



**NEPENTHE ASSOCIATION  
BOARD OF DIRECTORS MEETING**

**October 7, 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**

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

**I. ANNOUNCEMENTS**

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on October 7 to consider legal matters, member discipline, personnel and contract formation.

**II. COMMITTEE REPORTS**

- a. Architectural Review Committee .....Pages 6-8
- b. Finance Committee
- c. Grounds Committee.....Pages 9-10
- d. Insurance, Legal and Safety Committee.....Pages 11-12
- e. Outreach Committee.....Pages 13-14

**III. MANAGEMENT REPORT**

- a. Manager’s Financial Report - Reserve Tracker..... Page 15
- b. Management Operations Report.....Pages 16-19
- c. Master Calendar Report..... Page 20
- d. Landscape Status Meeting Minutes.....Pages 21-29

**IV. HOMEOWNER CORRESPONDENCE..... Pages 30-55**

**V. 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.

**VI. 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 56-59**

Proposed Resolution: The Open Session minutes dated September 2, 2020 are approved as presented.

Proposed Resolution: The Open Session minutes dated September 18, 2020 are approved as presented.

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

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

The reports reflect a negative year to date variance of \$181,791 and reserve funding of \$1,576,902 compared to the reserve funding budget of \$1,452,984. The Association has \$291,664 in operating funds, which represents less than one month of budgeted expenses and reserve contributions. The Association has \$9,424,710 in reserve funds.

c. **Lien Resolution**..... **Page 60**

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	\$2,076.00
2406-03	\$1,441.81

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>
<b>1</b>	1653 University	Windows Replacement	Approval
<b>2</b>	1296 Vanderbilt	HVAC replacement	Approval
<b>3</b>	328 Elmhurst	Windows Replacement	Approval
<b>4</b>	714 Dunbarton	Windows Replacement	Approval
<b>5</b>	1170 Vanderbilt	Patio Hardscape	Approval
<b>6</b>	202 Elmhurst	Security Camera and Light	Approval
<b>7</b>	1587 University	Shade Structure	Approval
<b>8</b>	901 Elmhurst	Shade Structure	Approval

<i>End Consent Calendar</i>
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**VII. UNFINISHED BUSINESS – None**

**VIII. NEW BUSINESS –**

a. **Adopt Reserve Study for 2021..... Pages 61-66**

The proposed Reserve Study has been prepared by Browning Reserve Group with input from the Board and management. It has also been reviewed by the Finance Committee.

**Action Required:** review and accept

**Proposed resolution:** The Board approves the Browning Reserve Group draft reserve study for the fiscal year ending 2021 as presented. The reserve study recommends monthly reserve contributions of \$308 per unit per month based on projected reserve fund balance of \$10,187,633 as of December 31, 2020. The board directs Management to adjust the unfunded reserve balance consistent with the actual reserve fund amount and with the reserve analyst's projection of that balance as of December 31, 2020, if any.

b. **716 Dunbarton- Architectural Improvement Application-Windows..... Separate Packet**

Architectural Review Committee is asking the Board to look at this application outside of the Consent Calendar. Please review their minutes and the application packet which has been provided to you separately. The committee has provided specific recommendations.

Management recommends approval of the windows, but further recommends that the Board require the owner to restore the window trim to the correct size- such

remediations to be completed by the association’s vendor and the cost assessed to the homeowner.

**Action Required:** Review and resolution

c. **Appoint Chair of Finance Committee**

**Proposed resolution:** The Board appoints Susan Timmer to the position of Chair of the Finance Committee for the current term ending May 26, 2021.

d. **Tennis Courts at Clubhouse- discuss configuration.....Page 67**

Last month the Board reviewed the enclosed proposal for sealing and striping the tennis/pickleball courts at the Clubhouse. The directors will discuss the configuring of the courts.

**Action Required:** Discussion and direction to management

e. **Decommission Outreach Committee**

The Outreach Committee met on September 9, 2020 and voted to disband the committee. As the creation and appointment of committees is at the Board’s discretion, they will discuss decommissioning the committee.

**Action Required:** Discussion and resolution

**Proposed resolution:** Whereas the presently appointed committee voted to disband and whereas the current COVID-19 pandemic prevents in-person gathering for the foreseeable future, the Board hereby decommissions the Outreach Committee until such a time that the Board decides that the committee would be of benefit to the association.

f. **Review proposed Signs Rules..... Pages 68-72**

In January 2013, new legislation was enacted that permits homeowners living in associations display certain flags and banners on their property. The Civil Code does permit the association to regulate some of what owners are permitted to do in regard to signage. Counsel has prepared a draft rule to protect the association’s rights under Civil Code 4710.

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 posting the Proposed Political Signs and Flag Display Rules to the ownership for a 28-day comment period and advising the owners that the policy will be adopted by the directors at the November 4, 2020 Open Session at 5:30 pm.

**XI. NEXT MEETING:** Wednesday, November 4, 2020 at 5:30 pm via Zoom Teleconference

**XII. ADJOURN**

**NEPENTHE ARCHITECTURAL REVIEW COMMITTEE MINUTES**

Tuesday, September 8, 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:** Linda Cook, Board Liaison; Christina Romero, Assistant Community Manager; Martha Chase and Derrel Blair, window contractor

Meeting was convened at 5:32 pm.

**A.** Welcome and Opening Remarks.

**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. **716 Dunbarton Circle** – Windows replacement in this 5500A model: No vote was taken on this application at last month’s meeting; however, the Board requested the Committee consider the application and arrive at a recommendation. Work was performed without application to the HOA, save for one window installation that was put on hold pending dry rot remediation by the HOA. The project: Cascade Windows’s WinPro series of dual-paned windows were to be installed in living room, upstairs bedrooms and patio sliding doors in the kitchen, dining room and den/office. The exterior color is Capstock line’s Bronze. The configuration of the living room window and the bedroom window directly above it has changed from ½ - ½ to a ¼ - ½ - ¼ configuration, as is allowed by our guidelines. The contractor is D&D Windows. The installation method stated is new installation, a method Nepenthe generally discourages because it is difficult to achieve a watertight seal. The wooden window trim piece, according to the Guidelines, are supposed to remain at the original width of 1 ¼”. However, the new wooden trim pieces (as measured at the living room window) are 3 ½” wide, perhaps indicating that a significant amount of siding and watertight membrane were removed. As noted last month, the proposed installation method is not the usual one for the Nepenthe Guidelines, and the trim pieces are the wrong size.

At this month’s ARC meeting, the contractor stated that only about a 1-in. wide strip of siding was removed on each side of the new windows. Further, he states that a permit was obtained from the City, and that an inspection, although to be conducted remotely via video, will be conducted by City building inspectors in future. The ARC’s recommendation to the Board is to rely on the results of this City inspection to certify that the new windows will be properly sealed and watertight, and that no further action is needed. **Approval Recommended with Conditions:** that the City inspect the windows installation and that the finalization of the permit and inspection be tracked and affirmed.

2. **1653 University Drive** – Windows replacement, in this 2200 model. Replacement is requested for the living room and bedroom windows on the north, University Drive side of the home with Anderson Series 100 windows using new construction installation. The contractor is to be Southgate Glass. The upper division of both windows is to be one fixed, un-opening pane of glass, while the lower sections will have small slider openings. The Exterior frame color is to be Anderson’s Black. **Approval Recommended.**
  
3. **1296 Vanderbilt Way** – HVAC replacement – already installed. Upon inspection by an ARC member, no evidence was seen of any covered line sets or conduit running down on top of the siding. **Approval Recommended.**
  
4. **328 Elmhurst Circle**– Windows replacement in this 3300 model: Replace via retrofit installation all windows and patio sliding doors with Simonton Daylight Max vinyl-framed windows. The exterior color of the frames will be bronze. The contractor is to be C.E.C.S. with Gary Lee. The configuration of the windows will note change. **Approval Recommended.**
  
5. **714 Dunbarton Circle** – Windows replacement in this 3300 model: Replace via retrofit installation three windows and two patio sliding doors with Simonton Daylight Max vinyl-framed windows. The exterior color of the frames will be bronze. The contractor is to be C.E.C.S. with Gary Lee. The configuration of the windows will note change. **Approval Recommended.**
  
6. **1170 Vanderbilt Way** – Patio Hardscape replacement in this 3000 model. Replacing 524 sq. ft. of concrete patio, with slight slope for drainage. A hose bib (faucet) will be moved 25 feet to the left but will run underground so that it will not affect the exterior of structure. (Vote conducted via email, with four of four respondents voting yes.) **Approval Recommended.**
  
7. **202 Elmhurst Circle** – Security video camera and security lamp installation in this 5500A model. The current motion-activated flood lamp is to be replaced with a Ring Floodlight [security system video] Camera, in white exterior color. It is to be mounted in an interior corner of the patio area, below fence height; therefore, its field of view will not see over the backyard fence into the adjacent alley. Although the device has a siren sounding feature, the ARC determined that the applicant will not use this noise-making feature. **Approval Recommended.**
  
8. **1587 University Drive** – Shade structure, a sliding awning on wires, in this 4400 model. Goodwin-Cole is to be the contractor to install the slide wire canopy of fabric panels, roughly 13’ x 8’. This would be at least the second

such slide wire canopy Goodwin-Cole has installed in Nepenthe. The fabric color is to be a beige shade to blend well with the exterior paint color. (Vote conducted via email, with four of four respondents voting yes.) **Approval Recommended.**

9. **901 Elmhurst Circle** – Shade structure installation in this 2300 Model. Replace existing panel with 140”x84” Textilene95 fabric panel affixed to the underside of the exposed beams projecting out over the patio area in this patio home. The color is to be a beige sort to match the exterior color of the home. Goodwin-Cole is to be the contractor. (Vote conducted via email, with four of four respondents voting yes.) **Approval Recommended.**

**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:** All processed: 2328 Swarthmore HVAC; 714 Dunbarton patio hardscape; 1005 Dunbarton: HVAC install; 1384 Commons: windows; 509 Dunbarton: HVAC

**F. Old Business:** The Board of Directors had requested the ARC to vote on item B.2.1. and make a recommendation. See the summary under item B.2.1.

**G. New Business:**

HVAC installation requirements, namely the ban on new refrigerant line sets installed on top of the siding, was to be discussed. Ken Luttrell proposed for HVAC installations that permits and inspections be submitted to the Nepenthe office for documentation. But further discussion was tabled until next month’s meeting.

**H. Next meeting.** Next regular meeting on Tuesday, October 13, 2020, at 5:30 pm, most likely via videoconferencing, rather than in the Clubhouse.

Meeting adjourned at 6:41 pm.

**Grounds Committee Meeting Minutes  
September 17, 2020 @ 3:00 PM  
Zoom and Conference Call  
ATTENDANCE**

Members Present

Steve Huffman, Chair  
Markus Dascher  
Helga Dicker  
Solveig Toft

Kay Chmielewski  
Joleen Hecht  
Kathy Waugh

Members Absent

Diane Luttrell  
Diane Durawa  
Don Landsittel

Liza Tafoya  
Joan Trotta

Also Present

Christina George, Board Liaison  
David Culbertson, Coast ( portion)

Betsi Ledesma, General Manager

Also Absent

Paul Dubois, The Grove

Homeowners Present

None

**AGENDA ITEMS**

Minutes of Committee Meeting August 20

On a motion by **Joleen** and seconded by **Kathy Waugh**, the minutes were approved unanimously.

Guest Comments

No guests were present.

Coast Proposal

Proposal 76 for fall plantings in zone 4 had been distributed in advance, but a sufficient discussion of it was not possible because of **Don Landsittel's** absence. No action was taken. **Steve** said it would be deferred to the October 15 committee meeting.

Landscape Status Meeting Report

David, Christina and Steve made brief comments regarding recent meetings.

Status of Proposals and Maintenance Contract

**Christina** reported that the Board would meet about our contract with Coast October 7. She asked for, and received, opinions from the committee members.

Should we use flags to identify spots that need attention?

This subject was discussed only briefly. The committee saw no immediate need for identification flags. The matter was tabled.

The meeting adjourned at 3:50.

Respectfully submitted,

Steve Huffman, Chair

Next meeting: October 15 at 3:00 PM

Requests of the Board: None

## MINUTES

### ILSC

Sept. 8, 2020  
Private Residence

#### IN ATTENDANCE:

Nancy Arndorfer, Chair  
Bill Olmsted

Jerry Dunn (by phone)  
Greg Beale, Board Liaison (by phone)

Nancy and Bill met at Bill's home, and after hooking Jerry and Greg in by phones, Nancy called the meeting to order at 5:08 PM. All parties could hear and be heard. There was no written agenda, but the meeting was called to discuss ideas about the upcoming insurance renewal. Jerry had some ideas after having reviewed the Farmers renewal proposal;

\* The total amount for coverage shows the 2019 premium of \$98,556, which is a typo, and the correct amount is \$100,807 as shown on the Five Year Summary page.

\* Cost for Employee Dishonesty coverage has increased from \$542 to \$1,076 without any change in coverage amount. Because of the safeguards we have in place and because our money is managed by First Service rather than a Nepenthe employee, we recommend lowering the coverage amount for a savings.

\* We have a current \$10 million Umbrella Liability policy which costs \$7,614 per year in premium. Because of the low risk exposure of an HOA, we may want to ask the cost for a \$5 million policy, again for cost savings.

\* We should enquire with the Farmers agent to see if the Umbrella policy follows the Director and Officers (D&O) coverage. If so, recommend lowering the basis coverage to 1 Million instead of 2 million, again for a savings.

After discussion regarding the items listed above, the ILSC feels that the policy looks very good, and the committee recommends renewing the policy with Farmers. The ILSC thanks the Board for providing us the opportunity to participate in the renewal process. This was a unanimous decision by the committee.

The subject of Neighborhood Watch has been mentioned by residents and come up on Next Door. The ILSC has addressed this previously, and the subject of liability has come up. Rather than address it here, the topic was tabled for a later discussion.

The ILSC strongly disagrees with the Board on the recent invoking of the January 2019 rewritten Standards and Practices (S&P) prohibiting non-owners from serving on committees. This is ludicrous and certainly not in the best interest of the HOA. It should be voided or rewritten to include non-owner volunteers to serve on committees, perhaps

not as the chair, but certainly as a willing working volunteer. With approximately 20% of our total residents being non-owner occupants, there is a world of untapped energy and experience there which is being overlooked. Knowing the total apathy that exists in the vast majority of residents (getting out the annual election votes, for example), there is no reason to exclude good, willing, energetic and contributing volunteers, especially those that are family members of the actual owner of record and who would therefore have a vested interest in the best practices of the HOA.

#### RECOMMENDATIONS TO THE BOARD:

As stated above, the ILSC certainly endorses the renewal of our insurance with Farmers.

The ILSC strongly requests changing the current S&Ps to allow good non-owner occupants to served on committees.

The meeting was adjourned at 5:30 PM

Submitted by Wm. Olmsted

The next Board meeting will be on 10/7/20, and there is not another scheduled ILSC meeting at this time.

Nepenthe Outreach-Social Committee Meeting  
September 9, 2020  
4:00 PM on Zoom

*In attendance:*

Cheryl Nelson, Organizer/Acting Chair  
Jan Beale  
Anne Conway

Bonnie Ueltzen  
Bill Olmsted  
Joan Barrett, Secretary

*Committee Members Not in Attendance:*

Valerie Weinberg

Mary Gray, Liaison

The meeting was called to order at 4:15PM by **Acting Chairperson Cheryl Nelson** via Zoom.

The minutes for August 19, 2020 were approved unanimously.

**Cheryl** said that at the board meeting, the board discussed the idea of a survey proposed by the Committee Liaison, Mary Gray, and shared that past surveys have not realized valuable information. The board asked questions as to the goals and objectives of the Committee in conducting such a survey which were difficult for Cheryl to answer as she had not requested the exercise and had no agenda of her own. The board offered to table the discussion until the October meeting.

The Committee had asked the board for authorization to connect with the residents by planning and enacting activities that would not jeopardize anyone's health during the COVID-19 pandemic and the board responded that there were no activities authorized until such time as the pandemic is declared over.

The board stated that the newsletter is written by the HOA manager and there are no by-lines permitted in the newsletter in response to the idea that the Committee submit articles to help people connect safely during the pandemic or any other subject.

**Anne** noted that many people do not use computers and that a survey would not work for those folks. **Bill** noted the small percentage of residents that are active in community events. **Bonnie** said that there were many who were upset about the leaving of printed flyers on their garage doors who viewed it as an advertisement that they were not home.

### **New Business**

**Cheryl** made a motion that since there are no activities for the Outreach-Social Committee to do, that we should disband the Committee. If there is a time that the board feels that it is time to resume community activities, we respectfully suggest that they then recruit applications, regardless of when that happens. **Joan** seconded the motion. The motion carried and the Outreach-Social Committee is disbanded.

**Bill** asked about the resources that were donated to the Committee and **Jan** said that she would follow up on retrieving those resources and report to **Cheryl**.

The meeting was adjourned at 4:46PM

Respectfully submitted,

Joan Barrett, Secretary

**Requests for Board Action**

To approve the disbanding of the Outreach Committee.

**Next HOA Board Meeting- Wednesday, October 7th- 5:30PM via Zoom**

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	6,787	72,211.73	65,639	6,787	58,852
23103	Reserve Interest	0.00			-		-	-
23120	05000 - Roofing	3,991,665.67	835,166.00	56,436	4,770,395.67	46,490	56,436	(9,946)
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	36,875	328,300.41	77,973	36,875	41,098
23133	18000/100-115 - Landscaping-Irrigation	237,873.84	92,475.00	20,058	310,290.91	130,223	20,058	110,165
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	115,414	1,691,390.96	134,961	115,414	19,547
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	7,928	16,822.66	11,314	7,928	3,386
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	600	8,757.54	7,880	600	7,280
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	91,939	114,994.30	174,250	91,939	82,311
N23282	18000/160 - Landscaping-Trees	168,690.83	150,218.00	150,377	168,531.58	206,875	150,377	56,498
N22911	30000 - Miscellaneous / Underground Utilities	92,898.80	35,971.00	26,228	102,642.25	81,783	26,228	55,555
<b>Totals</b>		<b>\$8,555,149</b>	<b>\$2,179,472</b>	<b>\$518,952</b>	<b>\$10,215,669</b>	<b>\$ 1,009,874.00</b>	<b>\$ 518,952.00</b>	<b>\$ 490,922.00</b>

Estimated Ending Reserve Balance Per Study

9,953,246

\*Projected expenditures per the adopted Reserve Study for 2020

Updated:

10/1/2020



# Nepenthe Association

## Management Report – October 7, 2020

### 1 COMMUNICATION

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1.1 THE NEPENTHE NEWS WAS LAST PUBLISHED ON SEPTEMBER 4, 2020. THE NEXT NEWSLETTER WILL BE PUBLISHED ON OCTOBER 9, 2020. TOPICS TO BE COVERED INCLUDE:

- Cash Flow Report
- What Improvements require an application
- Gutter and Roof Cleaning
- Welcome Securitas
- Courtesy Notice Process
- 2021 Budget
- Water meters and billing

1.2 WEBSITE:

- Community website, [www.NepentheHOA.com](http://www.NepentheHOA.com), is up to date and complete.

### 2 ADMINISTRATION

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2.1.1 **Resident Registration-** In August, three homes were sold. The association welcomed two resident owners and one non-resident owner.

### 3 FACILITIES

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#### 3.1.1 Water Meter Billing

The directors are asked to review the letter received from the City of Sacramento regarding water billing. This information will also be covered in the newsletters throughout the next year.

#### 3.1.2 Painting Water Meters

The meters have all been painted.

#### 3.1.3 Fencing Repairs

Each month we receive service requests from owners with concerns about their fences. We have the Elite handyman evaluate the fence and complete the form. If category 3 or 4, we obtain bids from Elite, JWS and Aguilar. If category 1 or 2, Elite conducts necessary repairs.

At this time, there are seven fence repairs in progress in the community.

3.1.4 **Janitorial Service** – Custom Care Cleaning, our janitorial service, has performed its nightly cleaning service for the month of September.

3.1.5 **Clubhouse**

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

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

## 4 GROUND

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4.1 **LANDSCAPE**

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

4.2 **TREES**

The Grove Total Tree Care has been on the property completing Zone 2 and 7 approved work. They are starting on Zone 4. Grounds Committee will be reviewing their proposal for Zone 3. The Zone 5 Tree Walk is scheduled for October 14. We will also be obtaining Grove’s proposal for annual clearance pruning, Merit injections for the prevention of aphids, anti-fruiting treatments for liquidambar and certain plum trees and for deep root feeding of particular redwoods.

## 5 FINANCIAL

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5.1 **AUGUST 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.

5.1 **RESERVE STUDY FOR 2021**

Reserve Study is ready for Board adoption.

## 6 GOVERNANCE

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6.1 **DRAFT SIGNS AND FLAG DISPLAY RULE**

This draft policy is ready to be posted for the 28-day period for comments. Comments received are in the Board Packet under homeowner correspondence.

6.2 **COURTESY PATROL**

Securitas started their rounds on October 1, 2020. All keys and key cards have been returned from Lyons Security. Reports are reviewed by management daily, recapping the rounds and interactions of the officers on duty.

### 6.3 VIOLATIONS BY CATEGORY, SEPTEMBER 1-30

Violation Categories/Sub-Categories	Count
Architectural Modification-Need Notice of Completion	4
Architectural Modification-Not Approved	4
Architectural Modification-Satellite/Antenna	1
Exterior of Home-Needs to be Cleaned	1
Inappropriate Behavior-Misconduct	1
Landscaping-General Maintenance	1
Landscaping-Trim Shrubs	2
Landscaping-Trim Trees	3
Maintenance / Repair-Other	1
Miscellaneous Items-Miscellaneous	1
Parking-Improperly Parked	2
Parking-No Driveway Parking	4
Pets-Excessive Noise	1
Trash-Improper Storage	2
Unauthorized Object-Birdbath/Feeder	1
Unauthorized Object-Plants	1
Unsightly Items-Remove from View	3
Vehicles-Not permitted	1
Window Coverings-Material Not Allowed	1
<b>Total:</b>	<b>35</b>

September 14, 2020

Project Reference ID No: Z91

General Manager, Nepenthe Association  
1131 Commons Dr  
Sacramento, CA 95825

Dear General Manager:

The City of Sacramento, Department of Utilities is installing water meters on water services throughout the City, as mandated by California law. As a result, the Utility Service Bill will be transitioning from flat rate water billing to metered water billing.

Following meter installations, comparative billing will begin. Comparative billing shows the amount due (flat rate, no change) as well as the metered rate based on usage. After 12 months of comparative billing, metered billing will begin. Comparative billing provides an opportunity for customers to understand their water use and prepare for the transition to metered billing.

However, comparative billing, as described above, is not available for water services that will be billed for the first time as a result of water meter installations. It is also not available for HOAs that are taking over the metered water bill from individual homeowners that are currently paying flat rate. In these situations, there is no flat rate to compare to the metered rate.

Instead, the City will offer 12 months of consumption monitoring. The HOA will receive quarterly emails that contain a spreadsheet with their monthly water meter usage by water meter. During this period, the HOA will not be billed a new flat rate nor a metered rate. However, any existing flat rate bills will continue to be billed as is for this 12-month period. After 12 months, metered billing will commence.

More information and current water rates are available on our website [www.cityofsacramento.org/watermeter](http://www.cityofsacramento.org/watermeter).

If your Development has any concerns or questions, please email [watermeter@cityofsacramento.org](mailto:watermeter@cityofsacramento.org), or contact Michelle Eckard at (916) 216-7366.

Sincerely,



Marc Lee  
Program Manager, Accelerated Water Meter Program  
City of Sacramento, Department of Utilities



Español | 中文 | Tagalog | Tiếng Việt | Hmoob | Русский

## 2020 Master Calender

Due Date	Events	Complete
9/2/20	Board Meeting: Closed,4PM, Open 5:30pm	9/2/20
9/4/20	Nepenthe News Published	9/4/20
9/7/20	Office Closed for Labor Day	9/7/20
9/8/20	ARC Meeting 5:30pm	9/8/20
9/8/20	Insurance,Legal,and Safety Committee Meeting 5:00pm	9/8/20
9/15/20	Financials published and distributed to Board and Finance Committee	10/1/20
TBD	Finance Committee meeting 4:00pm	9/28/20
9/16/20	Outreach Committee Meeting 4:30pm	9/8/20
9/17/20	Grounds Committee Meeting 3:00pm	9/17/20
9/30/20	Committee Minutes due in mangement office	10/1/20
9/30/20	Lock in agenda for 10/7 Board Meeting 1) Approve 2021 Reserve Study 2) Let roof & gutter cleaning contract 3) CPA Letter of Engagement	10/1/20
9/27/20	Jazz By Pool	cancelled
10/2/20	Manager posts agenda and distributes Board packets	
9/30/20	Annual Education Event "Living at Nepenthe: What you need to Know"	
10/7/20	Board Meeting: Closed,4PM, Open 5:30pm	
10/9/20	Nepenthe News Published	
10/12/20	Mail Budget Disclosures to homeowners	
10/13/20	ARC Meeting 5:30pm	
10/13/20	Insurance,Legal,and Safety Committee Meeting 5:00pm	
10/15/20	Grounds Committee Meeting 3:00pm	
10/15/20	Financials published and distributed to Board and Finance Committee	
TBD	Finance Committee meeting 4:00pm	
10/21/20	Outreach Committee Meeting 4:30pm	
10/28/20	Committee Minutes due in mangement office	
10/28/20	Lock in agendas for 11/4 Board meetings	
10/31/20	Halloween Party (Outreach)	
11/2/20	Roof and Gutter Cleaning begins	
11/4/20	Board Meeting: Closed,4PM, Open 5:30pm	



## Weekly Landscape Status Meeting

Tuesday, September 29, 2020

2:00 pm by Teleconference

### MINUTES

General Manager, Bettsi Ledesma

Landscape Manager, David Culbertson - Absent

Site Manager, Lesly Alday

Grounds Chair, Steve Huffman

Board Liaison, Christina George

#### Status Report on current crew activities

Maintenance currently, Jose: Zone 3 hot spots, Zone 4 hot spots plus work orders

#### Status Report on open work orders

Reviewed and discussed the open work order report. Incorporated herein to these minutes.

#### Status Report on warranty plantings

No further plantings since last week. Last week's report is the most current.

#### Status Report on approved Proposals in progress:

- Proposal 51, Zone 6A, WO 892596
  - 602 Elmhurst- 5 Correa ordered; wrong plant received. Will switch out for Cotoneaster. **Target completion 10/6/2020.**
- Proposal 55, Howe Ave berm turf removal WO 902709; (Turf continues to need to be removed. All plants planted except Buckeye and Crepe Myrtle) **Target completion 10/13/2020.**

#### Pending Proposals:

- Proposal 46893-67, Zone 7 Levee Conversion, \$18,650, TABLED
- Zone 1 Walk 6/12/20 and Fall Planting Walk on 7/29/20 – Proposal 46893-73, \$9,880, Received 8/14/20 TABLED
- Zone 1 Clubhouse and Tennis Courts, Proposal 46893-75, \$19,826, **RECEIVED**
- Zone 6 Fall Planting Walk, 7/17/20 -3 separate proposals:
  - turf conversion on University near 608 Elmhurst -Proposal 46893-77, \$19,794, **RECEIVED**
  - 100-108 Elmhurst (Prep work in 2020 and planting in 2021) -OUTSTANDING



- Landscape Enhancements, Proposal 46893-74, \$16,620.80 Received 8/17/20  
TABLED
- Zone 7, Fall Planting Walk, 7/24/2020 – Proposal 46893-71, \$8,555.50 Received 8/14/20  
TABLED
- Zone 2, Fall Planting Walk, 46893-72, \$41,117.30, 8/5/2020 TABLED
- Zone 4, Fall Planting Walk, 8/19/2020 Proposal 46893-76, \$18,259.10, **RECEIVED**
- Zone 5, Fall Planting Walk, 8/26/2020 OUTSTANDING
- Zone 7 Walk, 9/9/20 OUTSTANDING
- Zone 2 Walk, 9/23/20 OUTSTANDING

**Homeowner Requests/Comments:**

**Email below was reviewed and the leadership team expressed dissatisfaction with this practice of “hot spotting”. We would like the contractor to fully trim shrubs within an alley. Not doing so confuses the homeowners looking at the work being done.**

From Don Landsittel:

At least, Bettsi will recognize the following phrases from my time a Co-chair of the Grounds Committee:

- The last 10%
- Does it make sense?

These are thoughts linked with quality control initially performed by the work crew themselves. Subsequent quality checks would be performed by the contractor and the customer.

The pictures below show “the last 10%” was not completed and therefore the work “does not make sense.”

The trimming was done on Thursday and Friday September 17 and 18. I waited to see if someone would review the work as a “quality check.” Obviously, no check has been done.

Please have the trimming is completed promptly.

Thanks,

Don Landsittel



800 Dunbarton Circle alley looking east – note trimmed bushes



1000 Dunbarton Circle alley looking south – note trimmed bushes



Intersection of the two alleys above looking north east – note untrimmed bushes

**Reviewed the email below and agreed to issue a work order for bark in front and back at 29 and 27 Adelphi as well as two five-gallon shrubs- one in front of each window at front of unit. Berm is acceptable as it is fully planted with mature camellias.**

From Suzanne Gill, 29 Adelphi:

I understand homeowners are told not to perform any landscaping work in the exterior of our homes.

Please review attached photos of my home on Adelphi Court, facing Howe Avenue.



I have lived here for two years.

The gap in trees along Howe is a noise issue and ongoing visual opening to six lanes of traffic.

The entire other sections along Nepenthe on Howe Avenue are very well vegetated and buffered with trees except for our section in front of my home. I have called and written previously about this and nothing has been done. No additional trees have been planted.

In the absence of trees to buffer the sound and visual aesthetics - my neighbors and I are not being treated equally with respect to the rest of this community. I notice interior sections of new landscaping replacing existing lush vegetation. In my area on Adelphi, there is no vegetation to begin with, or ever to even replace. Can the front of my home please be landscaped as soon as possible?

I will be selling the unit shortly and it would greatly benefit from your rapid attention to the matter. Thank you.

Alley side:



Front side:





Betsi's photos:





## Work Orders Nepenthe Association

<b>WO#:</b> 942511	<b>Status:</b> Open	<b>Progress Code:</b>	Request Sent
<b>Unit/Common Area:</b> 2317 Swarthmore Dr		<b>Category:</b>	Landscape
<b>Date Created:</b> 09/28/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> Juan / Jaime ~ Please assess irrigation along front of home. Neighbor has been hand watering all plants here. Says that there is no water since new drip system has been installed. Make necessary repairs/adjustments as/if needed. Thank you.			
9/29- needs another sprinkler – NTE \$400			
<b>WO#:</b> 942304	<b>Status:</b> Open	<b>Progress Code:</b>	Request Sent
<b>Unit/Common Area:</b> 2316 Swarthmore Dr		<b>Category:</b>	Landscape
<b>Date Created:</b> 09/25/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> Coast~ Please plant 1 15-Gallon Japanese Maple where a flag has been placed next to this home. Recently had a very large podocarpus removed and became very empty and barren. Thank you.			
9/29: will order maple			
<b>WO#:</b> 941284	<b>Status:</b> Open	<b>Progress Code:</b>	Received
<b>Unit/Common Area:</b> 1055 Vanderbilt Way		<b>Category:</b>	Landscaping
<b>Date Created:</b> 09/22/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> Coast, Please clean up area around front of unit. Lay new bark in planter bed leading up to front door. Thank you.			
9/29 – recommended to remove ivy when bark is laid- TBC by 10/6/20			
<b>WO#:</b> 940897	<b>Status:</b> Open	<b>Progress Code:</b>	Request Sent
<b>Unit/Common Area:</b> Zone 3 Landscape		<b>Category:</b>	Irrigation
<b>Date Created:</b> 09/21/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> Juan~ Please proceed with 4-station decoder replacement for valves: 21,22,23,24 NTE \$450. Thank you.			
9/29 – completed, yet to be submitted to billing			
<b>WO#:</b> 940245	<b>Status:</b> Open	<b>Progress Code:</b>	Request Sent
<b>Unit/Common Area:</b> Zone 6 Landscape		<b>Category:</b>	Irrigation
<b>Date Created:</b> 09/17/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> Juan~ Please assess areas noted during Zone 6 grounds walk and make necessary repairs/adjustments as needed: 608 E - Front/University ~ irrigation leak 604 E - Front ~ very wet ground 606 E - Front ~ remove old black soaker hose 502 E - Front ~ very dry area 807 D ~ lots of water run-off 813 D - University Side ~ lots of water run-off Thank you			



# Work Orders

## Nepenthe Association

<b>WO#:</b> 940243	<b>Status:</b> Open	<b>Progress Code:</b>	Request Sent
<b>Unit/Common Area:</b> Zone 6 Landscape		<b>Category:</b>	Landscape
<b>Date Created:</b> 09/17/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> Coast~ Please proceed on the following items per Zone 6 ground walk: 806 E Alley - replace failed nandina 608 E - Frond ~ clear weeds, lay bark, remove nursery stake, install correct tree stakes 606 E - Alley ~ trim camellia in common area 602 E - Front ~ remove 1 stake from red bud 604 E - Front ~ remove wood chunks from common area 100 E - Side ~ establish tree wells, install bender board and bark 807 D - alley ~ lay walk on bark, extra around SMUD box Thank you			
<b>WO#:</b> 939238	<b>Status:</b> Open	<b>Progress Code:</b>	Request Sent
<b>Unit/Common Area:</b> 1213 Vanderbilt Way		<b>Category:</b>	Landscape
<b>Date Created:</b> 09/14/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> David~ Please assess grading outside of home near the downspout. Resident states that they have had interior water stains in the past and feel that there may be need to have the area graded, encouraging the waterflow away from the home. Please provide assessment to office. Thank you			
<b>WO#:</b> 935531	<b>Status:</b> Open	<b>Progress Code:</b>	In-Progress
<b>Unit/Common Area:</b> Zone 5 Landscape		<b>Category:</b>	Landscape
<b>Date Created:</b> 08/27/2020	<b>Date Completed:</b>	<b>Vendor:</b>	Coast Landscape
<b>Description:</b> Coast~ Please follow up on the following items noted in Zone 5 walk 8/26/2020 (2nd half of work order) 1281 C ~ front and side clean under shrubs and remove ground cover 1281, 1275 Commons ~ between homes prune shrubs and remove ground cover 1275 C ~ front of home prune around shrubs 1269 V ~ front prune and clean up around shrubs 1245, 1251, 1257 1263 C ~ Front and sides remove exotic grass, prune, clean ferns, remove dead wood from tree South side of tennis courts Commons ~ prune shrubs 1418 C ~ side prune shrubs 1406 C ~ front weed, prune, clean up under shrubs, remove ground cover underneath shrubs 1410 C ~ Front prune, weed, clean underneath shrubs, clean ivy, remove excess ground cover 1402 C ~ front prune ferns 1400 C ~ front prune ferns, clean underneath ferns 1323, 1329 V ~ front remove volunteers from ivy, clean underneath shrubs 1311, 1317 V ~ front clean around shrubs 1311 V ~ side prune shrubs, clean up ivy, remediate grass 1299, 1323 V ~ alley, prune shrubs, remove volunteers, clean up ivy 1305, 1408 V ~ alley, exposed pipes 1335 V ~ side , prune shrubs, remove dead shrubs, clean underneath shrubs 1400, 1402, 1404, 1406 V ~ alley, clean underneath shrubs 1251 V ~ front / side irrigation not working Thank you			
Yellow highlight indicates completion			
<b>WO#:</b> 935508	<b>Status:</b> Open	<b>Progress Code:</b>	In-Progress
<b>Unit/Common Area:</b> Zone 5 Landscape		<b>Category:</b>	Landscape

<b>Date Created:</b> 08/27/2020	<b>Date Completed:</b>	<b>Vendor:</b> Coast Landscape	
<b>Description:</b> Coast~ Please follow up on the following per Zone 5 steward notes: 1071-1045 V ~ along entire length of Elmhurst Circle - assess irrigation, grass appears very dry Elmhurst Pool ~ prune all shrubs and clean out around all shrubs Outside pool area - exposed drip system and dead ground cover - shrubs need to be trimmed 1045, 1055, 1065 V ~ In front of homes, weed, prune and repair grass 1113-1107-1101 Vanderbilt ~ Side alley Trim shrubs 1095 V ~ around home, prune shrubs 1185 V ~ around home trim shrubs in alley 1191-1197 V ~ back alley, prune shrubs in alley & remove ground cover under bushes 1143 V ~ in alley clean up and remove groundcover along fence 1149 V ~ in alley hedges need to be pruned and cleaned out underneath 1215 V ~ front of house drains need to be cleaned, weeding along fence and cut down ivy along fence 1115, 1161, 1167, 1173, 1179 V ~ front of homes remove weeds and volunteers, prune, clean under shrubs 1207 V Side and front and back of 1209, 1211, 1213 V ~ prune shrubs and clean underneath 1215, 1217 V ~ back of home clean underneath shrubs 1213 V ~ back of home prune shrubs and clean groundcover 1251, 1257, 1263 V ~ back of home prune shrubs 1263 V ~ prune shrubs along side of home 1422 C ~ back of home prune shrubs Tennis Court Commons ~ clean up debris and cover exposed pipes 1410 C ~ front by tennis court clean up ground cover under ferns and under shrubs, prune 1281, 1291, 1305 C ~ walkway by tennis court prune and clean underneath shrubs Thank you			
Yellow highlight indicates completion			
<b>WO#:</b> 935071	<b>Status:</b> Open	<b>Progress Code:</b>	On hold for further verification
<b>Unit/Common Area:</b> 1000 Dunbarton Cir	<b>Category:</b>	Landscape	
<b>Date Created:</b> 08/26/2020	<b>Date Completed:</b>	<b>Vendor:</b> Coast Landscape	
<b>Description:</b> Coast~ Fence around home is due to be replaced on 9/28/2020 ~ please have all plantings moved 81-24 inches away from fence during week of 9/21/2020. Thank you			
<b>WO#:</b> 928682	<b>Status:</b> Open	<b>Progress Code:</b>	Scheduled
<b>Unit/Common Area:</b> 1225 Vanderbilt Way	<b>Category:</b>	Landscape	
<b>Date Created:</b> 07/28/2020	<b>Date Completed:</b>	<b>Vendor:</b> Coast Landscape	
<b>Description:</b> Coast~ Please move small maple tree out a few feet from current location., in Fall when tree is dormant. Thank you			
<b>WO#:</b> 902709	<b>Status:</b> Open	<b>Progress Code:</b>	In-Progress
<b>Unit/Common Area:</b> Landscape	<b>Category:</b>	Landscape	
<b>Date Created:</b> 04/14/2020	<b>Date Completed:</b>	<b>Vendor:</b> Coast Landscape	
<b>Description:</b> Coast~ Please proceed with approved proposal #55 to renovate turf areas on Howe in Zones 1 and 3 at lowest cost option NTE \$5450. Thank you			
9/29 Still waiting on Buckeye and one crepe myrtle Turf areas still need to be completed.			



**Work Orders**  
**Nepenthe Association**

Nepenthe HOA Board of Directors

September 11, 2020

Dear Board:

I am writing to request arborist assessment of the tree which stands directly in front of my home entrance. I believe it is tree #512. Part of the reason I moved to Campus Commons in April of 2018 was because I have always admired the urban forest within the community. Three recent events suggest to me that the tree is not in good health. I would like that assessed by a professional (I am a nurse practitioner, not an arborist).

On June 26, major branch drop/failure resulted in damage to my son's car. My insurance deemed it to be enough damage to assess the car to be a total loss. I received a copy of the arborist's report from early July regarding the tree (as well as others along the street). from Bettsi. It notes that June 26 was a windy day, but the gusts noted on the historical weather data for 6/26/20 did not occur until 6 pm or later. The day was very hot – and based on the events of the day, I can place the timing of the branch failure very clearly in the timeline of the day at about 2:30 pm well before any gusts. The early July report recommended weight reduction pruning.

Approximately 8 weeks later on August 21, the same tree had another major limb drop. We were grateful that it did not hit my fence, home, or the HVAC unit behind my fence and we had no vehicles under the tree (my children have now become accustomed to parking away from the trees if they are parked at my house as a result of our experience). There was no arborist assessment after this event as far as I am aware.

On September 2, my daughter heard a large cracking sound outside (she was in virtual class). Subsequently, she later saw tree workers outside. Bettsi let me know that a passerby called the office and they got the Grove out right away to address the problem of branch failure. She noted that they were going to keep cones under the trees to prevent people from parking there over the weekend. The cones were just under the one tree that has been of repeated issue – directly outside my door (again, I believe this is #512).

I am not aware of any other trees along the block having frequent and extensive limb failure. While I understand that this may be common in the summertime for liquidambar, I question the frequency and severity of this tree's issues being within the normal range. I do defer to an expert to assess this rather than my non-arborist estimate. I understand that an arborist has not fully assessed the tree since the early July assessment that occurred after the first incident. I respectfully request that an assessment is made of the tree. I would like to have clarification about the tree's condition with all of these events. If the tree is failing/needs to be removed, then I would like to request for that to occur. If the new assessment finds that it is healthy and safe, then I would love for it to remain in place.

Thank you for your consideration.

Respectfully,



Lori Madden  
1350 Commons Drive  
Sacramento, CA 95825

## Bettsi Ledesma

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**From:** Weedhouse <weedhouserj@yahoo.com>  
**Sent:** Thursday, September 24, 2020 7:12 PM  
**To:** Christina George  
**Cc:** Bettsi Ledesma  
**Subject:** 2302 American River

TO: Nepenthe Association Board

I think our neighbors would appreciate if you could intervene with the relatively new tenant at 2302 American River. Signage in both the front and back of the unit does not seem to comply with HOA rules. In addition, the owner has not provided permanent window coverings for this unit, resulting in current and past tenants putting up makeshift coverings.

I recognize that State law governing HOAs requires the allowance of political signage. However, CA Civil Code Section 4710 allows HOAs to set maximum square footage, maximum periods for display, and allowable locations. Regrettably, Nepenthe Association members would be held liable for any siding damage that could result from reactions to such a flagrant display.

Thank you for your consideration

Joel Weeden

## **Bettsi Ledesma**

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**From:** Charles F. Weigel <ibeindasun@gmail.com>  
**Sent:** Monday, September 7, 2020 11:51 AM  
**To:** Bettsi Ledesma  
**Subject:** Re: Pools are Closed

***Will each homeowner now receive a MONTHLY CREDIT for the 6 pools we OWN but can not use?***

***Will the credit be RETROACTIVE for pools we could not use because the gate did not work, the pump did not work, the jets did not work, the lights within the fence did not work, or because the lights outside the fence did not work?***

***The calculations may become complicated, but surely WILL include pools we could not use during most of (in my case) the last 35 YEARS because it was "winter."***

***Likewise, the mathematics should account for that big ol' clubhouse we OWN but haven't been able to use at night for years. Be sure to also include the big screen TV we purchased, only to have it quietly disappear, as well as the men's shower that vanished, presumably in the name of progress.***

***Let's not forget the patio furniture that can not be used by the people who OWN IT (mostly in their 60's, 70's or 80's?) when they want to sit down to safely take their shoes off (or put them on) in the darkness of winter. . .officially because, according to Nepenthe personnel, "it's winter." Never mind that at the tennis courts, at least 6 chairs are always available, even though it's probably "winter" over there as well.***

***TRANSLATION: Nepenthe continues to be a VERY big rip-off.***

***Here are 2 thoughts, free of charge, for the Board to consider:***

***Nepenthe closes the pools in winter because someone climbed the fence.***

***THOUGHT #1: people have been climbing the fence for years -- at Nepenthe and everywhere else. (We just have cameras now to document it.)***

***Nepenthe closes the pools because someone broke the rules.***

***THOUGHT #2: Home Depot does not close their stores because someone shoplifted.***

***BONUS THOUGHT: Perhaps legal alternatives will be necessary to clean up some of this mess.***

***cfw***

## Bettsi Ledesma

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**From:** Frank Loge <fjloge@outlook.com>  
**Sent:** Monday, September 7, 2020 4:02 PM  
**To:** Bettsi Ledesma  
**Cc:** Christina George  
**Subject:** Frank Here-Closure of swimming Pools

**Importance:** High

Please include this correspondence in the next Board packet.

Nepenthe Board:

You took the correct action closing Nepenthe swimming pools just prior to the Labor Day weekend. While unpopular with some Nepenthians, the liability issues potentially facing Nepenthe by allowing the pools to remain open was too great.

It is sad that a few homeowners chose to ignore the guidelines set forth by the Board and selfishly use the pools as they wished. It ruined the potential swimming enjoyment Nepenthians might have had over a very hot weekend. Shame on them.

The option the Board might have taken-have pool monitors, volunteers, was not reasonable. Volunteer pool monitors or for that matter, paid monitors, would have had great difficulty tossing the already unruly pool patrons out of the water for failure to follow the rules. Think again of the liability issues this practice might have brought upon Nepenthe. Finally, I just have to say, not taking COVID-19 seriously is simply extending the time it will take to get back to a normal life not to mention the extended deaths. Thanks for being on the Board and thanks for making the unpopular correct decisions. Regards. Frank Loge

September 8, 2020

Hello!

Today I was unexpectedly visited by a person who asked me to participate in the effort to get a meeting with the Board regarding the pool access shutdown. I believe he said he lives at 812 Dunbarton. I told him I agreed with the Board's action and asked if he would pick up the orange flyers he put up that blew into the landscape. He told me no, that's the groundskeepers job.

This prompted me to look at the CC&Rs. Section 3.5 has specific language prohibiting posting of signs. If the orange flyers posted regarding meeting with the Board about the pool violated the CC&Rs, it may be good at some point to remind people of this rule. The flyers were placed on multiple homes, if not all of Nepenthe. And if knocking door to door to get people to join an effort within the community is soliciting and not allowed (I'm not sure about this), it would be beneficial to remind people of this too. There's probably a process to request a meeting; maybe a reminder about this would be helpful too.

I understand we are in a difficult time and you may not want to exacerbate the problem, but it's annoying to see the trash created by the flyers and have my door knocked on and be treated rudely (luckily I can just shut my door!).

The Board and the Office bent over backwards to accommodate people's use of the pools. Unfortunately, Covid doesn't distinguish between those who comply with safety standards and those who don't so the Board's decision was smart.

Thanks for your time.

Iris Bettencourt  
202 Dunbarton Circle

September 3, 2020

Hi Bettsi,

I would like to ask that you please pass this email to the Nepenthe Board. It is truly unfortunate and unacceptable that the pools are closed. It is going to be over 100 degrees over the next several days and this is just wrong. We pay \$520/month in HOA dues and if there have not been any proven Covid cases as a result of our pools being open then why are they being closed? Leaving a soiled diaper on the pool deck has nothing to do with Covid? My family of four has used the Elmhurst pool almost daily since they re-opened and we have not once had an issue with someone being in the pool area that was not signed up. We also have not once seen an excessive amount of people in the pool area, in fact never more than four people in each group signed up. We also have not once seen large flotation devices in the pool at all. We have seen a lot of happy people enjoying their summer in the pool, social distancing and being responsible neighbors. This is not right and I would like to ask for the board to immediately reconvene and change this order.

Thank you,

Cher Kurtz

802 Dunbarton

## Bettsi Ledesma

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**From:** John Baker <john.a.baker.jr@gmail.com>  
**Sent:** Sunday, September 6, 2020 12:03 PM  
**To:** Christina George; linda cook; Will Vizzard  
**Cc:** Bettsi Ledesma  
**Subject:** Pool Closures

Dear Board members

By now I'm sure you've either seen or heard of the orange flyers asking residents to demand an open Board meeting to discuss the swimming pool closures.

Since no warning or threat from the County to close the pools was mentioned in your announcement, it appears that our Board has acted alone and taken the easy way out of a problem that can easily be dealt with.

Had we all known that the innocuous Board agenda item entitled "**End of season pool closing**" was indeed intended to discuss immediate closure, you would have heard loudly from residents opposing any immediate closure. That on top of this Labor Day weekend likely being the hottest on record, you can understand the anger of those residents appealing for a change in pool policy.

At the June Board meeting, there was much discussion about defining how to safely use the pools and how to police their use under the County pandemic requirements. While the signup sheets and the liability waiver provided some comfort, the Board elected not to hire help or ask for volunteers to actually monitor pool usage (as Campus Commons villages have done). Such steps would have prevented or at least moderated the limited amount of violations noted by the pool service and the onsite video cameras.

I suggest that the Board immediately authorize the reopening of just the Club House pool with staff monitoring its usage during working hours and either volunteers or paid part time employees covering the off hours time frame. The Dumbarton and Elmhurst pools would be more difficult to monitor and should be kept closed unless a suitable monitoring protocol can be employed.

One of the Board's responsibilities is to preserve the availability of our amenities, not take them away. Hiring a part time employee to monitor pool compliance is well within the Association's ability to fund.

Respectfully

John Baker  
2256 Swarthmore Drive  
Sacramento, Ca 95825

September 3, 2020

Bettsi and board members,

What a sad state of affairs.

Was there no consideration for those of us who have been abiding by the rules?? No warning given to the population as a whole but just an abrupt shut down. The use of the pools and the exercise I get from using the pools will be very impactful not only to me but to the folks I have encountered using the pool.

Instead of being adults here, it feels like a kid being punished and sent to their room. It is a daunting job managing a complex this big, but can you not isolate the violators by disabling their cards and let the rest of us enjoy what we are paying for. We are all lumped together it would seem.

This saddens me.

Nancy Cooper  
1242 Vanderbilt

September 3, 2020

Nepenthe Board Members,

The purpose of the HOA should be to manage our collective resources in a manner that maximizes our investment and quality of life. After months of Covid restrictions and weeks of smoke and high temperatures, residents (especially families with children) are in dire need of any way to get outside, exercise, and have a little fun. With a Labor Day weekend forecast well into the triple digits, cooling off at the pool with social distancing is one of the few activities that is actually enjoyable, practical, and safe.

This vote by the board sends the message that keeping the pools open is more trouble than it is worth, which is completely out of touch with the needs of the residents. This should have been an easy decision to get right, and the board's recent vote should be reversed. The board and management should be working hard to find a way keep the pools open, not looking for excuses to pack up and quit early.

Our household has used the pool on many occasions this summer, and while the sign-up process is a little cumbersome, we and the other pool users have done what it takes to cooperatively manage our pool visits with very minimal issues. We have never witnessed diapers, large groups, or large flotation devices. But assuming these violations were actually very common at all, wouldn't that make it all the easier to spot the violators and sanction them? In any case, how does it make sense to punish the community as a whole at a time like this?

Sincerely,

John M. Donovan  
300 Elmhurst Cir

September 3, 2020

Dear Nepenthe Board,

**As a home owner in Nepenthe I am displeased with your decision to close the pools.**

I use the pool almost every day and I have not seen anything you have stated in your letter. Most of the time I have not only had the Lap pool to myself, but the entire complex. Every homeowner that I have seen use the pools has done so with great respect for the rules. It's the Board that is being neglect in its' duties. You know who the rule breakers are, so do your job. Punishing the many, because you want an easy solution is not good leadership.

I like many of my neighbors look forward to an immediate reversal of your actions. The pools need to be reopened by the weekend.

If you decide to not reopen the pools, I and my fellow homeowners look forward to a refund of HOA dues for the many months you have closed access and have not heated the pools.

I look forward to swimming this weekend.

Margaret Flynn  
815 Dunbarton Cir

## Bettsi Ledesma

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**From:** Ed Goldman <edwardbrucegoldman@icloud.com>  
**Sent:** Friday, September 4, 2020 7:13 PM  
**To:** vicepresident@nepentheia.com; oresudent@neoentheia.com  
**Cc:** Bettsi Ledesma  
**Subject:** Pool closures

I'm not sure why, as we face one of the hottest weekends on record, the board has chosen to close, rather than simply monitor the pools and enforce the very reasonable rules.

This is an amenity we pay for—in fact, we pay one of the higher HOA fees in the region.

Is there some reason staff or temps can't be hired to monitor and enforce the rules? We certainly seem to have the money, based on your latest financials.

Taking this "privilege" away from all of us who pay and observe the rules is infantilizing owners and renters who are good citizens.

Treat the violators that way.

Fine them. Grow some collective cojones. Call them out publicly.

But don't remove an amenity we pay for. This is how lawsuits start. And how HOA boards get tossed out on their self-righteous asses. Thank you and Godspeed.

Sent from my iPhone with the unwanted assistance of my assistant, Otto Correct

Hello,

We are new renters. I am glad to hear that action is being taken. I've seen large groups in the pool by the clubhouse on several weekday evenings without masks or distancing.

Out of curiosity, is the board doing anything about the tennis courts? The ones on Swarthmore near Howe had at least a dozen people on it when we drove by last weekend. Playing doubles with others congregating. It was in the morning, but I don't remember which day. No masks, no distancing.... I was shocked.

Luckily dog walking is pleasant with people talking from a distance. Everyone so far has been very friendly and helpful. We are happy to be in this community!

Thank you,  
Anjanette Grossman

September 3, 2020

In defense of the Board's decision, I think it was the right thing to do.

I have seen some amazing things at the club house pool in the early evening when I walk the dog. Last night, there must have been 12 people at the pool (combination of adults & young children). The kids were doing "cannonball" jumps into the lap pool.

Thanks, Joan Haradon, 2257 Swarthmore

## Bettsi Ledesma

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**From:** Whitney Hartwell <whitney.hartwell@me.com>  
**Sent:** Friday, September 4, 2020 5:16 PM  
**To:** Bettsi Ledesma  
**Subject:** TO THE NEPENTHE BOARD OF DIRECTORs RE: CLOSING OF POOLS

To the Nepenthe Board of Directors:

I am writing today in regards to your decision to preemptively close the pools before the end of the Summer season. I am supremely disappointed that the Board decided to punish so many of the families that live in this community who regularly use the pool and adhere to the various rules set in place due to the Covid-19 pandemic.

As a mother of a two-year-old who has taken the pandemic very seriously since the beginning, having the pools open was a godsend to us. With no parks open and no where else to go to entertain a young child, we have been at the pool nearly every day and often, when sign-ups permitted, multiple times a day. In our time at the pool (both the Clubhouse and Dunbarton pools) we have not witnessed any of the offenses the Board has cited as reason to close the pool, save for minor offenses here and there. Namely, we have seen people show up on 100+ days that were not signed up and on those occasions, we informed those people of the rules and those residents were nothing but gracious, keeping their distance from our family. Or we have seen people bring a float or toy for a small child, an offense that could easily be rectified by reaching out to the offending family directly. I have never seen a soiled diaper on the pool deck nor have I witnessed large groups of people at the pool. All I have witnessed is a community, struggling with the limitations of a global pandemic coming together in one of the safest ways they can, outdoors, socially distanced and in a chlorinated pool to try to find some semblance of joy during the summer.

I find the fact that this topic of discussion was introduced on the agenda as "End of Season Pool Closure" and not what it actually was "Proposed Preemptive Pool Closure due to Offenses by a Limited Group" is infuriating. Had we known that this was what was going to be discussed, the pool-using community would have shown up en-masse, the way it has now done so on NextDoor. Additionally, I do not understand why a special meeting was not called as it had been done previously mid-Summer when there were questions on how to handle the pools. It is clear that the Board did not want, nor does it value the opinion of the community.

Upon receiving the email from Bettsi, I called the office and she explained to me that the Board determined that since only 2% of the 559 (or whatever the exact number is) households in the community use the pool, they felt the this small population was exposing the HOA to excessive risk. But I must ask where this number comes from, since I have witness more than 12 individual families that regularly use the pool, and more that are occasional users, especially on hot weekends like the one we are entering now.

Additionally, I was told that the offenses were witnessed on camera and told that key card information can identify who was in the pool area when the offenses occurred, so I ask you WHY ARE THOSE OFFENDERS NOT BEING PUNISHED DIRECTLY AND WHY ARE YOU INSTEAD PUNISHING THE WHOLE SWIMMING COMMUNITY?

Additionally, since the majority of the families with young children in the neighborhood use the pools, this feels like a discrimination against those of us with children. With the changing demographics of this neighborhood, you need to be sensitive to how your decisions are affecting those who live here who are not retired.

Finally, I am enraged at the fact that all the discussion has centered around the use of the pool when I regularly see large groups of people, often in numbers greater than 10 (which directly goes against statewide orders for social distancing) handing out around the tennis courts. These are clearly people from different households coming together and often standing in close quarters while they wait to get in on a tennis or pickleball game. Just this past Sunday at around 7pm I

watched a group of 8 pickle ball players leave the courts together and go to their separate cars. I don't want the tennis courts to close any more than I want the pools to close, but we need to be treating all the amenities equally and that has not been the case.

I implore you to rethink your decision and reopen the pools effective immediately and punish the individual offenders (who you can identify via keycard data and video).

If you cannot do that you owe the homeowners in the Nepenthe HOA a discount or rebate on our monthly HOA payments for the savings incurred throughout the Summer for not having the hot tubs heated and the savings on heating the pools during the closed time periods.

Sincerely,

Whitney Hartwell  
37 Adelphi Court

Request for Board ACTION

My name is Holly Keller of 109 Dunbarton Circle – Nepenthe HOA. Today's date is September 26<sup>th</sup> 2020.

I am writing to request board action in reversing the Pool Closure order. I want the pools to be re-opened.

I have reviewed the COVID-19 Guidance for Public Swimming Pools and Spas and I know that our pools meet the criteria to be OPEN.

Therefore, I move that the Nepenthe Pools be opened immediately.

As the guidance states, they recommend a sign-up sheet, individuals need to stay 6ft. apart if they are unrelated households, and no more than 10 people are to gather. Possibly this time when you reopen the pools the smaller ones, Elmhurst and Dunbarton should be limited to one group at a time and not two. There should not be an issue with flotation devices if the owner brings their own and takes it home if they are using the pool by themselves. Possibly this time when you reopen our pools you should notate that deck furniture is not allowed. Trash cans should be provided, or you should state that individuals that use our pools need to take their trash out. The pool maintenance of Chemicals is in accordance with the guidelines.

Opening on a limited basis and notating and delivering information weekly on how the pool usage is going would help to verify that the offenses that shut our pools down do not happen again. I personally use the pools and I was not aware of any of the issues that were stated in your closure note.

Thank you for your consideration,

Holly Keller

109 Dunbarton Circle

September 3, 2020

Thank you for this information. As someone who has followed all the rules, I was saddened to read about the closures. But, I understand the reasons behind the decision and agree with it. I DO have a question. Would it be possible to shorten the hours of pool availability and have an employee or volunteer at each pool making sure proper protocol was observed?

Carol Koss  
500 Elmhurst Circle

September 3, 2020

Thank you to the board for its leadership ... a strong and necessary (though perhaps controversial) decision.

Brian Lewis

1230 Vanderbilt

September 3, 2020

I totally understand and support your decision. It's a shame that people cannot follow basic rules and ruin it for other people.

I feel for the children that can't use the pool, but then we have people that don't follow rules.

Regards,

Sylvia Lomeli  
204 Dunbarton Circle

First, I want to let the Board know that your service and the commitment you have made to the Nepenthe community is greatly appreciated. Be that as it may, with respect the decision to close the pools immediately, it is our opinion you really dropped the ball. We hope you will now be responsive to this community and reverse that decision.

First, judging from the misleading labeling of the agenda item: 'End of Season Pool Closing" The directors will discuss when to close the pools this year'. This does not even appear to be an action item ... additionally it appears to be the routine annual discussion about setting a weather criterion to close the pools. What resulted was nothing like that. One must wonder if the Board desired community input at all.

Second, as frequent users of the Dunbarton pool we have not witnessed any of the transgressions you have identified. People have been diligent about signing up and vigilant in keeping group size to appropriate levels. As for the dirty diaper, I think we can put that in the category of a 'red herring' -- objectionable but of no relevance to the present discussion. Would you have shut all the pools down last year upon the discovery of a dirty diaper? Are dirty diapers an established source of covid infection?

Since we are not aware of the frequency of the problems it is difficult to assess the soundness of the Board's decision. But on the surface it appears hasty at best. The chance of contracting the virus at the pool is minimal – a risk that we all can weigh ourselves and then determine if we wish to be present. How ironic that one of the concerns listed in the letter to the community is that the County might force closure of the pools ... so let's beat them to it!

We suggest that rather than punish the community for a policy that has had some (how many?) setbacks, the prudent approach would be to first provide feedback to owners about the problems and then open up a discussion to address these problems. To shut the pools down post haste before Labor Day weekend appears to be an over reaction to your concerns. We respectfully request that you reconsider your decision without delay.

Jeanne Malvetti, 1106 Dunbarton

Nepenthe Board Members,

We wanted to provide our feedback regarding the abrupt pool closure and we respectfully ask that you reverse your decision and include the community in your discussions to work towards an actual solution. It was disheartening to see this abrupt announcement and lack of transparency. While we saw the agenda item posted, we noted that the agenda item was titled "End of Season Pool Closing." That title of the agenda topic is disingenuous as it led us to believe you would be discussing the typical time when the pool would close for the season, such as when the temperature falls below a certain level. If the true nature of the topic would have been disclosed (similar to the special open session), we would have made every effort to be there.

In the most recent newsletter, it implied that the Board of Directors made this decision mainly due to advice of the contract pool service, as he had "observed" multiple infractions. I find this very interesting because I typically go on my morning runs at 6 am and have noticed he is there daily before 8 a.m. So I find it very unusual that he has individually observed a number of unsafe behaviors as very few people are actually at the pool during those early morning hours. When I run by, I have noticed a lone lap swimmer or two. We have used the pool on multiple occasions this summer and have not witnessed dirty diapers or large gatherings. If that has been happening, can't community members be contacted about these behaviors since you have key card logs and know who they are?

My husband and I are working full-time from home right now while supporting all 3 of our young children through distance learning. The pool is an outlet for our family to exercise, enjoy some time outside of our home, and is actually a safe activity for us to participate in. We bought our house here 14 years ago and have chosen to stay as we established our foundation as newlyweds and expanded our family here. We have generally loved being part of this community. However, it's these types of actions that make us feel that perhaps Nepenthe is not as inclusive as we would like it to be and this is just one of the examples that make us feel like families are not welcome here. I was there for the initial special session about the pool and participated in the public comment. As I expressed my appreciation of and why my family values this amenity so much, I witnessed and sensed the irritation from a few individuals as I was speaking.

Additionally, we have a direct view of the Nepenthe tennis courts. We regularly observe groups of 4+ not observing social distancing as they are playing pickleball and socializing while waiting for their turn. While you have rules for the tennis courts/pickleball, how are you enforcing those since they are clearly not being followed? There is no sign up system and guests are allowed, so it feels like the Board values the tennis courts in a much different manner and gives preferential treatment to different groups. While we have observed larger gatherings on the pickle ball courts that are not observing social distancing, we also would not recommend an abrupt closure of the amenity itself. We know they are also highly valued amenities by some of our community members.

Thank you for taking the time to read our email. We are asking for transparency and honesty. Everything about the announcement and newsletter gave us an unpleasant feeling. We are not sure if you are pool users yourselves, but please consider the community members who value and use this amenity.

Sincerely,

Emily and Leo Nakanishi

10 Adelphi Court

September 3, 2020

Well done, Nepenthe Board. Right before what's projected to be a very hot 3 day holiday weekend. Although the word on the email is plural, just how many used diapers have been found and how often? I look out of my window right into the Dunbarton pool and have never seen any of the behaviors of which you speak. How often do you check them. I have seen one board member there once!! This action on your part with the flimsy excuses is ridiculous. Maybe it's just all the renters that you don't like who are causing these alleged problems. Will we get some refund off our \$519 since we can't use any of the facilities. The money doesn't appear to be going into our pathetic looking landscaping.

Wm Olmsted (PS, I'm an owner)  
102 Dunbarton

September 3, 2020

Dear Bettsi,

I would like to know if you could pass this to the Board. I understand their frustration regarding the pools and I am sorry people have abused it. The best way to have handled this is to have given the residents a warning first before the drastic shut down. This way if any of the residents saw the abuse, we could police it ourselves and would. Especially, if it meant we would lose our rights to the pool.

I am amazed they did this right before a holiday. If they had issued such a warning, we would have taken care and watched out for our pools and people. Many of us have talked and feel we would have liked to have been considered, since the residents overall have been abiding and responsible.

We are not children, we pay and take care of our homes. Maybe there could have been such a warning that was emailed and posted on the gates like;

**WARNING: SECURITY CAMERAS ARE IN FORCE AND IF THERE IS ANY ABUSE TO THE RULES, YOUR KEY CARD WILL BE REVOKED FOR A SUSPENDED TIME AND YOUR PICTURE WILL BE NOTED ON CAMERA. ALSO, IF THE ABUSE STILL TAKES PLACE, THE POOLS WILL BE SHUT DOWN FOR AN EXTENDED TIME.**

This at least gives respect to the many families/residents who swim for our exercise and emotional being. This is not what we vote a board to do...not to even communicate such an action will take place without warning.

Please reconsider.

Thank you for taking the time to read  
Marsha Parham  
613 Dunbarton Circle

September 3, 2020

Hi Bettsi

I am utterly shocked that the board has decided to close the pools. Most of us have followed the guidelines. Why punish us when a few should be fined or at least kicked out of the facility. As you know, we see the comings and goings of the main pool. I have only noticed activities such as between 6-7 a lady running her dog in the pool and pool area and people sitting in chairs. I have not witnessed congregated groups. I also have witnessed many guests using the pickleball court and then coming over for a swim afterward. I am sure this will continue since the board is not closing the courts.

This weekend I was looking forward to my daily swim during a very hot weather streak. I am just darn frustrated with this decision. If you know that people congregated then you need to punish them not us. I pay \$519 a month for no pool, no jacuzzi, terrible grounds keeping, a rotted out and falling fence due to the terrible grounds keeping, and an unpruned cedar tree over half of my yard with cedar needles that cover my garage roof, etc.

I wanted the board to know that there are many good residents that respect our grounds and want to only make it better. The situation continues to be deplorable and unaddressed.

Thanks for hearing me out. I also want to mention that I am not only voicing my concerns. I have applied to be on the grounds committee three times over the last two years with no response.

Kathleen Sadao  
1318 commons drive

## Bettsi Ledesma

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**From:** Ashley Tangeraas <tangeraas@me.com>  
**Sent:** Monday, September 28, 2020 8:46 AM  
**To:** Bettsi Ledesma  
**Subject:** Proposal for Board- please forward to board  
**Attachments:** board action.pdf

Hi Bettsi and board members. I've attached the page from the HOA docs regarding proposals. I hear that Holly has submitted a proposal according to the guidelines and ask that this be discussed at our upcoming board meeting. As a homeowner here, I'm extremely concerned about our pool closures which seem to go beyond the county health guidelines and strongly believe that this negative publicity, along with the RoundUp drama, will negatively affect property values here in Nepenthe. If this response is not to be on the agenda, I ask to receive a formal, written response from the board citing our governing HOA rules as to why it's not to be heard. I am not a big pool user, but my neighbors just moved due to the closure. Just recently, I was showing property to a client in this area that wanted access to a pool thereby excluding Nepenthe as it appears that this closure may be nearly permanent. According to county guidelines, it is the chemistry that is important and something that we have regularly taken care of. We are all adults and if someone is worried about the risk of Covid, it's up to them to decide what is safe. The state tracing system is a complete disaster and extremely unlikely that any case would be traced back to our pool. I actually wrote regulations for CDPH and a lot of my former colleagues are working on the tracing, so I know what I'm talking about. However, the guidelines do give some teeth to prevent large gatherings where there is indeed the risk of spread.

I will be on the October call and hope that this item can be included as I was told that the board voted not to hold an emergency meeting.

Thanks,

Ashley Tangeraas  
1317 VANDERBILT WAY

September 3, 2020

Dear Bettsi,

Your rules were clear, very straightforward and not hard to follow. No one should have felt they were cumbersome. Please thank the Board for being willing to open the pools to begin with and thank them for protecting the health of our community.

Pat Singer

1045 Commons



**NEPENTHE ASSOCIATION  
BOARD OF DIRECTORS MEETING**

**September 2, 2020, 5:30 PM**

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

**OPEN SESSION MINUTES**

**I. CALL TO ORDER 5:38pm**

<b>Present</b>	<b>Board Member</b>	<b>Position</b>
X	Christina George	President
X	Linda Cook	Director
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 September 2<sup>nd</sup> to consider legal matters, member discipline, personnel and contract formation.

**III. COMMITTEE REPORTS** – The Directors reviewed the reports of the committees

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

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

- a. Manager’s Financial Report - Reserve Tracker
- b. Management Operations Report
- c. Master Calendar Report
- d. Landscape Status Meeting Minutes, August 25, 2020

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

**VI. HOMEOWNER FORUM** - A number of members addressed the Board

**VII. CONSENT CALENDAR**

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

**Motion:** Director Beale

**Second:** Director Cook

**Vote:** All in Favor

*Begin Consent Calendar*

- a. **Approval of Minutes:** The Open Session minutes dated July 1, 2020 are approved as presented.
  
- b. **Financial Statement:** The Board accepts the July 2020 interim financial reports and bank reconciliations as presented, subject to annual review.  
The reports reflect a negative year to date variance of \$150,579 and reserve funding of \$1,393,610 compared to the reserve funding budget of \$1,271,361. The Association has \$296,963 in operating funds, which represents less than one month of budgeted expenses and reserve contributions. The Association has \$9,573,221 in reserve funds.
  
- c. **Lien Resolution:** The Board authorized management to place liens on the following account 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	\$1,557

d. **Architectural Applications**

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

	Address	Application for	Recommendation
1	1425 University	Solar Panels	Approval
2	1539 University	Sunscreenes	Approval
3	615 Dunbarton	Skylights	Approval
4	201 Dunbarton	Emergency HVAC	Approval
5	1005 Dunbarton	Emergency HVAC	Approval
6	1026 Vanderbilt	Emergency HVAC	Approval

*End Consent Calendar*

**VIII. UNFINISHED BUSINESS –**

- a. **Adopt Proposed Enforcement Policy and Fine Schedule**

**Resolution:** The Board hereby adopts the Enforcement Policy and Schedule of Fines effective September 2, 2020.

**Motion:** Director Beale

**Second:** Will Vizzard

**Vote:** All in Favor

**IX. NEW BUSINESS**

**a. End of Season Pool Closing**

President George advised the other directors that she had been contacted by the pool service contractor concerning ongoing issues at the pools. On multiple occasions, the contractor had found wet, soiled diapers left on the Elmhurst pool deck. More than once he had come in the afternoons for various tasks and found more people on the pool decks than what were signed up for on the clipboard. He had even found the signup clipboard being used to prop open the pool gate.

The president then advised the directors that she and General Manager, Bettsi Ledesma, had reviewed the signup sheets against the key scan logs and found numerous discrepancies. From the review it was apparent that people were using the pools who had not signed the Waiver of Liability.

Based on the severity of the behaviors and the liability of being a pool operator during a time of pandemic, the directors agreed that closing the pools was the only way to minimize the Association's exposure to risk.

**Resolution:** Close all pools immediately.

**Motion:** Director Cook

**Second:** Director Beale

**Vote:** All in Favor

**b. Appoint volunteers to Committee(s)**

The directors review committee application in closed session for confidentiality.

**Resolution:** The directors hereby appoint **Joan Barrett, Anne Conway, Valerie Weinberg and Cheryl Nelson** to serve on the Outreach Committee and **Tara Zimmerman** to serve on the Finance Committee, respectively September 2, 2020 through the end of the 2021 Annual Members Meeting.

**Motion:** Director Cook

**Second:** Director Vizzard

**Vote:** All in favor

**X. HOMEOWNER FORUM** - A number of members address the Board

**XI. NEXT MEETING:** Wednesday, October 7, 2020 at 5:30 pm in the Nepenthe Clubhouse

**XII. ADJOURN 6:39pm**



**NEPENTHE ASSOCIATION  
BOARD OF DIRECTORS MEETING**

**September 18, 2020, 2:00 PM**

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

**OPEN SESSION MINUTES**

**I. CALL TO ORDER**

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

**ALSO ATTENDING**

Bob Browning, Browning Reserve Group  
Bettsi Ledesma, General Manager  
Michal Marshall, Vice-President Sacramento, FirstService Residential

**II. HOMEOWNER FORUM**

No owners attended the meeting

**III. NEW BUSINESS – Reserve Study Review**

The directors met with the Reserve Specialist, Bob Browning, to review the draft Reserve Study for 2021. They provided up to date information regarding some of the components and discussed different funding goals.

**XI. NEXT MEETING:** Wednesday, October 7, 2020 at 5:30 pm in the Nepenthe Clubhouse

**XII. ADJOURN 2:58 PM**

**The Board adjourned to Executive Session to discuss contract negotiations.**

## NEPENTHE

### September 17, 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
8/17/20	2228-01	\$2,949.18	\$2,076.00			
9/17/20	2406-03	\$2,032.08	\$1,441.81			

**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: \_\_\_\_\_



**RESERVE STUDY**

Member Distribution Materials

**Nepenthe Association**

*Update w/o Site Visit Review*

2020 Update- 3

Published - September 18, 2020

Prepared for the 2021 Fiscal Year

<i>Section</i>	<i>Report</i>	<i>Page</i>
<i>California:</i>	Member Summary	1
	Assessment and Reserve Funding Disclosure Summary	<i>[Civil Code §5570]</i> 3
<i>Section III:</i>	30 Year Reserve Funding Plan	<i>Cash Flow Method {c}</i> 5

September 18, 2020

This is a summary of the Reserve Study that has been performed for Nepenthe Association, (the "Association"). This study was conducted in compliance with California *Civil Code Sections 5300, 5550 and 5560* and is being provided to you, as a member of the Association, as required under these statutes. A full copy is available (through the Association) for review by members of the Association.

The intention of the Reserve Study is to forecast the Association's ability to repair or replace major components as they wear out in future years. This is done utilizing the "Cash Flow Method." This is a method of developing a reserve funding plan where the contributions to the reserve fund are designed to offset the variable annual expenditures from the reserve fund.

Browning Reserve Group prepared this Update w/o Site Visit Review for the January 1, 2021 - December 31, 2021 fiscal year.

Nepenthe Association is a Planned Development with a total of 590 Lots.

The Reserve Study is not an engineering report, and no destructive testing was performed. The costs outlined in the study are for budgetary and planning purposes only, and actual bid costs would depend upon the defined scope of work at the time repairs are made. Also, any latent defects are excluded from this report.

### **Funding Assessment**

Based on the 30 year cash flow projection, the Association's reserves appear adequately funded as the reserve fund ending balances remain positive throughout the replacement of all major components during the next 30 years.

California statute imposes no reserve funding level requirements nor does it address funding level adequacy, and although one or more of the reserve fund percentages expressed in this report may be less than one hundred percent, those percentages do not necessarily indicate that the Association's reserves are inadequately funded.

Reserve Component	Current Replacement Cost	Useful Life	Remaining Life	2020 Fully Funded Balance	2021 Fully Funded Balance	2021 Line Item Contribution based on Cash Flow Method
<b>01000 - Paving</b>	<b>1,974,096</b>	<b>1-15</b>	<b>1-9</b>	<b>1,061,725</b>	<b>1,259,692</b>	<b>148,737</b>
<b>02000 - Concrete</b>	<b>151,089</b>	<b>1-5</b>	<b>0-5</b>	<b>75,015</b>	<b>141,263</b>	<b>52,774</b>
<b>03000 - Painting: Exterior</b>	<b>1,705,622</b>	<b>1-16</b>	<b>1-10</b>	<b>778,728</b>	<b>1,014,224</b>	<b>173,400</b>
<b>03500 - Painting: Interior</b>	<b>26,020</b>	<b>4-10</b>	<b>1-4</b>	<b>16,185</b>	<b>19,845</b>	<b>2,516</b>
<b>04000 - Structural Repairs</b>	<b>7,045,946</b>	<b>1-30</b>	<b>0-27</b>	<b>1,703,646</b>	<b>2,061,943</b>	<b>448,489</b>
<b>05000 - Roofing</b>	<b>21,802,558</b>	<b>1-30</b>	<b>0-29</b>	<b>4,910,148</b>	<b>5,715,858</b>	<b>915,493</b>
<b>08000 - Rehab</b>	<b>560,852</b>	<b>1-30</b>	<b>0-24</b>	<b>237,576</b>	<b>271,560</b>	<b>30,378</b>
<b>12000 - Pool</b>	<b>575,528</b>	<b>1-30</b>	<b>0-24</b>	<b>183,803</b>	<b>219,735</b>	<b>33,253</b>
<b>13000 - Spa</b>	<b>37,766</b>	<b>5-24</b>	<b>1-18</b>	<b>14,887</b>	<b>20,625</b>	<b>4,292</b>
<b>14000 - Recreation</b>	<b>34,451</b>	<b>5-20</b>	<b>2-8</b>	<b>22,210</b>	<b>27,674</b>	<b>3,746</b>
<b>17000 - Tennis Court</b>	<b>287,118</b>	<b>1-21</b>	<b>0-14</b>	<b>167,894</b>	<b>136,237</b>	<b>13,452</b>
<b>18000 - Landscaping</b>	<b>1,218,068</b>	<b>1-15</b>	<b>0-8</b>	<b>776,248</b>	<b>782,406</b>	<b>272,189</b>
<b>19000 - Fencing</b>	<b>708,341</b>	<b>1-25</b>	<b>0-19</b>	<b>365,010</b>	<b>415,959</b>	<b>63,085</b>
<b>20000 - Lighting</b>	<b>61,056</b>	<b>1-20</b>	<b>0-13</b>	<b>21,586</b>	<b>26,074</b>	<b>12,783</b>
<b>21000 - Signage</b>	<b>109,922</b>	<b>1-25</b>	<b>0-24</b>	<b>39,093</b>	<b>44,851</b>	<b>5,195</b>
<b>22000 - Office Equipment</b>	<b>4,200</b>	<b>3-3</b>	<b>1-1</b>	<b>2,800</b>	<b>4,305</b>	<b>1,053</b>
<b>23000 - Mechanical Equipment</b>	<b>102,992</b>	<b>10-15</b>	<b>1-4</b>	<b>93,545</b>	<b>103,083</b>	<b>5,329</b>
<b>24000 - Furnishings</b>	<b>9,456</b>	<b>10-15</b>	<b>2-9</b>	<b>5,884</b>	<b>6,856</b>	<b>662</b>
<b>24600 - Safety / Access</b>	<b>28,327</b>	<b>10-10</b>	<b>4-9</b>	<b>4,671</b>	<b>7,692</b>	<b>2,557</b>
<b>25000 - Flooring</b>	<b>38,431</b>	<b>10-20</b>	<b>1-18</b>	<b>21,813</b>	<b>25,969</b>	<b>2,913</b>
<b>26000 - Outdoor Equipment</b>	<b>735</b>	<b>10-10</b>	<b>6-6</b>	<b>294</b>	<b>377</b>	<b>63</b>
<b>27000 - Appliances</b>	<b>18,911</b>	<b>10-20</b>	<b>1-14</b>	<b>10,286</b>	<b>12,133</b>	<b>1,310</b>
<b>30000 - Miscellaneous</b>	<b>53,983</b>	<b>1-1</b>	<b>0-1</b>	<b>53,156</b>	<b>50,208</b>	<b>35,350</b>
<b>31000 - Reserve Study</b>	<b>6,750</b>	<b>1-3</b>	<b>0-1</b>	<b>4,700</b>	<b>6,919</b>	<b>1,982</b>
<b>32000 - Undesignated</b>	<b>7,880</b>	<b>1-1</b>	<b>1-1</b>	<b>3,940</b>	<b>8,077</b>	<b>2,963</b>
Totals	<b>\$36,570,099</b>			<b>\$10,574,841</b>	<b>\$12,383,565</b>	<b>\$2,233,963</b>
Estimated Ending Balance				<b>\$10,187,633</b>	<b>\$11,411,288</b>	<b>\$315.53</b>
Percent Funded				<b>96.3%</b>	<b>92.1%</b>	/Lot/month @ 590

September 18, 2020

(1) The regular assessment per ownership interest is \_\_\_\_\_ per month for the fiscal year beginning January 1, 2021.

*Note: If assessments vary by the size or type of ownership interest, the assessment applicable to this ownership interest may be found on page \_\_\_\_ of the attached summary.*

(2) Additional regular or special assessments that have already been scheduled to be imposed or charged, regardless of the purpose, if they have been approved by the board and/or members:

Date assessment will be due:	Amount per ownership interest per month or year (if assessments are variable, see note immediately below):	Purpose of the assessment:
N/A	\$0.00	N/A
Total:	\$0.00	

*Note: If assessments vary by the size or type of ownership interest, the assessment applicable to this ownership interest may be found on page \_\_\_\_ of the attached report.*

(3) Based upon the most recent reserve study and other information available to the board of directors, will currently projected reserve account balances be sufficient at the end of each year to meet the association's obligation for repair and/or replacement of major components during the next 30 years?

Yes  No

*This disclosure has been prepared by Browning Reserve Group and has been reviewed and approved by the association's board of directors based upon the best information available to the association at the time of its preparation. The accuracy of this information over the next 30 years will be dependent upon circumstances which are impossible to predict with specificity, and will require future action to adjust assessments over the period in accordance with the current projections and future developments.*

(4) If the answer to (3) is no, what additional assessments or other contributions to reserves would be necessary to ensure that sufficient reserve funds will be available each year during the next 30 years that have not yet been approved by the board or the members

Approximate date assessment will be due:	Amount per ownership interest per month or year:
N/A	N/A

(5) All major components are included in the reserve study and are included in its calculations. See next page §5300(b)(4), for any major component exclusions.

(6) Based on the method of calculation in paragraph (4) of the subdivision (b) of section 5570, the estimated amount required in the reserve fund at the end of the current fiscal year is \$10,574,841, based in whole or in part on the last reserve study or update prepared by Browning Reserve Group as of September, 2020. The projected reserve fund cash balance at the end of the current fiscal year is \$10,187,633 resulting in reserves being 96% percent funded at this date. Civil code section 5570 does not require the board to fund reserves in accordance with this calculation.

*An alternate and generally accepted method of calculation has been utilized to determine future reserve contribution amounts. The reserve contribution for the next fiscal year has been determined using the Cash Flow method of calculation (see section III, Reserve Fund Balance Forecast). This is a method of developing a reserve funding plan where the contributions to the reserve fund are designated to offset the variable annual expenditures from the reserve fund. Different reserve funding plans are tested against the anticipated schedule of reserve expenses until the desired funding goal is achieved.*

(7) Based on the method of calculation in paragraph (4) of subdivision (b) of section 5570 of the Civil Code, the estimated amount required in the reserve fund at the end of each of the next five budget years is presented in column (b) 'Fully Funded Balance' in the table immediately below; and the projected reserve fund cash balance in each of those years, taking into account only assessments already approved and other known revenues, is presented in column (c) 'Reserve Ending Balance'; leaving the reserve at percent funding as presented in column (d) 'Percent Funded' in each of the respective years.

Fiscal Year (a)	Fully Funded Balance (b)	Reserve Ending Balance (c)	Percent Funded (d)
2021	\$12,383,565	\$11,411,288	92.1%
2022	\$13,920,066	\$13,156,314	94.5%
2023	\$15,996,939	\$13,769,036	86.1%
2024	\$16,941,564	\$13,107,068	77.4%
2025	\$16,610,307	\$13,377,596	80.5%

If the reserve funding plan approved by the association is implemented, the projected fund cash balance in each of those years will be the amounts presented in column (c) 'Reserve Ending Balance' in the table immediately above, leaving the reserve at percent funding as presented in column (d) 'Percent Funded' in each of the respective years.

NOTE: The financial representations set forth in this summary are based on the best estimates of the preparer at that time. The estimates are subject to change. At the time this summary was prepared, 2.50% per year was the assumed long-term inflation rate, and 2.50% per year was the assumed long-term interest rate.

### Additional Disclosures

**§5565(d)** The current deficiency in reserve funding as of December 31, 2021 is \$1,648 per ownership interest (average).

*This is calculated as the current estimate of the amount of cash reserves necessary as of the end of the fiscal year for which the study is prepared, less, the amount of accumulated cash reserves actually (Projected to be) set aside to repair, replace, restore, or maintain the major components.*

$$\text{Deficiency} = \frac{\text{2021 Fully Funded Balance} - \text{2021 Reserve Ending Balance}}{\text{Ownership Interest Quantity}}$$

**§5300(b)(4)** The current board of directors of the association has not deferred or determined to not undertake repairs or replacements over the next 30 years.

Major Component:	Justification for Deferral:
N/A	N/A

**§5300(b)(5)** The board of directors as of the date of the study does not anticipate the levy of a special assessment for the repair, replacement, or restoration of the major components.

**30 Year Reserve Funding Plan Cash Flow Method**

2020 Update- 3

Prepared for the 2021 Fiscal Year

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
<b>Beginning Balance</b>	8,501,059	10,187,633	11,411,288	13,156,314	13,769,036	13,107,068	13,377,596	14,505,556	16,199,111	17,605,068
<b>Inflated Expenditures @ 2.5%</b>	723,626	1,276,962	848,090	2,066,747	3,399,504	2,522,319	1,743,800	1,276,226	1,666,858	2,212,999
<b>Reserve Contribution <sup>1</sup></b>	2,179,476	2,233,963	2,289,812	2,347,057	2,405,733	2,465,876	2,527,523	2,590,711	2,655,479	2,721,866
<i>Lots/month @ 590</i>	307.84	315.53	323.42	331.51	339.79	348.29	356.99	365.92	375.07	384.44
<i>Percentage Increase</i>		2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
<b>Special Assessments / Other</b>	0	0	0	0	0	0	0	0	0	0
<b>Interest Pre Tax @ 2.50%</b>	230,725	266,653	303,304	332,412	331,804	326,971	344,236	379,070	417,336	446,488
<b>Ending Balance</b>	10,187,633	11,411,288	13,156,314	13,769,036	13,107,068	13,377,596	14,505,556	16,199,111	17,605,068	18,560,422

<sup>1)</sup> The funding plan does not have a traditional "low year" or "threshold year" in terms of a dollar amount. The percent funded calculation is driving increases to keep the Percent Funded above 60% in the long term, per the association.

	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
<b>Beginning Balance</b>	18,560,422	20,750,924	21,704,366	22,472,971	22,822,784	24,246,676	26,120,949	28,262,711	30,191,038	32,764,498
<b>Inflated Expenditures @ 2.5%</b>	1,084,737	2,430,358	2,707,947	3,213,827	2,236,755	1,904,081	1,765,086	2,109,656	1,603,007	4,225,627
<b>Reserve Contribution</b>	2,789,913	2,859,661	2,931,153	3,004,432	3,079,543	3,156,532	3,235,445	3,316,331	3,399,239	3,484,220
<i>Lots/month @ 590</i>	394.06	403.91	414.00	424.35	434.96	445.84	456.98	468.41	480.12	492.12
<i>Percentage Increase</i>	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
<b>Special Assessments / Other</b>	0	0	0	0	0	0	0	0	0	0
<b>Interest Pre Tax @ 2.50%</b>	485,325	524,139	545,399	559,207	581,104	621,823	671,403	721,651	777,229	809,845
<b>Ending Balance</b>	20,750,924	21,704,366	22,472,971	22,822,784	24,246,676	26,120,949	28,262,711	30,191,038	32,764,498	32,832,936

	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
<b>Beginning Balance</b>	32,832,936	31,008,775	28,447,981	28,459,431	27,784,626	23,644,277	20,824,068	17,274,678	11,289,784	7,944,813
<b>Inflated Expenditures @ 2.5%</b>	6,183,656	6,955,436	4,443,234	5,215,102	8,717,348	7,409,827	8,161,387	10,582,725	7,933,749	7,372,921
<b>Reserve Contribution</b>	3,571,325	3,660,608	3,752,123	3,845,926	3,942,074	4,040,626	4,141,642	4,245,183	4,351,313	4,460,096
<i>Lots/month @ 590</i>	504.42	517.04	529.96	543.21	556.79	570.71	584.98	599.60	614.59	629.96
<i>Percentage Increase</i>	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
<b>Special Assessments / Other</b>	0	0	0	0	0	0	0	0	0	0
<b>Interest Pre Tax @ 2.50%</b>	788,169	734,034	702,561	694,371	634,925	548,992	470,355	352,648	237,464	162,210
<b>Ending Balance</b>	31,008,775	28,447,981	28,459,431	27,784,626	23,644,277	20,824,068	17,274,678	11,289,784	7,944,813	5,194,197

**Tennis Court Specialists**  
**Bruce Sheldon / Dan Sivley**  
871 Ridgeview Drive / Woodland, CA 95695  
State License #808636  
Phone 530 681-0772

Proposal

August 31, 2020

Nepenthe Association  
1131 Commons Drive  
Sacramento, CA 95825  
916 929-8380

**CONTRACTOR AND OWNER AGREE AS FOLLOWS:**

Contractor shall furnish as per submitted specifications and cost, all materials, labor, equipment, transportation and perform all work necessary for the complete resurfacing of three tennis courts and two pickle ball courts. Owner shall provide access to the property, water and electricity to the site and allow trash to be placed in the dumpster. Owner shall grant free access to workmen and vehicles, and shall allow areas for storage of materials and rubbish. Owner agrees to keep driveways clear and available for movement and parking of vehicles. Owner agrees to be responsible for any required fees, permits, or licenses.

Please note: The issue of the landscaping watering going over the court needs to be fixed

Clean and prepare surface by water broom and/or blower  
Grind lines where needed due to incorrect paint used  
Repair approximately 1,200 feet of cracks using RiteWay crack repair system  
Apply two coats of Nusurf over all RiteWay repaired areas  
Apply one coat of Nusurf over entire surface  
Apply Laykold Color Surface System over entire surface  
Tape and hand paint lines in accordance with the USTA specification  
Hand paint two sets of pickleball lines

We propose to perform and complete the above specification for the sum of:

Forty eight thousand dollars (\$48,000.00)

Please note: There will be an increased cost if more cracks appear or grow in length before work commences.

All material and ratios are guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. Cracks repaired using RiteWay crack repair system are warranted for two years. We cannot and do not warrant against other cracks or checks reappearing. Payment due upon completion.

Authorized Signature

Bruce Sheldon

ACCEPTANCE OF PROPOSAL:

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified.

Authorized Signature

Date of Acceptance / /2020

# Nepenthe Association

1131 Commons Drive  
Sacramento, CA 92825

September 28, 2020

## Notice of Board's Proposed Adoption of Political Signs and Flag Display Rules

**Date:** October 8, 2020

**Time:** 9:00 am

**Location:** Exterior Bulletin Board Clubhouse, 1131 Commons Dr.

Dear Owner:

Your Association's Board is intending to adopt rules regarding the posting and display of political signs and flags within an owner's Lot. Please see the proposed updated Political Signs and Flag Display Rules enclosed, which will be added to the Association's Community Rules under Section 4, Owner and Resident Obligations, 4.4. Use Restrictions, as Rule 4.4.9.

The intended purpose and effect of new rules is to impose reasonable restrictions on the posting and display of political signs and flags within an owner's Lot in compliance with state law (Civil Code Sections 4710 and 4705), federal law (Freedom to Display the American Flag Act of 2005) and to impose reasonable restrictions on the posting and display of political signs and flags within an owner's Lot, to enhance the value, desirability and attractiveness of the development. (CC&Rs, Recital R8)

The CC&Rs currently only specifically address the display of "for sale" and "for rent" signs and refer to State law on the display of the United States flag. (CC&Rs, Section 3.5). However, state and federal law do allow some types of restrictions on the display of political signs and United States flags.

Also, in these highly partisan times many of our neighbors display signs and flags advocating for a political candidate or cause. Various signs and flags are proliferating in neighborhood front yards and we have received numerous letters of complaint. We would like to address this issue with the rule changes.

The Board intends to adopt the Political Signs and Flag Display Rules at its Board meeting on November 4, 2020, at 5:30 pm, at 1131 Commons Dr.

You are invited to comment on these rules either by forwarding your comments to the Board at the address above, preferably in writing, or by email to [Bettsi.Ledesma@fsresidential.com](mailto:Bettsi.Ledesma@fsresidential.com), prior to the Board meeting, or by making comments at the Board meeting, before the Board adopts the rules. The Board, while obligated to listen to your comments, is not obligated to make changes based on those comments.

Sincerely,

Board of Directors

Enclosure

# NEPENTHE ASSOCIATION

## POLITICAL SIGNS AND FLAG DISPLAY RULES

[Adopted \_\_\_\_\_, 2020]

The following will be added to the Association's Community Rules under Section 4, Owner and Resident Obligations, 4.4. Use Restrictions, as Rule 4.4.9.

### **4.4.9. Political Signs and Flag Display Rules**

The following Political Signs and Flag Display Rules expand the restrictions in the Association's CC&Rs, Section 3.5, Signs and Flags, on the posting and display of signs and flags on owners' Lots while complying with Civil Code Sections 4710 and 4705, and the Freedom to Display the American Flag Act of 2005.

#### A. Political Signs:

"Political Signs" are defined as signs, posters, flags and/or banners in support of a candidate running for political office (local, state or national), or in support of a position on a political issue on an upcoming election ballot.

1. No Political Signs may be posted or displayed on the Common Area.
2. Political Signs must be made of paper, cardboard, cloth, plastic or fabric; and may not be made of lights, roofing, siding, paving materials, flora, balloon, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces.
3. Political Signs may not be more than nine (9) square feet in size, except that Political Signs that are flags or banner may not be more than fifteen (15) square feet.
4. Political Signs may not contain obscenities or fighting words.
5. No more than a combination of three (3) Political Signs may be posted or displayed on an owner's Lot at the same time.
5. Political Signs may not be posted or displayed in a manner that interferes in any way with the Association's mowing of the lawn grass area on an owner's Lot or any other maintenance obligations of the Association to be performed on an owner's Lot.
6. Political Signs may not be posted and displayed on an owner's Lot more than 90 days before the date of the election.
7. Political Signs posted or displayed on an owner's Lot must be removed from the owner's Lot no later than 15 days after the election date.

## B. Flags

“Flag” for this subsection (B) is defined as the United States of America flag consisting of 13 equal horizontal stripes of red (top and bottom) alternating with white, and a blue rectangle in the upper hoist-side corner bearing 50 small, white, five-pointed stars arranged in nine offset horizontal rows of six stars (top and bottom) alternating with rows of five stars.

1. No Flag may be posted or displayed on the Common Area.
2. A Flag may only be constructed of the following materials: nylon, polyester, cotton or similar materials. A Flag may not be made from lights, paint, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping or decorative component.
4. Flag dimensions are limited to a maximum of 3 feet by 5 feet and may not be more than fifteen (15) square feet in size.
5. Only one Flag may be posted or displayed on an owner’s Lot.
6. The maximum height of the top of any Flag when displayed is the lesser of twenty feet or the roofline of the owner’s Residence.
7. A Flag may only be posted or displayed on an owner’s Lot between sunrise and sunset (to eliminate flapping noise that might disturb neighbors).
8. Flags must not be flown upside down on an owner’s Lot.
9. Flags must be cleaned and mended as needed.
10. Flags may not be posted or displayed on an owner’s Lot in such a manner as to permit them to be easily torn, soiled, or damaged in any way.
11. Flags may not be posted or displayed on an owner’s Lot during inclement weather unless an all-weather flag is used.
12. Flags may only be flown at half-staff on an owner’s Lot for Federal, State, or Association recognized memorials authorizing flags to be flown at half-staff. These generally include by order of the (a) President upon the death of a principal figure of the United States Government, (b) the Governor of California upon the death of a past or present official of California, or (c) the Board of Directors upon the death of past or present member(s) of the Board.
13. When lowered, no part of the Flags should touch the ground or any other object, and the Flags should be folded into a triangular shape neatly for storage.
14. Poles and staffs upon which Flags are flown on an owner’s Lot must be structurally sound, and the locations of the poles and staffs cannot interfere with the Association’s ability to maintain components on an owner’s Lot or any other maintenance obligations of the Association to be performed on an owner’s Lot.
15. Owners seeking to install poles or staffs on an owner’s Lot for the posting and display of flags need to submit an architectural application to the Association’s Architectural Review Committee for approval

specifying the size, color, location, and construction materials for the poles or staffs, and obtain such approval, prior to the installation of such poles or staffs in compliance with the procedures in the Association's CC&Rs, Article IV, for approval of improvements.