistant Community Manager

Meeting was convened at 5:32 pm.

A. Welcome and Opening Remarks. Introducing Diane Vanderpot.

B.1. Homeowner requests not voted on: none.

B.2. Homeowner Requests Recommended to be Approved: (With conditions if so noted.) (All votes unanimous unless otherwise noted.)

1. **1426 Commons Drive** – Awning installation in this 5500 model: Install a 13-foot-wide, extending out 10 feet, motorized SunAir Sunstar series awning, mounted over the kitchen window and extending into the innermost corner of the fenced-in backyard (where it will not be visible from a common area). The fabric color choice is “Latte,” a solid tan shade. The color choice for the hardware is “Mocha,” a shade similar to the color of the siding. The contractor is to be All About Shade, of Folsom, CA. **Approval Recommended.**

2. **714 Dunbarton Circle** – Patio hardscape with sidewalk requested for this 3300 model: remove the two existing concrete patios, and install graded approximately 550 sq. ft. of new concrete in the side and back patios. A new drainpipe attached to a downspout will be installed. The contractor is to be Richardson’s Concrete Effects, of Carmichael. **Approval Recommended.**

Sidewalk request: Additionally, the application seeks permission to replace the current two unsteady pavers that serve as a walkway by installing a concrete walkway about 5-6 ft. long from the gate of the small yard that would join perpendicularly the sidewalk to the back gate of 712 Dunbarton. The A.R.C. does not have any jurisdiction over sidewalks, but is unanimously supportive of allowing the applicants to have a safe walkway. Because 714 seems to be a zero-lot-line 3300 model, the land the new walkway would occupy, however, would then not belong to 714. Perhaps there exists an easement because obviously access to the gate must be through this area, and also the outdoor compressor of 714’s HVAC system sits in this area. The ARC suggests that the permission of the owner of 712 Dunbarton be sought. Also, the ARC suggests that it be condition for approval of a new walkway, that when repair or replacement is needed, like

in perhaps 10 years, that it be at the owner's expense. Guidance from the General Manager has been sought.

3. **903 Elmhurst Circle** – Install security cameras in this 2200 model patio home: install three ADT security cameras, one to monitor the front courtyard front gate and back gate, and the side courtyard gate. **Approval Recommended with Conditions:** that the application and installation meet the requirements set forth in the *Guidelines* Section 21 “Security Cameras” (see Appendix A).

4. **1203 Vanderbilt Way** – Brook Cardenas – Install security cameras in 7000 model: install two ADT security cameras, one to monitor the front door and the kitchen patio slider. **Approval Recommended with Conditions:** that the application and installation meet the requirements set forth in the *Guidelines* Section 21 “Security Cameras” (see Appendix A).

B.2.A. Homeowner Requests Approved via Emergency Approvals: none.

B.3. Homeowner Requests Not Approved: none.

C. Approval of Minutes: done via email.

D. Reviewed Notices of Completion from Homeowners: postponed until August, until Board Liaison can be present.

F. Old Business: none.

G. New Business: none.

H. Next meeting. Next regular meeting on Tuesday, August 11, 2020, at 5:30 pm most likely via videoconferencing, rather than in the Clubhouse.

Meeting adjourned at 6:09 pm.

Respectfully submitted, Alan Watters, A.R.C. secretary

21. Security Cameras *Adopted 11/1/17*

Installing exterior security system and cameras is considered an architectural alteration to a home's exterior and therefore requires prior approval of the Architectural Review Committee and Board of Directors. The installation will only be approved after neighbors' rights to privacy and quiet use and enjoyment of their property has been considered and neighbors have acknowledged the proposed installation.

In instances when a neighbor objects to the proposed installation the Board of Directors may ask for advice from the association attorney who will review the application and the basis for the objection before rendering a decision on the application. Any expenses incurred by the association will be the responsibility of the applicant.

Applications

Applications to install an exterior security system and cameras must include:

- a plot plan showing the locations of cameras in relation to the residence, neighboring structures and association Common Areas;
- specifications on the size, camera shape and camera angles
- a diagram showing the field of view for each of the cameras
- pictures of the exterior locations where cameras will be mounted

The Architectural Review Committee may require a new application and neighbor acknowledgement if there are any changes made to the initial application. Changes include, but are not limited to, altering the location, equipment or field of view of the camera(s).

Security systems

Security systems may be wireless or hard wired. If hard wired, wiring shall be run within the wall of the residence. A small penetration, properly caulked to prevent moisture intrusion, in siding is permissible to accommodate hardwired systems.

Camera Types

There are a variety of cameras available. Typical types are Dome, Turret and Bullet cameras. Only infrared (IR) motion detecting cameras are permissible for night viewing. Cameras requiring bright light illumination for night viewing will not be approved.

Dome Camera Turret Camera Bullet Camera

The camera type utilized will be dependent on the location of the installation. The camera's exterior housing shall be painted to match the color of the exterior surface on which the camera is mounted. Residents are encouraged to utilize a licensed security system vendor to assist in selecting the proper camera for the proposed location.

Placement of camera(s)

Home security cameras need to be mounted in the least intrusive or visible locations, and may only be focused on the resident's property. The height of cameras shall be no more than 6 inches above or 6 inches below the plate line (flashing line between vertical

siding panels) and no higher than 102" above ground level at highest point. Cameras may never be directed at windows of adjacent residences, neighboring property (i.e. patios) or common areas with the exception that security cameras may be placed on garage exteriors with the camera angle limited to the front edge of the garage reaching to the owner's mailbox in common area.

Security System Signage

Security system signs affixed to fences, gates, residences and mailbox posts are not permissible.

**Grounds Committee Meeting Minutes
July 16, 2020 @ 3:00 PM
Zoom and Conference Call
ATTENDANCE**

Members Present

Steve Huffman, Chair
Diane Durawa
Helga Dicker
Solveig Toft
Diane Luttrell

Kay Chmielewski
Markus Dascher
Kathy Waugh
Liza Tafoya

Members Absent

Joleen Hecht
Don Landsittel

Joan Trotta

Also Present

Christina George, Board Liaison
Paul DuBois, The Grove (portion)

Bettsi Ledesma, General Manager
David Culbertson, Coast (portion)

Homeowner Present

Kelly Balaam (portion)

AGENDA ITEMS

Homeowner Comments

Kelly Balaam said she is interested in the committee and commented on the beauty of our grounds.

The Grove Proposals

- The notes and proposal for zone 4, plus sweetgum pruning in zones 2 and 3, were discussed. **Kay** supported it and moved the proposal be recommended to the Board. **Steve** seconded the motion and it carried.
- The notes and proposal for zone 7 were discussed. **Solveig** moved that the proposal be recommended to the Board, **Steve** seconded the motion and it carried.
- **Paul** made brief comments on the activities of his crews.

Coast Proposals

- Proposal 64 for bark application in zone 4 was recommended for the Board's approval on a motion by **Diane Durawa** and seconded by **Steve**.
- Proposal 65 for bark application in zone 5 was recommended for the Board's approval on a motion by **Markus** and seconded by **Helga**.
- Proposal 66 for bark application in zone 6 was recommended for the Board's approval on a motion by **Kathy** and seconded by **Steve**.

- Proposal 67 for an extensive replanting of the zone 7 levee berm got much discussion because it cost almost \$19,000 and was unusual. **Steve** said the major benefits from the replanting would be safety, in that Coast personnel would no longer have to mow the sloped berm, and security in that the plantings would create a visual boundary between the top of the levee and the southern boundary of Nepenthe Association's property. He asked **Bettsi** about her past conversation with the flood control agency which maintains the levee. She said the agency stated no opposition to such a replanting, and that she has a record of the conversation. **Steve** emphasized the importance of alerting zone 7 owners of the planting (if approved by the Board) prior to executing the plan in the fall.

Solveig moved the committee recommend that the Board approve the proposal, **Steve** seconded the motion and it carried.

Landscape Status Meeting Report

Bettsi reported that she had been sick recently with the result that recent meetings had been cancelled. She hoped her health would improve and that the meeting minutes would start once again being distributed to committee members.

Status Report on Manuals

Steve referred to his memo to the committee which had been included in the advance materials. He said the Board would review the proposed manuals at its August 5 meeting. He said he favored posting the plant photos and **Paul DuBois'** tree recommendations, which include photos, on the website, rather than printing them in hard copy as part of the manual. That way color printing cost would be avoided and subsequent revisions to the documents could be cost effectively made and disseminated.

Christina George said that much of the manuals would include documents the Board had already approved. She said the discussion would center on new documents, namely the plant photos and **Paul DuBois'** tree recommendations.

May 21 Minutes

The minutes were approved as written upon a motion by **Diane Durawa** and seconded by **Markus**.

The meeting adjourned at 4:10.

Respectfully submitted,

Steve Huffman, Chair

Next meeting: August 20 at 3:00 PM

Requests of the Board:

- Approve The Grove's proposal for zone 4, plus sweetgum pruning in zones 2 and 3.
- Approve The Grove's proposal for zone 7.
- Approve Coast's proposal 64 for bark application in zone 4.
- Approve Coast's proposal 65 for bark application in zone 5.
- Approve Coast's proposal 66 for bark application in zone 6.
- Approve Coast's proposal 67 for replanting the levee berm in zone 7.
- Approve the production of manuals for Grounds Committee members with plant photos and tree recommendations to be posted to the website.

Nepenthe 2020
Reserve Tracker Report

GL Number	Reserve Component	2020 Beginning Balance	2020 Reserve Funding	Year to Date Expense	Current Balance with 2020 Reserve Funding	2020 Allocations*	Year to Date Expense	2020 Allocation Balance
22872	14000 - Recreation	20,463.06	3,744.00	-	24,207.06	630	-	630
22960	03500 Painting: Interior	13,977.18	2,535.00	-	16,512.18	3,822	-	3,822
23014	02000 Concrete	54,079.73	24,919.00	5,033	73,965.75	65,639	5,033	60,606
23103	Reserve Interest	0.00			-		-	-
23120	05000 - Roofing	3,991,665.67	835,166.00	55,256	4,771,575.67	46,490	55,256	(8,766)
23122	12000 - Pool & 13000 - Spa	183,733.77	43,461.00	2,045	225,149.77	16,300	2,045	14,255
23127	19000 - Fencing	292,157.42	73,018.00	19,476	345,698.95	77,973	19,476	58,497
23133	18000/100-115 - Landscaping-Irrigation	237,873.84	92,475.00	14,003	316,345.84	130,223	14,003	116,220
23146	21000 - Signage	36,269.24	4,345.00	-	40,614.24	6,829	-	6,829
23178	01000 Paving	861,576.92	149,240.00	-	1,010,816.92	10,250	-	10,250
23199	31000 - Reserve Study	3,844.72	2,010.00	-	5,854.72	615	-	615
L23133	26000 - Outdoor Equipment/Benches	239.73	63.00	-	302.73		-	-
L23135	03000 Painting: Exterior	651,759.38	176,362.00	-	828,121.38	32,149	-	32,149
23136	04000 - Structural Repairs	1,353,845.90	452,959.00	104,947	1,701,858.11	134,961	104,947	30,014
N22912	23000 - Mechanical Equip	76,407.67	5,402.00	-	81,809.67	1,891	-	1,891
N22991	20000 - Lighting	16,793.66	7,957.00	8,790	15,960.66	11,314	8,790	2,524
N23017	08000 - Rehab, 22000 - Office Equipment, 24000 - Furnishings, 24600 - Safety / Access, 25000 - Flooring, 27000 - Appliances	227,999.05	38,458.00	4,265	262,192.05	-	4,265	(4,265)
N23130	32000 - Undesignated	6,425.54	2,932.00	-	9,357.54	7,880	-	7,880
N23274	17000 - Tennis Court	122,359.25	13,391.00	-	135,750.25		-	-
N23275	18000/120-144 - Landscaping-Plantings	142,087.62	64,846.00	81,163	125,770.53	174,250	81,163	93,087
N23282	18000/160 - Landscaping-Trees	168,690.83	150,218.00	21,529	297,379.58	206,875	21,529	185,346
N22911	30000 - Miscellaneous / Underground Utilities	92,898.80	35,971.00	18,883	109,987.25	81,783	18,883	62,900
Totals		\$8,555,149	\$2,179,472	\$335,390	\$10,399,231	\$ 1,009,874.00	\$ 335,390.13	\$ 674,483.87

Estimated Ending Reserve Balance Per Study

9,953,246

*Projected expenditures per the adopted Reserve Study for 2020

Updated:

8/5/2020



Nepenthe Association

Management Report – August 5, 2020

1 COMMUNICATION

1.1 THE NEPENTHE NEWS WAS LAST PUBLISHED ON JULY 2, 2020. THE NEXT NEWSLETTER WILL BE PUBLISHED ON AUGUST 7, 2020. TOPICS TO BE COVERED INCLUDE:

- Cash Flow Report
- Pool Rules
- Xfinity Project
- Parking Reminders
- Landscape updates
- Useful City of Sacramento Smartphone Apps

1.2 WEBSITE:

- Website, www.NepentheHOA.com, is up to date and complete.

2 ADMINISTRATION

2.1.1 **Resident Registration-** This ongoing effort has concluded in Zones 1 and 2 and is in process for Zones 3 and 4. Most residents readily comply with the annual request for the Resident Information Form.

3 FACILITIES

3.1.1 **Xfinity Underground Cable Project:** Early in July we were notified that Xfinity would be upgrading the infrastructure of the cable installed when the development built. With increased demand for internet, the old wiring was not capable of keeping up. Met with Anthony Thurman, the Project Coordinator. I learned more about the locations of the “dog houses” and the extent of the project. They will be putting in a total of 9 housings in Nepenthe.

Management has been tracking all damages and addressed with with Mr. Thurman. They will remediate anything that they can remediate, but he knows that there may be some costs, especially where it comes to damage to the two-wire irrigation system, where we will be asking for restitution.

The project was scheduled to be completed by Friday, July 31st. Management will follow up on all necessary remediations.

3.1.2 **Painting Water Meters**

Progressive painted the sample colors on one meter in the roundabout this morning. They are dropping off the sample pots tomorrow so the handyman can paint larger swatches. They are waiting on our decision for color.



- 3.1.3 **Fencing Repairs** – We continue to work through the list of fences left over from 2018/2019. Since last month, three of those fences have been evaluated as category 2 so we have not sought bids and informed the owners that repairs are not warranted at this time.

Each month we receive service requests from other owners with concerns about their fences. Absent any other procedure, we have the Elite handyman evaluate the fence and complete the form. If category 3 or 4, we obtain bids from Elite, JWS. Aguilar has now stated that the single unit fences are too small of a job for them.

- 3.1.4 **Janitorial Service** – Custom Care Cleaning, our janitorial service, has performed its nightly cleaning service for the month of June. Standing hand sanitizing stations are on back order for the three pool centers.

- 3.1.5 **Tennis Courts** – I emailed Bruce Sheldon at Tennis Court Specialties to obtain the following information about the clubhouse courts:

1. The condition of our courts currently
2. His recommendations for necessary work.
3. Pricing for the recommendations.

Mr. Sheldon’s proposal is in the Board’s Executive Session packet.

3.1.6 **Clubhouse**

- 3.1.6.1 **Operations** – *Saturday hours have resumed from 10:00 am to 2:00 pm.*

- 3.1.6.2 **Siding Repairs** – JWS has completed the siding repairs to the clubhouse.

- 3.1.6.3 **Rentals** – *All rentals have been cancelled or postponed in light of the pandemic.*

4 **GROUNDS**

4.1 **LANDSCAPE**

The Board is encouraged to review the enclosed Landscape Status Meeting Minutes to see all landscape work in progress.

5 **FINANCIAL**

5.1 **2019 ANNUAL FINANCIAL REVIEW**

The draft has been received and the Letter of Representation signed by the manager and the treasurer. The final review has been mailed to the homeowners.

5.2 **JUNE 2020 FINANCIALS**

The financials are provided under separate packet for review. Management has prepared a report on the reserve spending which is included in the Board packet. Per California civil code, the Board reviews and accepts the financials monthly.

6 GOVERNANCE

6.1 COURTESY PATROL

Reports are reviewed by management daily, recapping the rounds and interactions of the officers on duty.



Weekly Landscape Status Meeting

Tuesday, July 28, 2020

2:00 pm by Teleconference

MINUTES

General Manager, Bettsi Ledesma
Landscape Manager, David Culbertson
Grounds Chair, Steve Huffman
Board Liaison, Christina George

Status Updates on approved Proposals in progress:

- Proposal 53, Zone 5B: Status Update -
 - 1137 Vanderbilt- 1 euonymus -wrong species delivered. In stock, ready to plant
- Proposal 51, Zone 6A: 95% complete- Status Update -the following plants are still outstanding:
 - 710 Elmhurst- 1 albutulon ordered; did not arrive with order –camellia chosen as replacement. Ready to plant
 - 602 Elmhurst- 5 Correa ordered; delivered, ready to plant
- Proposal 57, Traffic Islands: Island planting- Status Update -
 - Substituting wegelia ordered as a sub for pea; pending delivery Bettsi to locate work order- should still be open while waiting for wegelia
- Proposal 52, Zone 4:
 - Cabana- 1 persimmon; Zone Stewards want to wait until 15-gallon is available later this summer. David will be following with nursery on this one
- Proposal 60 Various Sites- Extra work for \$3,825: Per landscaper, to be complete by end of month
- Proposal 61 Zone 1 Landscape – Extra work for \$1,355: Per landscaper, to be complete by end of month
- Proposal 62 Zone 2 landscape – Extra work for \$1,032: Bettsi to verify work completed
- Proposal 63 Zone 3 Landscape – Extra work for \$1,750: Bettsi to verify work completed

Pending Proposals:

The following proposals have been reviewed by the Grounds Committee who have recommended approval for all of them to the Board of Directors. The Board is expected to approve the proposals at the August 5, 2020 meeting.

- Proposal 64, Zone 4 Bark, \$4,300
- Proposal 65, Zone 5 Bark, \$2,340



- Proposal 66, Zone 6 Bark, \$5,369.50
- Proposal 67, Zone 7 Levee Berm Renovation, \$18,650

Awaiting Proposals For:

- Zone 1 Walk 6/12/20
- Zone 3 Walk 6/26/20
- Zone 6 Fall Planting Walk, 7/17/20
- Zone 7, Fall Planting Walk, 7/24/20

Need proposal one week prior to August 20th Grounds Committee meeting

Work Orders Status:

- List of open work orders was hand delivered to David this morning. He can provide updates. Christina had questions last week about a few specific work orders (911454). Bettsi and David were able to check and confirm that it is still open.

Review Homeowner Requests:

- Suggestion from Frank Loge:

At 1112 Vanderbilt you may recall that two weeks+ ago, I requested that the ivy, which was over growing all the new plants, be trimmed and the large number of weeds/old plant growth, be pulled.

Coast came a trimmed the ivy away and said they would be back next day to spray-pull weeds ut of new plants. They have still not showed up. See attached pictures.

My real concern is: As we continue to improve our landscaping, more regular maintenance is required, or we will just lose plants and the benefit of all the improvements. I realize I am not alone in this concern. As we continue to spend worthwhile reserve funds on landscape improvements, we need to think of staffing needs to maintain it. I for one am supportive of adding more funds to our landscape maintenance contract to make this happen.

Finally, the manner in which new landscaping areas are prepared (removing old vegetation etc.) needs to be addressed by Coast. Just raking and pulling up old plants can lead to old growth returning once new plants placed thus causing the problem, we have at 1112 Vanderbilt. Bettsi may recall that at the end of Swarthmore around the round-a-bout, Coast treated the soil and killed the existing ivy with an herbal treatment. Waited a week before planting. 1112 was just raked, with no treatment.



This concern was discussed at some length. David informed the group that a high level of ground preparation for simple plantings is not a generally accepted practice as it is for major renovations.

- 1411 Commons – homeowner is requesting information about new plantings. Feels that there is not enough.

This area was on Proposal 60. The full amount to be planted was 3 pittosporum, 5 boxwoods, 3 boxwoods by back gate, 13 1-gallon ivy and a yard of mulch.

Work is expected to be completed this week, July 31.

Note from Board Liaison:

FYI, the resident at 1287 Vanderbilt is watering the area around his house. He has punctured his hose at various points to turn it into a sprayer. When I walked by Saturday morning the sprayers were on and the ground was saturated.



Betsi will send courtesy notice

Committee Notes (requested for inclusion on the agenda):

- On the 22nd I looked at 1422 Commons. I saw no new plants. We received the homeowner request April 21. **Planting happening today, July 28**
- We asked Paul if we could transplant a small Japanese maple next to the front door at 1225 Vanderbilt, but I don't recall his answer. Let 's revisit that. **Management will place work order to transplant the tree out a few feet.**
- I visited the spots you identified on the plat maps on the 22nd. Yes, there's a lot of territory we thought was ours and is not. We should discuss next steps, although it's a matter for the Board more than it is for our committee. Betsi will update the President and Vice President at their weekly meeting on Wednesday.
- Then there are several complaints following Comcast's work. How about an eblast or the next newsletter? Christina stated that she and the Vice President will be addressing this with Betsi at their weekly meeting on Wednesday.

Tree Work: Grounds Committee reviewed proposals from Grove for Zones 4 and 7 and Board is expected to approve the proposals at their August meeting. Next Tree Walk is August 14

General Notes

- **Xfinity cable project**



Bettsi met with Anthony Thurman, the Project Coordinator. They will make every attempt to remediate. For those items they cannot remediate, they will reimburse the association.

- **Note RESERVE STUDY ASSUMPTIONS:** Invasive grass species discussion- scheduled for 2021. David will provide some pricing estimates so Board can assure that Reserve Funds can be available if they agree to move forward on this project. **Goal date: 5/19/20 for winter grasses and 6/1 for irrigation in time for beginning Reserve Study update. David advised that there will be two focuses for this project: dormant invasive grasses in winter and poor irrigation coverage. He will provide recommendations for both.** Regarding the winter grasses, David reports that approximately 10% of the approximate 13 acres of turf is invasive, To replace these with sod would cost an estimated \$108,000 (\$2 per square foot x 54,000 square feet). He will report back with pricing for seed instead of sod. Turf removal \$.45/sqft; replace with sod \$2/sqft, replace with seed (including fertilizer and topdressing) \$1/sqft.
54,000 sq ft = \$24,300 demo; \$54,000 for seed, or \$104,000 for sod. 6/23/20 We are changing the assumption for invasive grasses from 10% to 20%. That changes these numbers to 108,000 sq feet= \$48,600 for demo; \$108,000 for sod.
- **RESERVE STUDY ASSUMPTIONS:** Is it time to look at replacing the irrigation timers for Zones 5 and 1? We discussed the condition of the existing timers and agreed that, for Reserve purposes, we need to understand the lifespan of our controllers, what enhancements may exist that can help us to be better water stewards and what kind of replacement costs we should expect. David will come back with some budget numbers to discuss.
- Roundabout in front of the main clubhouse- this renovation will be completed in the future- **no dates at this time.**

7/26/2020

Via email

I wanted to thank the board for the time and effort they put into coming up with a plan that would allow us to keep all the pools open for the summer. I attended the zoom meeting and was impressed with the complexity of the issues of satisfying the state and county requirements without the HOA members having an undue cost. I appreciate that they didn't take the easy way out of just avoiding the problems and closing the satellite pools. Thank you.

Lee Bolton
104 Elmhurst Circle

Bettsi Ledesma

From: Bettsi Ledesma
Sent: Monday, July 6, 2020 11:56 AM
To: 'Lori Madden'
Subject: RE: Tree damage 1350 Commons
Attachments: NEP 6-19-2015 Third Amended CCRs - recorded original.pdf

Dear Lori,

Thank you for your email. I am so sorry for the loss of the vehicle. I can only imagine how upsetting that was to you and your family.

In my history with Nepenthe, I have seen limbs drop on vehicles a handful of times. While upsetting, it is not due to any negligence on the association's part. Nepenthe has an extremely good history of care for its urban forest. In addition to annual hazard pruning, each Zone in Nepenthe is walked by the arborist and specific issues are remediated as needed. In fact, the association spends an average of \$200,000 annually on tree care. The arborist is aware of the limb drop and is expected to perform an inspection this week. If any follow up action is required, we will definitely be moving forward with that.

The Nepenthe CC&Rs provide that the association will care for trees in the common area. The CC&Rs also state in Article V, Section 5.2(c) (Page 29) that the owner of personal property has the duty to repair, replace or restore their property when damaged unless caused by gross negligence of the Association. It goes on to say that Owners agree to bear the risk of any such loss and the Association will not be liable to reimburse them. I've attached the CC&Rs if you would like to review them yourself. Thank you for your understanding.

Please let me know if you have any follow up questions.

Kind regards,

BETTSI LEDESMA, CMCA®

General Manager, Nepenthe Association

1131 Commons Drive | Sacramento, CA 95825

Office 916-929-8380 | Toll Free 800.428.5588

Email bettsi.ledesma@fsresidential.com

www.nepenthehoa.com

www.fsresidential.com



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GLOBAL SERVICE STANDARD

*We seek honest and timely feedback on how to continuously improve the quality of our service and ourselves. Please take a moment to let my supervisor **Michael Marshall** know how I am doing at 916-293-4749 or email Michael.Marshall@fsresidential.com .*

From: Lori Madden
Sent: Sunday, July 5, 2020 6:00 PM
To: Bettsi Ledesma <Bettsi.Ledesma@fsresidential.com>
Subject: Tree damage 1350 Commons

Dear Bettsi and Nepenthe HOA,

As you are aware, on June 26, my Hyundai Accent was struck by branches from the tree in front of my home. Nirmal called me at 2:24 PM to notify me of the incident. I had just left my home about 20 minutes prior. When I returned, I found large branches covering the top and front of the car (see photos attached). According to Nirmal and two gentlemen from Coast who saw the damage, the branches splintered off and fell onto the car. It was not windy or stormy that day. I saw numerous splintered limbs on the tree, a couple of the spots on the tree where branches broke off remain visible near the top of the tree.

The fallen branches significantly damaged the body and windshield of the vehicle. I immediately contacted my insurance company, USAA, and filed a claim before returning to work as a nurse at UC Davis Medical Center. On Tuesday, June 30, USAA informed me that the car had been deemed a total loss due to the damages caused by the tree. My son drives this car and was planning to drive it back down to San Luis Obispo, where he is a rising junior at Cal Poly SLO, next week. Now we are trying to figure out how to replace the car on short notice with an amount from USAA that will not fully cover a replacement vehicle. We have concluded the best short term solution is to rent a car for my son to use until the end of the month until we find an affordable replacement (see attached screen shot estimate of rental cost ~\$900). All of this could have been avoided had the HOA properly maintained the tree.

There is still a splintered limb near the top of the tree (see attached photo). I am worried this limb could break and cause additional damage. I would like for my daughter and guests to be able to park in front of my house without worrying that my other cars will be damaged, or someone will get hurt.

Please contact me at your earliest convenience to discuss how the HOA will cover the rental car expenses resulting from this incident and ensure the tree is properly inspected and maintained. You can reach me at 916-335-xxxx

Thanks,
Lori Madden

Rental Details

DATES & TIMES

Mon, Jul 06, 2020 @ 12:00 PM

Fri, Jul 31, 2020 @ 12:00 PM

[MODIFY](#)

PICK-UP & RETURN LOCATION

Sacramento Arden Way

2700 Arden Way

Sacramento, CA 95825

[MODIFY](#)

ADDITIONAL DETAILS

Renter Age: 25+

Corporate Account Number Or Promotion Code: -

[MODIFY](#)

Intermediate Car

Hyundai Elantra or similar

 Automatic



VEHICLE

Time & Distance 3 Week(s) @ \$ 223.04 / Week

Extra - Time & Distance 4 Day(s) @ \$ 31.91 / Day

Unlimited Mileage

[MODIFY](#)

\$ 669.12

\$ 127.64

Included

EXTRAS

-

[ADD](#)

TAXES & FEES

VEH LIC RECOVERY

SALES TAX (7.75%)

[LEARN MORE](#)

\$ 34.50

\$ 61.75

ESTIMATED TOTAL

\$ 893.01









RICHARD and MARY O'DAY

July 27, 2020
Sacramento

Nepenthe Board of Directors
NEPENTHE ASSOCIATION
1131 Common Drive
Sacramento, CA 95825

Re: Common area walkway railing.

Dear Nepenthe Board,

In October 2019, we received approval from the Architecture Committee to have a contractor install a railing alongside the steps of the walkway leading to our home. We also requested that The Board consider covering the costs of the railing installation on the basis that many other railings in Nepenthe had been funded by the Association. Homeowners who we directly talked to told us their railing had been installed by the Association.

Nevertheless, our 2019 appeal to The Board was denied.

Subsequently, we had to delay the installation of the railing for personal reason.

In our original request we cited the fact that several people approaching or leaving our home had fallen on the walkway - two of whom had incurred minor injury, broken glasses and such. Fortunately none of the fallen persons were seriously injured and no legal actions were initiated by them against the Association on the basis that the rail-less walkway is situated in the Nepenthe common area.

Recently another fall occurred at the steps. Incidentally, we have observed that as our friends age they are having increasing difficulty negotiating the steps due to the lack of a railing.

This month we have proceeded to obtain a bid from a licensed contractor. It is worth noting that while on the premises the estimator for the contractor spontaneously stated the existing walkway would not pass ADA compliance under present California law were it to be constructed today without a railing..

The purpose of this correspondence is to ask if the Board would reconsider funding the railing or at least paying for part of it - paying perhaps half of the cost. The contractor bid is \$770.17

We wish to add that in the almost three decades that we have been Nepenthe residents we have tried to be active in Association functions. One of us (Richard) served for ten consecutive years (1994 - 2004) on the Architecture Committee — and at the request of the Board played the piano for several years prior to the monthly board meetings. We have never made a special request for any service other than routine maintenance of the exterior of the existing structure.

Thank you for your consideration.

Best wishes,



Richard and Mary O'Day

1112 Dunbarton Circle

Sacramento, CA 95825

July 6,2020

To: Board of Directors, Nepenthe Homeowners Association

I am writing you with a situation that has been a concern for some time. I have discussed this with Management various times and am now addressing the Board.

This regards the front walk way plantings and flowers in the front yard of 615 Dunbarton Circle. I have no aesthetic question, but find that this is a blatant disregard for the CC&R's strictly followed by the more than 590 other homeowners, If this has become a precedent and is openly accepted and approved by the Board, I would like this to be published in the Newsletter so we can all feel free to plant as we wish.

I would like to have an answer to this inquiry .

Regards,



Dale Shaw

608 Elmhurst Circle
Sacramento, CA 95825
916-568-5600

To the Board of Directors Nepenthe Home Owners Assoc

I just found out that signing up by household to use Elmhurst Pool can mean that 2 people - one from each household can take over the whole pool - just the two of them. So for one hour 2 people can turn away any one else who had signed up thinking two people could be in the pool in separate lanes.

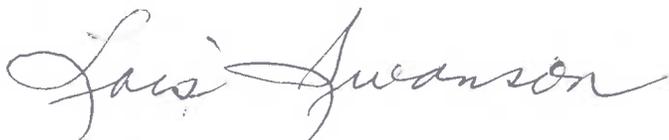
I am asking the Board to find a way that is more specific as to number of people in the pool - so that this situation can be fixed. This is a hard situation with the pandemic I understand - but this is a pool that is supposed to be one of the advantages of living in Campus Commons.

Having access to the pool is very important to me as I have had heart surgery and I have to have some exercise each day - and when it is hot - a pool is the best way.

I appreciate anything that can be done - so that the pool is safely used but not selfishly used.

Thank you

Lois Swanson
1045 Vanderbilt Way

A handwritten signature in cursive script that reads "Lois Swanson". The signature is written in black ink and is positioned below the typed name and address.



**NEPENTHE ASSOCIATION
BOARD OF DIRECTORS MEETING**

July 1, 2020, 5:30 PM

Nepenthe Clubhouse | 1131 Commons Drive | Sacramento, CA 95825

OPEN SESSION MINUTES

I. CALL TO ORDER 5:31 PM

Present	Board Member	Position
x	Christina George	President
x	Linda Cook	Vice President
x	Will Vizzard	Treasurer
x	Greg Beale	Secretary
x	Mary Gray	Member at Large

II. ANNOUNCEMENTS

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on June 15, 2020 and July 1, 2020 to consider legal matters, member discipline, personnel and contract formation.

III. COMMITTEE REPORTS- The Directors accepted the reports of the committees

- a. Architectural Review Committee
- b. Finance Committee (no report)
- c. Grounds Committee (no report)
- d. Insurance, Legal and Safety Committee (no report)
- e. Outreach Committee (no report)

IV. MANAGEMENT REPORT- The Directors accepted the Manager’s reports

Part of the Manager’s report was the listing of COVID-19 Protocols for the homeowners:

Most importantly, if you're not feeling well, stay home!

Maintain physical distancing while at the pool.

Pools will be open from 7am – 8pm daily.

Households wishing to swim will use the dated signup sheet located at the gate entrance to the pool.

There will be only one gate in use providing access to each of the pools. This is the gate with the sign-up sheet.

Only two households per hour will be allowed per pool. Swimming periods begin at the beginning of the hour. Each residence will be allowed to sign up for 1 hour of use – (maximum number of persons per household to be in the pool area is 4).

No pool toys or chairs are to be brought into pool area (except for small safety floats, i.e., blow- up type for arms).

There will be no bathroom access. Be sure to use the restroom prior to your scheduled pool use.

Spas will remain closed and are not to be used.

Please do not move the stanchions with the yellow “tape” dividing the pools. Each household using the pool will need to stay within the limits of one of the preset areas.

Director Cook made a motion to also restrict access to the pools to Nepenthe residents only. The motion was seconded by Director Beale and passed unanimously.

V. HOMEOWNER CORRESPONDENCE – The Directors reviewed correspondence received from members.

VI. HOMEOWNER COMMENTS – A number of members addressed the Board.

VII. CONSENT CALENDAR

In an effort to expedite the Board meetings, Management has placed several business items on a Consent Calendar. Please review the items prior to the meeting so that you may have your questions answered in advance.

Action required: Board Resolution.

Resolution: The Board approves Consent Calendar Items A to D as presented.

Motion: Director Vizzard

Second: Director Cook

Vote: All in favor

- a. **Minutes:** May 27, 2020 Open Session Minutes were approved
- b. **Financial Statement:** The Board accepts the May 2020 interim financial reports and bank reconciliations as presented, subject to annual review. The reports reflect a negative year to date variance of \$101,110 and reserve funding of \$1,024,589 compared to the reserve funding budget of \$908,115. The Association has \$310,047 in operating funds, which represents less than one month of budgeted expenses and reserve contributions. The Association has \$9,134,340 in reserve funds.

- c. **Lien Resolution:** The Board authorized management to place liens on the following accounts should the delinquent assessments not be paid within the time period established in the Intent-to-Lien letter.

Account Number	Past Due Amount
1946-01	\$1,557
2228-01	\$1,557

d. **Architectural Applications**

The Board confirms the recommendations of the committee as noted below.

	Address	Application for	Recommendation
1	2267 Swarthmore	Light fixture (Homeowner has withdrawn application)	Approval
2	1170 Vanderbilt	Awning	Approval
3	1121 Commons	Sliding Door Replacement	Approval
4	509 Dunbarton	HVAC Replacement	Emergency Approval

VIII. **UNFINISHED BUSINESS** – There was no unfinished business.

IX. **NEW BUSINESS**

a. **Appoint Committees**

The homeowners listed below have submitted their applications for appointment to the referenced committees. All of them have agreed to abide by Nepenthe’s Conflict of Interest Policy and are homeowners in good standing.

1. Architectural Review Committee

Jenny Smith – Chair
 Alan Watters
 Kenneth Luttrell
 Lee Blachowicz
 Steve Farrar
 Jan Summers
 Diane Vanderpot

2. Finance Committee

Susan Timmer
 Aubrey Lara

3. Grounds Committee

Steve Huffman – Chair
 Diane Durawa
 Diane Luttrell
 Elizabeth Tafoya

Joleen Hecht
Kathy Waugh
Kay Chmielewski
Yvonne Del Biaggio
Solveig Toft
Joan Trotta
Don Landsittel
Markus Dascher
Helga Dicker

**4. Insurance, Legal and Safety Committee
(Standards and Practices for Insurance Awaiting Board approval)**

Nancy Arndorfer – Chair
Jerry Dunn
William Olmsted
Peter Lewicki

5. Election Committee

Joleen Hecht
Yvonne Del Biaggio
Kay Chmielewski

6. Outreach Committee

Karen Van Maren
Cheryl Nelson
Jan Beale
William Olmsted
Bonnie Jean Ueltzen

Resolution: The Board appoints the committees as listed on the July 1, 2020 Open Session Agenda.

Motion: Director Cook

Second: Director Beale

Vote: All in favor

b. Change to Architectural Guidelines Section 9 Front Door

Resolution: The Board accepts the modification to Section 9 Front Doors to the guidelines as written: “Note: For a front door within a fenced patio area (Models 2200 and 2300), where the front door is largely obscured from the common area, front doors other than a solid type may be considered.”

Motion: Director Cook

Second: Director Vizzard

Vote: All in favor

X. HOMEOWNER FORUM – No owners addressed the Board at this time.

XI. NEXT MEETING: Wednesday, August 5, 2020 at 5:30 pm in the Nepenthe Clubhouse

XII. ADJOURN 6:28 PM



**NEPENTHE ASSOCIATION
BOARD OF DIRECTORS MEETING**

July 21, 2020, 4:00 PM

Nepenthe Clubhouse | 1131 Commons Drive | Sacramento, CA 95825

**OPEN SESSION MINUTES
(MEETING HELD VIA TELECONFERENCE DUE TO COVID-19 PUBLIC HEALTH ORDER)**

I. CALL TO ORDER

Present	Board Member	Position
X	Christina George	President
X	Linda Cook	Vice President
X	Will Vizzard	Treasurer
X	Greg Beale	Secretary
X	Mary Gray	Member at Large

II. MANAGEMENT REPORT

- a. Pool Inspections Reports are hereby presented
 - County Health Inspector Newsletter
 - Clubhouse lap pool report
 - Clubhouse small pool report
 - Dunbarton pool report
 - Elmhurst pool report

III. HOMEOWNER FORUM – Many owners attended the meeting and spoke to the Board about the pools and offered suggestions about their operation during this pandemic.

IV. NEW BUSINESS

- a. **Pool Monitoring and Sanitation Measures**
The directors discussed the pool inspection reports and the County guidelines for pools.
Motion by Director Vizzard:
These are the emergency pool rules enacted:
 - * All three pools will be open from 8:00am until 8:00pm, seven days a week
 - * All persons wishing to swim must be residents and must have a signed Liability Waiver on file with the office
 - *The sign in sheets will be modified to:
 - * Indicate the number of swimmers for each household and
 - * initial that they agree to the Liability Waiver printed on each signup sheet
 In addition, the association will inform the County of the steps they are taking to keep the residents safe

Second: Greg Beale

Vote: All in favor

- V. **SECOND HOMEOWNER FORUM** – Many owners attended the meeting and spoke to the Board about the pools and offered suggestions about their operation during this pandemic.
- XI. **NEXT MEETING:** Wednesday, August 5, 2020 at 5:30 pm in the Nepenthe Clubhouse
- XII. **ADJOURN**

NEPENTHE

July 16, 2020

WHEREAS, Section 5673 of the California Civil Code requires that, the decision to record a lien for delinquent assessments shall be made only by the Board of Directors of the association and may not be delegated to an agent of the association; and

WHEREAS, Section 5660 of the California Civil Code requires that a warning letter be sent by certified mail to the owner of record at least 45 days prior to recording a lien; and

WHEREAS, the Association has sent this letter and the 45 days has or will soon expire; and

WHEREAS, as of the date of this report payment has not been received to pay the delinquent assessment amount on the property listed below

NOW THEREFORE BE IT RESOLVED that the Board of Directors approves by a majority vote of the board members present at a duly called open meeting for FirstService Residential to record a lien on the separate interests/accounts listed below on behalf of the association and to mail a copy of the recorded lien to all known owners and addresses once the 45 days has elapsed from the mailing of the warning letter and no payment has been received.

Date	Account No.	Total Amt Due	Past Due Assessment Only	Approved	Denied	Comment
05/14/20	2228-01	\$1,493.30	\$1,038.00			
07/16/20	2406-03	\$986.08	\$1,199.93			

Deferred Items from prior meeting

Date	Account No.	Total Amt Due	Past Due Assessment Only	Approved	Denied	Comment

Any two (2) Board members must sign:

By: _____ Date: _____

By: _____ Date: _____

Nepenthe Association

July 20, 2020

Memo to: Board of Directors

From: Steve Huffman, Chair, Grounds Committee

Subject: Manuals for Members of the Grounds Committee

As part of your August 5 agenda you are reviewing manuals our committee proposes for the use of our members. Here are the reasons we wish to issue them. I have reviewed this information with the committee.

- As you directors have approved such documents as our charter, member duties, etc., members of our committee have been informed via the Board meeting packages, but this manual would put all those documents together for easy reference. A good example is the member duties document. It aids stewards in planning zone walks so they are effective and conserve the valuable time of our contractors, management and the committee chair. We recommend hard copies because not all of our members are sufficiently computer savvy to deal with a totally electronic manual.
- We recommend two documents be posted to the website – plant photos and The Grove’s recommendations for future tree plantings. Producing them in hard copy would be expensive because they are in color and we plan to issue 17 manuals.
- The plant photos help committee members, especially new ones, to identify plants. This is important for two reasons:
 - When contractors make proposals, our committee sees them first and may send them to you with our recommendations. Our committee, in turn, relies on the stewards of the zones in which the work is to be done to understand each such proposal. It’s important they know what plants are being proposed.
 - Once plantings are made, management inspects each site to make sure the proposed plants have in fact been installed, prior to processing the invoice for payment. But the process does not end there. New plantings have a one-year warranty. Management does not have the time to monitor the plantings for plants that may die. Rather, we rely on zone stewards for that work. They need to be able to identify dead and dying plants.
- By going to the trouble of issuing the manuals we are telling our volunteer committee members, who work five to seven hours per month, that their work on behalf of Nepenthe Association is valued.

So we hope you will authorize us to move ahead with this project. Doing so will make our committee members more effective in carry out their duties.



Nepenthe Association

Fine Schedule

Adopted by the Board of Directors April 3, 2019

1. Violations related to Architectural Rules as set forth in CC&Rs, Article IV [Requirement for Member's Prior Application and Approval Before making certain improvements].
 - a. An owner making an improvement to their property requiring prior application to the Architectural Review Committee (herein "ARC") and approval of the Board of Directors who fails to apply for and acquire such approval prior to construction may be assessed a fine up to \$100.00 per occurrence.
 - b. An owner making an improvement to their property requiring prior application to the ARC and approval of the Board who fails to apply for and obtain approval of the Board of Directors and who fails to obtain subsequent approval of the Board for such improvement may be required to remove or remedy the noncomplying improvement, pay legal costs of any proceeding brought and fined a sum reasonably related to the cost of obtaining member's compliance.
2. Nuisance violations, including those involving excessive noise, vehicles, pets, trash and yard waste may be assessed a fine of a minimum of \$100/day up to a maximum of \$1,000 for the first offense and a minimum of \$100per day of violation up to a maximum for \$1,000 for repeated, similar offenses.

CC&R References:

- Section 3.3 states rules regarding parking, Section 3.4 for household pets and animals, Section 3.6 for garbage and trash, and Section 3.12 for offensive conduct, nuisance, obstructions, hazards and drilling.
- Section 3.20 addresses the enforcement of property use restrictions.
- Article IV, ARCHITECTURAL REVIEW AND APPROVAL gives examples of owner improvements that require the approval of the Architectural Review Committee (ARC), what the owner must furnish with their application, how the ARC operates, rules governing proceeding with the work, inspecting the completed work, emergency improvements and the appeals process available to owners if they do not receive ARC approval.
- Section 4.12 describes remedies the Association has in cases in which an owner undertakes improvements not authorized or approved by the ARC and Board.

- Section 5.3 allows the Association to recover the costs of certain repairs and maintenance.
- Section 8.4 describes actions the Association can take to enforce the CC&Rs via fines and otherwise.
- Section 16.6(b) gives the Board the authority to implement a schedule of fines.
- Section 16.6(f) provides for a hearing when an owner receives a penalty or suspension of his or her rights under the CC&Rs.

NEPENTHE ASSOCIATION

1131 Commons Drive
Sacramento, CA 95823

July 14, 2020

Notice of Board's Proposed Adoption of Enforcement Policy and Schedule of Fines

Date:

Time:

Location:

Dear Homeowner:

Your Board is intending to adopt changes to the Association's enforcement policy and schedule of fines in conformance with State law. Please see the proposed policy and schedule enclosed.

The intended purpose and effect of the proposed enforcement policy and schedule of fines is to state the Association's procedures to enforce its Governing Documents in conformance with State law.

The Board intends to adopt the enforcement policy and schedule of fines at its Board meeting on _____, 2020, at ____ p.m., at _____.

You are invited to comment on the proposed policy and schedule of fines either by forwarding your comments to the Board at the address above or by email to bettsi.ledesma@fsresidential.com, prior to the Board meeting, or by making comments at the Board meeting. The Board, while obligated to listen to your comments, is not obligated to make changes based on those comments.

Sincerely,

Your Board of Directors

Enclosure

Nepenthe Association

Enforcement Policy and Schedule of Fines

[Adopted _____, 2020]

1. It is the goal of Nepenthe Association to make its Owners and residents aware of the Association's CC&Rs, Bylaws, Articles of Incorporation, rules and policies ("Governing Documents") that govern use of the property in Nepenthe and to provide for an orderly and fair manner for enforcement of the Governing Documents. The Governing Documents may be enforced in accordance with their provisions and the laws of the State of California. This Enforcement Policy and Schedule of Fines lists certain categories of violations of the Governing Documents, provides for the Board's response to such violations, and sets forth the Association's fine schedule.

Owners' guests, tenants, family members, and invitees are subject to the same obligations imposed on Owners to comply with the Governing Documents, and Owners are subject to disciplinary action when their guests, tenants, family members, and invitees fail to comply with the Governing Documents.

2. Enforcement Policy

A. It is the policy of the Association to receive notice of alleged violations from management, Board members, committee members, and Owners. Reports of violations must be in writing, including email.

Upon receipt of notice of an alleged violation, the Board and/or a committee will investigate the alleged violation within a reasonable time thereafter. If the Board and/or a committee determines that a violation has likely occurred, the Association will take the following actions before the Board imposes any disciplinary action for alleged violations, including monetary penalties (fines) or suspension of membership rights against any Owner for failure to comply with the Governing Documents.

(i) Mail a letter to the Owner setting forth the alleged violation and requesting corrective action to be taken within a reasonable period of time. This letter shall be referred to as a "courtesy notification letter" or "notice of violation."

(ii) If no corrective action has been taken within that period of time, the Board, in its discretion, may send another courtesy notification letter / notice of violation, a Notice of Board Hearing (to determine whether to impose discipline), a Request for Resolution (request that the Owner participates in mediation), or a combined Notice of Board Hearing / Request for Resolution. The Board may send a Notice of Board Hearing, Request for Resolution, or a combined Notice of Board Hearing / Request for Resolution without first sending a courtesy notification letter / notice of violation.

(iii) The Notice of Board Hearing (or combined Notice of Board Hearing / Request for Resolution) will set forth the date, time, and place for the hearing, a brief description of the action or inaction constituting the alleged violation of the Governing Documents, a reference to the Governing Document provision alleged to have been violated, and a statement that the Owner has a right to attend and may address the Board or committee at the hearing. The Association must send the Notice of Board Hearing by U.S. Mail at least ten (10) days before the hearing.

(iv) If the Owner fails to appear at the hearing, the Board must nevertheless consider evidence presented to it in connection with its investigation, and it must determine whether or not a violation has occurred.

(v) Within fifteen (15) days after the hearing, the Association must send written notice to the Owner of its decision.

B. The following items are considered to be disciplinary actions requiring a hearing before imposition.

(i) Fines. (See the Fine Schedule below.)

(ii) Suspension of the rights to use recreational common facilities.

(iii) Special Individual Assessments for the costs and expenses, including reasonable attorney's fees, incurred by the Association in enforcing violations of the Governing Documents. (CC&Rs, Article VIII, Section 8.4 and Article XVI, Sections 16.6 and 16.9.)

(iv) Steps toward legal action.

C. The following items are not considered disciplinary actions and therefore do not require a prior hearing.

(i) Courtesy notification letters / notice of violation.

(ii) Institution of legal proceedings.

(iii) Emergency entry of a lot to remedy a health or safety hazard.

(iv) Initiation of alternative dispute resolution (request for resolution) proceedings.

(v) Towing vehicles improperly parked on the common areas at the Owner's expense.

D. Violations that require maintenance or repairs.

These are violations that may result in the Association performing maintenance or repairs. If such a violation occurs, the Association may send a notice of violation to the Owner requesting that the Owner correct the violation within a reasonable amount of time or immediately if the violation creates an imminent health or safety hazard. If the Owner fails to correct the violation in a timely manner, then the Association may do as follows.

(i) Perform the maintenance or repairs.

(ii) Charge the Owner for the maintenance or repair costs.

(iii) Deliver to the Owner a "Notice of Board Hearing" or a combined "Request for Resolution / Notice of Board Hearing."

(iv) After a Board hearing, impose fines and/or other discipline.

3. Schedule of Fines

A. To ensure compliance with the required Architectural Review and Approval procedures set forth in the Association's CC&Rs, Article IV, the Association's Architectural Review Committee Guidelines and Home Improvement Application, and any other rules that may be adopted by the Association related thereto (collectively, "Architectural Rules"), the Board may impose the following fines, in addition to any other disciplinary actions.

(i) An Owner making an improvement to their lot without fully complying with the Architectural Rules and obtaining approval for the improvement from the Association's Architectural Review Committee confirmed by the Association's Board (CC&Rs, Section 4.1(a)) may be assessed a fine of up to \$500 per violation.

(ii) An Owner making an improvement to their lot without fully complying with the Architectural Rules and obtaining approval for the improvement from the Association's Architectural Review Committee confirmed by the Association's Board, and who fails to obtain subsequent approval of the improvement from the Association's Architectural Review Committee confirmed by the Association's Board, may be required to remove or modify the noncomplying improvement, pay attorney's fees and costs incurred by the Association to attempt to compel the Owner's compliance, and may be assessed a fine of up to \$100/day until the noncomplying improvement is removed or modified as required by the Board.

B. For violations other than of Architectural Rules set forth in Section 3(A) above, the Board may impose the following fines.

(i) For first violations: up to \$500.

(ii) For second violations (same offense or same nature): up to \$750.

(iii) For third or subsequent violations (same offense or same nature): up to \$1,000.

(iv) For Continuous Violations: A per day, week, or month amount set by the Board based on the merits of each violation.

The CC&Rs, Section 16.6(c), Definition of "Violation", provide:

A violation of the Governing Documents shall be defined as a single act or omission occurring on a single day. If the detrimental effect of a violation continues for additional days, discipline imposed by the Board may include one component for the violation and, according to the Board's discretion, a per day, week, or month component for so long as the detrimental effect continues. Similar violations on different days shall justify cumulative imposition of disciplinary measures. The Association shall take reasonable and prompt action to repair or avoid the continuing damaging effects of a violation or nuisance occurring within the Common Area at the cost of the responsible Owner.

C. Failure to pay a fine may result in the matter being referred to a collection company and/or attorney. The Association may also pursue a lawsuit. If the Association obtains a court judgment against an Owner, the judgment accrues interest at the legal rate (currently 10% annually). Any judgment obtained against an Owner may be recorded at the County Recorder's office. A recorded judgment creates a lien against the Owner's lot which may result in a foreclosure action, or the lien may remain against the lot, accruing interest, until it is satisfied from the proceeds of a sale of the lot or refinancing of the loans secured by the lot.