



August 2020

Board Agenda Update

Your Board of Directors meets monthly to ensure it is meeting it's obligation to maintain the property and meet the needs of the community.

At the August meetings, they

- Approved a number of fence, siding and landscape proposals (see page 4),
- Reviewed the finances,
- Approved Architectural Applications (see page 4)
- Voted to place liens on delinquent accounts,
- Approved a proposal from the Grounds Committee Chair to upload tree and plant photos to the community website as a resource for the Grounds Stewards and homeowner and
- Approved a draft Enforcement Policy/Schedule of Fines which they will formally adopt on September 2nd.

Upcoming on the September 2 agendas are the following items so far:

- Review proposals for facilities work
- Review and possibly approve the Reserve Study for 2021
- Review and approve the annual insurance quote

In addition to the formal Board actions, the President meets with the manager generally once a week to review operations.



Architectural Approval— Do You Need It?

If you are planning any kind of improvement to the exterior of your residence, you probably need approval from the Architectural Review Committee and Board of Directors.

Windows? Yes. HVAC replacement? Yes. Shade sail? Yes. Awnings? Yes. Security cameras? Yes.

There are more items that require approval than those that do not.

If you're not sure, you can review the application and criteria at <https://nepenthehoa.com/architectural-committee/>

You can also call the office and we'll be happy to help you find the answer. 916.929.8380.

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June Budget Report

Actual year-to-date income of 1,899,916.58 versus year-to-date budgeted income of \$1,860,282.00 produced a positive income variance of \$39,634.58.

Actual year-to-date operating expenses of \$2,019,397.72 versus year-to-date budgeted expenses of \$1,860,282.00 produced a negative expenses variance of -\$159,115.72.

The two combined variances produced a negative year-to-date variance of -\$119,481.14.

June Cash Flow Report

Sources / Uses	Operations	Reserves
Beginning Balance 1/1/2020	\$242,071	\$8,501,059
Plus Income	\$1,899,917	
Accounts payable	\$155,478	
Due from Reserves	\$26,551	(\$26,551)
Reserve Investment Income		\$44,707
Contributions to Reserve		\$1,165,729
Less Operating Expenses	(\$808,964)	
Reserve Funding	(\$1,210,436)	
Reserve Expenditures		(\$417,545.95)
Receivable from Management	(0)	
Ending Balance 6/30/2020	\$304,617	\$9,267,398

Did you Know . . . ???

Many wonder about the service that is contracted with Lyons Security. Below is a simplified excerpt of their contract.

- ◆ Lyons patrols the complex grounds by vehicle and foot during the contracted hours.
- ◆ Verify that the three pool areas have been locked up nightly
- ◆ Protect against vandalism, theft or any acts of aggression toward the buildings and surrounding property, the personal property of the residents and employees, and the resident's and employee's well being.
- ◆ Patrol driver will hand out notices per management and enforce the parking regulation on the two private streets and issue parking notices as needed.
- ◆ Lyon's Security provides one day patrol and three evening patrols seven days a week.

**NEPENTHE ASSOCIATION
COVID-19 POOL RULES EFFECTIVE
JULY 21, 2020**

These emergency rules were adopted in an Open Session of the Board of Directors and replace any prior COVID-19 rules.

Every adult residing in Nepenthe Association is required to sign and return the Swimming Pool Assumption of Risk and Liability Waiver & Release Agreement (see page two).
Pools will be open from 8:00 am – 8:00 pm daily.
Households wishing to swim will use the dated signup sheet located at the gate entrance to the pool. The signup sheets will be put twice per week- on *Friday* for Saturday, Sunday, Monday and Tuesday and on *Tuesday* for Wednesday, Thursday and Friday.
Swimming periods begin at the top of each 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**). If you are not going to be able to keep your swim time, notify the office so the spot can be made available for other residents.
Per the Sacramento County guidelines, swimming is for Nepenthe residents only- no guests.
No pool toys or chairs are to be brought into pool area (except for small safety floats, i.e., blow- up type for arms).
People from differing households should not congregate together and maintain six feet of physical distance. The lap pool at the Clubhouse has lane markers on the bottom of the pool- use these as guide-lines to keep your household contained.
The Dunbarton pool and the Elmhurst pool are divided in half running from the shallow end to the deep end. For the small Clubhouse pool, the pool is divided East and West- one half is closer to the tennis courts, the other half is closest to the lap pool. Please keep your household, whether you are one or four people, contained within these divisions.
Spas will remain closed and are not to be used. We continue to abide by County restrictions.
Finally, do not sign up for multiple hours in a row or the same time frame several days in a row so everyone has an opportunity to swim.

A Few Things To Remember

- Lawns are mowed on **Tuesdays, Wednesdays** and **Thursdays**. Work begins at 8:00 a.m.
- Garbage is picked up on **Thursdays**. Leave cans out after 5:00 p.m. **Wednesday**. Empty garbage cans may not be left in the common area.
- Leaves, clippings, etc. from your patio may be **bagged** and left on the street where it meets your alley only after 5:00 p.m. **Sundays** for pickup **Monday** mornings.
- If you have complaints about or suggestions for maintenance of the grounds, contact the office rather than the gardeners. Gardeners have been told not to take instructions from homeowners. **Homeowners may not prune, water or otherwise cultivate in the common area.**
- Maintain your patio shrubs and trees so that they have a neat appearance from the common area. They cannot interfere with maintenance of the roof, siding, fence or any part of the common area.

If you have a question or suggestion, or need service, call the office at 916-929-8380 or e-mail nepenthe.hoa@fsresidential.com. The General Manager is Bettsi Ledesma and the Assistant Community Managers are Christina Romero and Nirmal Dhesi.



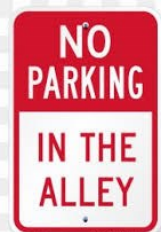
Alley Way Parking Reminder:

Per the CC&Rs Section 3.3 Parking and Vehicle Restrictions:

(a) Parking Restrictions

No vehicle shall be parked or left in the alleyways or on the common driveways behind the Residences, except for the active and immediate loading and unloading of the vehicle.

Vehicles found parked in the alleys are subject to immediate tow without notification.



Approved Architectural Modifications

1426 Commons	Awning
903 Elmhurst	Security Cameras
1203 Vanderbilt	Security Cameras
714 Dunbarton	Hardscape



AWARDED CONTRACTS

Grove Total Tree Care:

Zone 7 Misc Tree Work ~ \$10,125.00

Zone 4 Misc Tree Work ~ \$18,970.00

Coast Landscape:

Zone 5 Misc Landscape ~ \$2,340.00

Zone 6 Misc Landscape ~ \$5,369.50

Zone 4 Misc Landscape ~ \$4,300.00

JWS

1018 Dunbarton—Siding ~ \$1,478.73

1179 Vanderbilt—Fence ~ \$2,118.38

1423 Commons—Fence ~ \$1,890.66

1229 Vanderbilt—Fence ~ \$2,815.82

XFINITY WIRING PROJECT

As many of you have seen, or may have been affected by, Xfinity by Comcast has been onsite performing a multitude of underground wiring upgrades for the community. When the original cables were run, Nepenthe was in the process of being built. At that time, cable TV was still something of a novelty and the internet did not exist. Who could have foreseen that today we would be relying on those very cables to connect us with our workplace, our educators or students and, of course, important cat videos!

Although the new cable boxes are not what we are used to seeing in our community, they are not uncommon in today's world of hi-speed internet and high definition television. It's important to note that Xfinity (and AT&T) compensate the association to access the underground cables and wiring for the benefit of Nepenthe's residents.



The new boxes are being placed where there is an existing pedestal. Due to the size of the internal mechanism, the boxes are larger and could not be placed in the small confines of the original location. There have been no new locations for cable lines installed.

The association has the option to paint the above ground boxes to help them blend in with their surroundings so the Board will be considering options in that direction.

Part of this work includes remediating any damages. Management has been out on the grounds a number of times to document issues pertaining to irrigation breaks, plant and turf damage and each of these will be worked through with the Cable Con Project Coordinator. Their goal is to leave Nepenthe in the same condition in which they found it, but with better connectivity.

**If you have a SmartPhone, below are some amazing Apps offered by
Sacramento for Sacramentans!**



SACRAMENTO UTILITIES MOBILE PAY APP

The Sacramento Utilities Mobile Pay App will allow utilities customers (water, garbage, sewer) to pay their bill, manage future payments, and receive SMS notifications from the convenience of their smartphone.

Key features:

- *View Bill & Letter History
- *Automatic Payments
- *Pay your bill
- *Manage and Link Multiple Accounts
- *Paperless Bill & Letter History

SAC PD MOBILE APP

With the SacPD Mobile the [Sacramento Police](#) contact information property portion to personal property and catalog to yourself.



app, you can report general non-emergency issues to [Department](#) either anonymous or by submitting your and photos can also be included. You can also utilize the document serial numbers and upload photos of your store that information in your app and even email that

Key features:

- * Review crime information (wanted/missing persons, cold cases)
- *Read press releases
- *Web resources
- *Access social media networks
- *Report homeless persons



Sacramento City 311 handles all City municipal service requests that are not police and fire related. This application allows the user to make service requests 24 hours a day, 7 days a week, including holidays. We are committed to customer service and look forward to hearing from you.

Key features:

- * Code violations (e.g. water user complaints & graffiti)
- * Streets & Lighting
- * Recycling, Garbage, and Illegal Dumping
- * Vehicle complaints



Nepenthe Clubhouse

1131 Commons Drive

Sacramento CA 95825

916-929-8380

Nepenthe.hoa@fsresidential.com

Office Hours:

Monday—Friday ~ 9am—6pm

Saturday ~ 10am—2pm

Sunday ~ Closed

Pool Hours:

8am—8pm Daily

Management Staff:

Bettsi Ledesma, General Manager,

Bettsi.Ledesma@fsresidential.com

Christina Romero, Assistant Community Manager,

Christina.Romero@fsresidential.com

Nirmal Dhesi, Assistant Community Manager,

Nirmal.Dhesi@fsresidential.com

FirstService Residential Customer Care Center: 1-800-428-5588

Other Important Contacts:

Power Outage: 1-888-456-SMUD

Farmers Insurance Agent: Denise Ibsen 916-636-0115

City of Sacramento (garbage, recycling, city street parking, etc): 3-1-1

Board of Directors:

Christina George, President

President@NepentheHOA.com

Linda Cook, Vice President,

VicePresident@NepentheHOA.com

Will Vizzard, Treasurer

Treasurer@NepentheHOA.com

Greg Beale, Secretary

Secretary@NepentheHOA.com

Mary Gray, Member at Large

Director@NepentheHOA.com

COMMITTEES

Board of Directors Open Session Meeting is 5:30pm in the Clubhouse on the 1st Wednesday of every month

Committee Meetings:

Architectural Review

Chair: Jenny Smith

Meets 2nd Tuesday

5:30pm

Grounds Committee

Chair: Steve Huffman

Meets 3rd Thursday

3:00pm

Insurance, Legal & Safety Committee

Chair: Nancy Arndorfer

Meets 2nd Tuesday

5:00pm

Outreach Committee

Chair: OPEN

Meets 4th Tuesday

4:00pm

All dates, times and locations are subject to change

Call for Volunteers

The Finance Committee currently has two members and no Chair.

If you've ever been curious about what your \$519 pays for each month and you have a background in accounting or other finance-related work, this could be a great fit for you.

Stop by the clubhouse and fill out an application!

NEPENTHE ASSOCIATION

1131 Commons Drive
Sacramento, CA 95825

July 14, 2020

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

Date: September 2, 2020

Time: 5:30 PM

Location: Nepenthe Association Clubhouse

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 September 2, 2020, at 5:30 p.m., at 1131 Commons Drive, Sacramento, CA 95825.

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

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.