

## RESPONSES TO NOVEMBER AND DECEMBER 2023 OPEN MEETING COMMENTS and CORRESPONDENCE

Please note these responses will always be attached to packets for Open Board meetings following the meeting where the comment was made and the monthly newsletter. As time, quantity of homeowner comments, and level of research necessary to prepare full and accurate responses, these responses may also be emailed mid-month after the meeting date mentioned in the heading.

### Follow up to November Homeowner Comment Period

At the December meeting, the Board requested Ashley Tangeraas provide proof or her allegations regarding Markus Dascher. As no response had been received, Ashley was sent (email and postal) the following letter.

At the November Open Board meeting you alleged that you had proof that Markus Dascher had received preferential landscaping attention on homes where he is the listing sales agent. At the December Board meeting the Responses to Homeowner Comments requested you supply your evidence. To this date, neither this office nor any Director has received a response from you.

The Board takes seriously these allegations and requests your evidence so we can investigate. If you do not provide your documentation by January 2, 2024, then we will determine that no documentation exists to support your allegation.

Thank you,

Dusty Favichia  
General Manager, Nepenthe Association

### December Homeowner Comment Period

**1. Mary Gray, Homeowner:** Mary had two comments. First, she reports that while walking she observed a city tree at 709 Dunbarton being removed by Grove. She called the City and was told the City had funds to remove trees and that Nepenthe chose to pay to have this tree removed. Second, she did not receive the mailed financial disclosures that are required by HOA rules. Dusty, the GM, assisted her and she appreciates that. She suggests that we inquire as to how some homeowners might not have received that mailing.

#### **Board response:**

On Mary's first issue - In the interest of time for those who only wish to read of the outcome, it is confirmed the birch tree in question was on Nepenthe property and a responsibility of Nepenthe. The cedar tree being removed at the same time was deemed a Nepenthe responsibility, even though not actually on Nepenthe land, as

Nepenthe's interest in removing the tree to avoid potential damage to Nepenthe residents was higher than the City's concern about damage to Howe Avenue.

BACKGROUND (email quotes are as written):

To ensure that Nepenthe's monies are properly being spent, the Board took these actions: 1.) Asked The Grove's arborist for information on the tree removal mentioned and their understanding of responsibility. 2.) Management asked Mary Gray for details on the City Department called, and if known, the name and position of the person who gave her the information. Both Mary Gray and Paul DuBois responded. Paul sent an initial email and a follow-up after being provided Mary's email response.

Mary's email reply was: "I called 311 and asked if the tree was in the city right of way and who paid to take it out I was told it was in the city right of way and a return call from urban forestry confirmed that we paid for the removal even with the knowledge that the city has the resources to remove it"

The Grove arborist, Paul DuBois' first response: "I'm not sure where these people are getting this information, but it is not accurate. The City only manages their assets, trees that are in City owned right of way and along city streets. They do not provide services to private owned trees. Take for instance the cedar tree we recently removed just above that birch tree that was closer to Howe Ave in the right of way. That was a City owned tree. They agreed with my assessment the tree should be removed, however it was made clear that they would not be removing the tree and that the condition of the permit would be them giving us the permission to remove it at nepenthe expense. I've petitioned the city for a couple years to prune the trees along Howe ave. that they consider city trees in the right of way and they said they will do that work when it comes up in their cycle. The city is on a 7-year pruning cycle on management of their trees. The work provided is bare minimum on what they even do and most all of the time it is only specific hazards or portions of tree canopy that would impact public safety. For instance, trees overhang the road they will prune but if a portion of the canopy on that same tree is over a private home it is the homeowner responsibility to permit the work and do the job. Also, regarding that specific birch. I stood there with the city arborist while looking at the cedar along Howe and told her we were removing the birch tree as well and she said nothing to me about the city willing to step in and remove it. Hopefully this is useful information."

Paul's second response: "Thank you for the clarification, In addition that birch tree was not in the city right of way. We did look into that a year or two ago when we proposed a cleanup of that berm area. The City's right of way is only about 3'-4' from the curb on Howe Ave along the berm. So only a small amount of the trees along there are the City's. Now when we permitted the one Cedar there that they claimed was a city tree, Ericka the arborist for the city said specifically that they acknowledged that the trees condition warranted a removal however the city was prepared to leave it because it would not pose a risk to Howe Ave, and that if the tree s defect was to fail the tree would fall into nepenthe therefore if we wanted to take on the removal it would be at the



HOA cost. So that's the route we took with that tree. But the birch tree was like 3' from the back of that house nowhere near the ROW." [ROW=right of way]

Regarding Mary's second comment about not receiving her financial report, First Service uses a 3<sup>rd</sup>-party mailing service which uses Nepenthe's mailing list to address mailings. Once mailed, delivery is the responsibility of the USPS.

Mary's issue seems to have been resolved. If any homeowner has questions about receipt of Nepenthe materials, we encourage you to contact the office to receive copies.

**2. Kathy Mathews, Homeowner:** She has observed gardeners working on the weekends and wishes to know who pays for it. She wishes to know who pays for tree removals from homeowner patios. She requests information on how to have a topic added to the agenda; when she moved in her chimney was blocked. She feels this is a safety hazard and chimney and heating vent inspections should be an HOA-paid function.

**Board response:**

Carson is not paid extra for weekend or holiday work. For example, they worked Thanksgiving Thursday in trade for that Friday off. Nepenthe does pay for any call-out emergency irrigation repair on weekends or evenings.

Chimneys and fireplaces are not items included in the CC&Rs that guide the Board's maintenance efforts. To add that service the CC&Rs would need to be modified and there would be additions to the monthly dues. At this time, the Board does not anticipate modifying the CC&Rs to add this service. Homeowners are cautioned that certain things are still their responsibility to maintain and repair.

**3. Brian Coates, Homeowner:** Why is there not a budget for reserves? He did a spreadsheet and things did not add up. As to siding damage issues, are we planning for future plantings to be away from fences and siding?

**Board response:**

A **reserve account** is an account dedicated to unanticipated and deferred expenditures, particularly large ones. The association allocates money toward its reserve account over time so that when a costly repair or comparable outlay becomes necessary, cash reserves are available to handle the expense without sacrificing day-to-day functions.

More simply stated, the purpose of a reserve account is to ensure Nepenthe has sufficient funds to cover unexpected or out-of-the-ordinary expenses such as repairing a clubhouse roof, replastering a swimming pool ahead of its planned maintenance or making extensive repairs following, for example, a severe weather event.

Nepenthe utilizes a **reserve study** as a long-term, 30-year, financial planning tool that identifies the common elements belonging to the Association, and recommends a funding plan over time to maintain, repair or replace these common elements over a specified time period. The reserve study also functions as a maintenance planning tool for the association.

Each of the identified common elements is assigned a remaining useful life and replacement cost. Using the current status of the reserve fund as a starting point, the

reserve study projects the necessary contributions to the reserve fund in order to maintain an adequate, but not excessive, reserve contribution over the specified period of the study to properly fund capital projects relating to the common elements. Nepenthe's reserve Threshold Funding Goal is to maintain a Reserve balance above \$5,000,000.

Effectively, the reserve study serves as a continuous forecast for the future. It conveys our community's capital planning needs to current and future boards and supports the Board's fiduciary responsibility for the maintenance and operation of the community. Following the reserve study recommendations plus observing the Threshold Funding Goal minimizes the risk of additional assessments or bank loans and ensures capital projects can occur in a timely manner. A properly maintained community increases curb appeal and enhances property values, ultimately making the association a more desirable one.

All current and future landscape remediations are planted back from the siding and fencing to prevent moisture buildup which will extend the life of the siding and fencing.

**4. Don Landsittel, Homeowner and member Finance Committee:** The transcription of his November comments indicate he asked a question about not spending all the reserve allocations. That was a comment, not a question. What amount would we not need to spend to be 65% funded in our reserves? He wants Board members to know that figure and report that information at the next Board meeting. We cannot afford to do all the shrubbery at one time, it needs to be done slowly. The large number of homeowner requests for landscaping might be due to people seeing so much money being spent and concern that homeowners feel they must 'get mine' before monies run out. He'd like Alan Watters to confirm that, while we are accepting as accurate siding people saying plantings should have a 2-foot allowance to fences and siding, building codes say 18 inches.

**Board response:**

In answer to Don's question about raising our percent funded to 65%, a quick answer is this: The amount required to increase the Percent Funded from 48.5% at fiscal yearend 2024 to 65.0% is \$3,474,580.

Any deeper discussion is most appropriately handled within the Finance Committee. As a member, Don is free to bring the topic to the Committee Chair for inclusion in the agenda.

However, to make sure all homeowners have the same information, the Board again wishes to clarify the issues. A percent funded amount has no relationship to the fiscal soundness of our Reserve Fund nor does it reflect the ability of the organization to pay its obligations. The percent funded is a point in time measure obtained by dividing the **current reserve fund balance by the fully funded balance**. The percent funded simply reflects the cash on hand to cover future expenses. The Nepenthe Board uses a Threshold Funding goal with a 30-year budget to always keep the reserve balance

above \$5,000,000, which ensures that we always have enough cash on hand to meet our needs.

From this description, you can see that a few important things are left out.

- First, the percent funded metric doesn't take into account that we make a contribution to the reserve fund every month.
- Second, the percent funded metric doesn't take into account that we have savings and expenses every month because reserve components don't always wear out at the rate we expect.

Each year the Percent-Funded metric changes. Why?

- Some years we have lots of expenses and some years we have fewer expenses.
- The years when our expenses are high- like when we have to replace siding, not only do we have less cash, but our Fully Funded Balance is high, so our percent funded goes down.
- After we finish the siding project, the percent funded will start to go up again.

If we think of our own checking accounts, there times when (perhaps just after income is deposited) where our % funded amount is quite high. Once we begin spending that money, the percent funded drops. That percent has nothing to do with one's ability to pay for expenses and obligations.

Some homeowners are concerned that potential buyers might be concerned with our percent funded statements. A realtor or finance officer can assure buyers that the percent funded value has little impact upon the viability of the HOA to meet its needs.

Alan Watters responded to Don's request for confirmation on building codes for plant setback in this way: "I have no idea what the City or state building codes say about the setback distance from siding or fence for plants. I do know that the current Architectural Guidelines state, in one spot, 18 inches, on the top of p. 22. Maybe the ARC rules got that figure from building codes, but I don't know. But extending the buffer zone to a full 2-foot distance would only help, I would think."

#### **5. Ricardo Pineda, Homeowner and member Insurance, Legal & Safety**

**Committee:** Ricardo would like to be invited to the Wood Rodgers meeting December 12. He would like a review of the camera criteria used by the Architectural Review Committee. He has been told he must paint his exterior cameras to match the building paint but the clubhouse swim area has cameras that are white. He'd like permission to keep his cameras white.

**Board response:**

The cameras at the clubhouse and cabanas are scheduled to be painted to match the buildings during the siding and painting project. The Dunbarton Cabana will be the first common facility on that schedule.

At a future meeting, the Board will be reviewing camera installation policies in conjunction with the Architectural Review Committee.



**6. Jerry Dunn, Homeowner and member Insurance, Legal & Safety Committee:**

The 2024 dues increase is unnecessary. How are we accounting for interest earnings? Why are we only putting 3.5% into reserves? We have always contributed more than that. There seems to be no accounting for the \$2.5 million spent from Reserves. Jerry wishes to commend the Board for being on top of the needed tree work and notes that a tree at the back of 106 Elmhurst looks like it may fall in a storm.

**Board response:**

The Browning study has consistently suggested an annual 3.5% increase to the reserve fund. And, to quote Will Vizzard at the December Open meeting, "For the last several years, Boards have been hedging a little bit on funding the full reserve projections and every time you hedge, the next year it gets worse." All monies disbursed are accounted for in our accounting records. Each Reserve line item has a GL (general ledger) code assigned and all charges to that code are trackable. Throughout the year the Board uses the Reserve funds to take care of the highest priority maintenance and repair needs in the common grounds and buildings. Just as in a home budget, monies may be moved from one planned use to another if a greater need arises. Income from interest earned is added to the reserve account.

The Grove arborist reviews our trees at least twice a year. 106 Elmhurst is in Zone 6 and was last reviewed in September. When homeowners see a tree that possibly needs review, call the office and request the tree be checked. Taking action that way will help support our forest.

**7. Amy Mickel, Homeowner:** She has written several times to the Board about landscaping at the clubhouse tennis courts. She would like a response. She feels she is being disrespected. Her questions are: 1) what is the plan for landscaping outside the courts? 2) Why was the Ad Hoc Sports Court Report not discussed at an Open meeting? 3) Who were the professional consultants to that report? 4) Why was the removal done prior to the June meeting?

**Board response:**

The following is a letter sent (email and USPS) responding to Amy's concerns. A copy of the Ad Hoc Sports Court Report is attached to the end of this document.

The Board is responding to your concerns about the removal of trees along the clubhouse tennis courts and plans for landscaping in that area. Please note that, upon legal advice, all Board consideration and approval of proposals is conducted in Executive session.

First, the Board assures you all proper steps were taken during the time the issue of the trees along the tennis courts was reviewed and determined. The timeline for the tree removal review and decision is:

- The 2022 proposal for remediation in the Adelphi area and removal of the juniper trees along the tennis courts, recommended by the Grounds Committee and the Grove arborist, was rejected by the Board as too costly.

- The original landscape proposal was split into 2 segments with the residential remediation, again covering work recommended by the Grounds Committee, approved by the Board in January 2023.
- Our 2023 Browning reserve study forecast large expenditures for the sports courts. In April the Board named an ad hoc committee to study the courts and advise on the maintenance needs and condition of the courts.
- The resulting report (attached) was presented to the Board for consideration at its May 3, 2023, Executive session. The report included the recommendations of Bruce Sheldon and Dan Sivley of Tennis Courts Specialists. Specific to the clubhouse courts, the report cited the trees as being planted within inches of the fence with the roots lifting the courts and leaving visible cracks. This court lifting prevented water from draining off the court. The Board's decision to remove the trees (and other sports court recommendations of the committee) was based upon this report.
- At the May 3, 2023, Open Meeting, the report was presented to the community.
- The May newsletter announced the Board approval of the report and the proposal to remove the juniper trees.
- Work on the tree removal began in June 2023.

Second, at this time there are no landscaping changes planned for the area along the clubhouse tennis courts; planting dense shrubs along the fence leads to the same damage issues the removal of the junipers corrected. Given the new State law regarding irrigation of turf, there may be changes coming. These cannot be projected until regulations and protocols are developed by the State Water Resources Control Board. It can be assumed that, if the turf along the tennis courts cannot be retained, drought-tolerant and low-maintenance plantings that can be irrigated by drip systems will be installed.

Thank you,

Dusty Favichia  
General Manager, Nepenthe Association

**8. Ashley Tangeraas, Homeowner:** Lots of homeowners have not seen a positive change within the Board. She is submitting a recall petition for Christina George as she feels Christina has not fulfilled the promises she made when she ran for the position. A petition was given to the Board and General Manager.

**Board response:**

A special Open Board Meeting was scheduled for December 18, 2023, in conformance with the regulations regarding recalls. A letter will be mailed to all homeowners detailing the timing of the events involved. Recall elections follow the format for annual officer elections. Each home will receive a mailed ballot package where the owner can vote for or against the recall. A quorum is ½ plus 1 of the 590 residences in Nepenthe. If the quorum is not achieved, the recall fails. If there is a quorum of voters, the election committee will count votes and declare the outcome at another special Open Board

meeting on May 3, 2024. The mailed ballot package will include the charges made to justify the recall, the Director's rebuttal, and further instructions on how and when to return completed ballots.

**9. Ricardo Pineda, Homeowner:** At the end of the alley at 1007 Dunbarton, the tree has a sign indicating removal. There has been vegetation removed or damaged, but homeowners received no communication and do not know why the vegetation was removed and when remediation will occur. When he called the HOA office, he was advised the work was part of the Zone 4 package. Feels the homeowners should be advised when so much work is to be done. **[Board President advised that the signs paid for by Nepenthe indicating work was in progress were stolen. Such signs are again on order.]**

**Board response:**

Proposed tree work is discussed in detail at Grounds meetings where all homeowners are welcome. Additionally, proposals contain addresses where tree work is to be performed. The office notifies the community at large when community-wide events are to occur (i.e. when cranes will be in the area and might interrupt garage access.) The removal of a very large cedar tree and its root system at 1009 Dunbarton necessitated the removal of surrounding vegetation, thus the need to remediate the area. Grounds does not specify to the contractor specific plantings on any work proposals. Carson Landscaping selects plants from the Vision Statement and our approved plant list to best suit the conditions (shade or sun and type of irrigation) of the area. When mature plantings are removed or age out, it will take time for new plants to reach their full size and density. Remediation here was scheduled to begin 12/18 but has been delayed by the weather. Work is performed within the contractor's schedule and details on remediation, especially this time of the year, are weather and supply dependent.

**10. Carol Duke, Homeowner:** Suggests the association notify via email rather than spend money on signs.

**Board response:**

The office regularly sends some notifications to the community via email. Information pertinent to only small segments of the residences is not sent to the entire community.

Correspondence to the Board

**1. Bill White, Homeowner:** Bill is frustrated that homeowners on his alley have not successfully changed the Board's decision about not permitting Bill to pay for a larger replacement tree, yet the Board approved a re-working of the remediation on Vanderbilt Circle. He feels the Board has not treated the two issues fairly.

**Board response:**

There appears to be a misunderstanding of the sequence of events involving the change in the landscaping on Vanderbilt. Frank Carson, the owner of Carson Landscaping, came to the site after hearing from his employees that some residents were unhappy with the design. Frank decided that his company would alter the design and reuse materials in another place. The change was done at no cost to Nepenthe and



there was no Board decision involved. Markus Dascher was there when Frank looked at the site, but Markus did not influence Frank's decision.

The Board takes seriously the issue of work authorization, community notification, and correct payment for services we receive. This is perhaps a good time and venue to review for the community how Board financial decisions are made. The Board is elected to make decisions in conformance with the CC&Rs and by-laws. Any contracts or proposals for work are decided at Executive meetings. Approval requires at least 3 Director votes in favor. Any approvals are reported to the community at the following month's Open meeting, and in the newsletter after that meeting. Approved proposals are reviewed, as a general practice by the Board liaison officer and signed if the documents conform to what the Board approved. That signed document supports writing a work order to the vendor authorizing work. When invoices involving reserve fund items is received, the invoice initiates a payment authorization (REA) which is again reviewed and signed, again as a usual practice, by the Board liaison to ensure the work corresponds to the authorization, and always by a second Director who also reviews the documents for accuracy.

The Board will continue to deny homeowner requests for direct involvement in grounds and landscaping decisions.

**2. Amy Mickel, Homeowner:** Amy spoke about the issues presented in her letters and documentation she has submitted (part of prior and the December Board packets).

**Board Response:**

See page 6 above.

**NEPENTHE ASSOCIATION**  
**SPORTS COURTS AD HOC COMMITTEE APRIL 2023**  
**Submitted by: Christina George, Susan Timmer, Peter Klein**

**ASSESSMENT AND REVIEW OF NEPENTHE SPORTS COURTS**

There are three sites in Nepenthe HOA that contain tennis courts: the Nepenthe Clubhouse, Commons Drive, and Elmhurst Circle (adjacent to University Drive). Additionally, the Clubhouse site has 4 pickleball courts. This assessment and review describe the current state of these tennis/pickle ball courts and recommendations for future repairs and maintenance to preserve our investment in these assets.

**CLUBHOUSE COURTS**

Courts were resurfaced in June 2021 by Tennis Court Specialists at a cost of \$48,000.

**Issues:**

- Eight Juniper trees and one Liquidambar tree are planted within inches of the fence
- The tree roots are lifting the courts and cracks are visible
- The lifting of the courts prevents water from draining off them
- There is limited seating on the pickleball courts for players. To remedy this problem, players are carrying chairs from the poolside down to the courts. The chairs have metal casters and are damaging the court surface.
- Courts have never been washed since being resurfaced in 2021

**Recommendation:**

To stop the progress of the current damage and to get the full useful life of the 2021 resurfacing, we recommend the following:

- Remove the 8 juniper trees, liquidambar tree and plantings
- Cap the irrigation next to the fence
- Ensure the surrounding landscape is lower than the court surface. This will allow for water to run off the courts and not puddle up on the courts after a rain.
- Purchase 4 – 5 plastic benches for pickleball courts. Permanent wooden benches with awnings, as we have now, is not an option since the courts will be damaged by drilling into the asphalt to install the metal posts
- Postpone installation of wind screening until completion of the tree removals
- TBD- Chain link fence might have to be replaced since the trees have grown into the fence.
- Prune tree branches hanging over the courts
- Wash the courts 2-3 times a year

### **COMMONS DRIVE COURTS**

Courts were resurfaced in 2016 by NorCal Asphalt. Tennis Court Specialists inspected and submitted a proposal for resurfacing the courts and repairing approximately 250ft of cracks for \$17,000

#### **Issues:**

Cracks on both courts

Courts have never been washed since being resurfaced in 2016

#### **Recommendation:**

- **Postpone resurfacing until 2024**
- Wash the courts 2–3 times a year
- Prune tree branches hanging over the courts

### **ELMHURST/UNIVERSITY AVENUE COURTS**

Courts were resurfaced in 2016 by Norcal Asphalt.

#### **Issues:**

Tennis Court Specialists will not resurface these courts due to the incorrect slope of the courts and the water ponding issues. To correct the slope, the courts would have to be dug up and the slab reinstalled. This would be cost prohibitive.

Tennis Court Specialists recommend that the courts be cleaned and maintained regularly. This is the most economical way to move forward.

Suggestions of converting one of the tennis courts to a bocce ball court would mean cutting the asphalt and digging up the court before a bocce ball court can be installed. An expensive proposition.

Any other non-sports use of the courts would be a Board decision.

#### **Recommendation:**

- **Postpone resurfacing indefinitely**
- Wash the courts 2-3 times a year or as needed
- Prune tree branches hanging over the courts



## CAPITAL EXPENDITURES EQUIPMENT FOR COURT WASHING

- Purchase Water Broom Deluxe 9-Jet \$262.00 from DH Distribution, Tel: 650 563 9600, email: [www.dhtennis.net](http://www.dhtennis.net)



The water broom hooks up to a standard hose. Removes dirt and debris from the courts and windscreens. Its 9-jet feature cleans a 4 foot path allowing courts to be cleaned twice as fast. It also uses 90% less water than with a hose and conventional nozzle.

### BENCHES FOR PICKLEBALL COURTS

- Purchase 5' Bench available in white or green - \$256.00 from DH Distribution, Tel: 650-563-9600, email: [222.dhtennis.net](mailto:222.dhtennis.net)
- Benches are made of Polyurethane, UV and fade resistant for increased durability. Weighs 35 lbs which makes it portable for added usefulness. 60"L x 29-3/4"H x 21-3/4"D
- 2<sup>nd</sup> option: Purchase Home Depot stackable plastic chairs \$14.98 each



## COURT MAINTENANCE

**Historical Court Maintenance Practices:** Up until 2016, courts were resurfaced approximately every 21 years. According to Browning, resurfacing involved using an overlay (Petromat fabric overlay), new asphalt, color coat, sealer, and painting striping/lines. Resealing was scheduled on a 7 year cycle, repairing cracks, resealing, and restriping.

**Current Court Maintenance Practices:** Courts are usually resurfaced every 5–8 years. Tennis/pickleball courts require little care but they do require some maintenance to help extend the life of the court. Blowing off debris and regular washing are recommended to keep courts safe (preventing slips and falls) and well-maintained. When Carson acquired the landscape contract, their staff began blowing debris off the courts daily. However, none of the courts have ever been washed. At tennis/pickle ball clubs, which get heavy use, courts are washed monthly or bimonthly. In Nepenthe, the courts are not heavily used but they are surrounded by trees and plants. Problems with irrigation and drainage caused mud, etc. to build up at the edges of the courts. Recently Carson fixed this problem, adjusting the sprinklers surrounding the courts to ensure that water from the sprinklers do not hit the court. We are therefore recommending that courts should be washed 2-3 times a year. The Elmhurst/University Avenue courts might need extra attention because of the water ponding issues. Although we recognize that it is the Board responsibility to decide who will wash the courts, we believe that either our full-time facilities technician or an outside contractor are able to perform these duties.

### RESERVE STUDY ALLOCATIONS FOR TENNIS COURTS

- The current allocations in the Reserve Study for tennis court maintenance are consistent with the way courts were maintained in the past: resealing tennis courts every 7 years, resurfacing courts every 21 years. There are also allocations repair/maintenance/replacement of awnings and benches at each site. (The history and current status of tennis court repairs can be found in Appendix 1.)
- Table 1 below shows the current reserve allocations for tennis courts. For the current year, \$86,486 is allocated for maintaining the Commons Drive courts (\$68,874) and the Elmhurst Circle courts (\$17,610).

**Table 1: Current Reserve Study Allocations: Tennis courts and related items**

| Clubhouse courts             | 2021<br>Past/<br>expended | 2023     | 2024    | 2029     | 2030      | 2033     | 2037     | 2039    | 2040      | 2044      | 2050     | 2051     | Total<br>allocated<br>(future only) |
|------------------------------|---------------------------|----------|---------|----------|-----------|----------|----------|---------|-----------|-----------|----------|----------|-------------------------------------|
| 104-Resealing                |                           |          |         |          | \$60,823  |          |          |         | \$77,858  |           | \$99,665 |          | \$238,346                           |
| 308-Misc. (bench,<br>awning) |                           | \$2,825  |         |          |           |          |          |         | \$4,193   |           |          |          | \$7,018                             |
| 502-Resurfacing              | [\$48,000]                |          |         |          |           |          |          |         | \$166,260 |           |          |          | \$166,260                           |
| 132-Chainlink fence          |                           |          |         |          | \$42,931  |          |          |         |           |           |          |          | \$42,931                            |
| <b>Commons Dr courts</b>     |                           |          |         |          |           |          |          |         |           |           |          |          |                                     |
| 104-Resealing                |                           | \$13,773 |         |          | \$16,371  |          | \$19,460 |         |           | \$23,132  |          | \$27,497 | \$100,233                           |
| 308-Misc. (bench,<br>awning) |                           |          | \$2,825 |          |           |          |          |         | \$4,193   |           |          |          | \$7,018                             |
| 502-Resurfacing              |                           | \$55,102 |         |          |           |          |          |         |           | \$92,548  |          |          | \$147,650                           |
| 132-Chainlink fence          |                           |          |         |          |           |          | \$28,219 |         |           |           |          |          |                                     |
| <b>Elmhurst courts</b>       |                           |          |         |          |           |          |          |         |           |           |          |          |                                     |
| 104-Resealing                |                           | \$13,773 |         |          | \$16,371  |          | \$19,460 |         |           | \$23,132  |          | \$27,497 | \$100,233                           |
| 308-Misc. (bench,<br>awning) |                           | \$3,838  |         |          |           |          |          | \$5,697 |           |           |          |          | \$9,535                             |
| 502-Resurfacing              |                           |          |         | \$25,892 |           |          |          |         | \$83,884  |           |          |          | \$109,776                           |
| 132-Chainlink fence          |                           |          |         |          |           |          | \$28,219 |         |           |           |          |          | \$28,219                            |
| Year totals                  | [\$48,000]                | \$89,311 | \$2,825 | \$25,892 | \$136,496 | \$56,438 | \$38,920 | \$5,697 | \$336,388 | \$138,812 | \$99,665 | \$54,994 | <b>\$957,219</b>                    |



### **TENNIS & PICKLEBALL GUEST RULES ADOPTED BY THE BOARD, APRIL 8, 2020**

Guests must adhere to all rules applicable to Owners and Residents plus the following rules that pertain specifically to them:

- No more than four (4) guests per household in any of the pool areas or sports courts at once
- Guests must be accompanied by resident when using the amenities
- Long term guests, such as house sitters, may use the amenities independently if the resident provides a note to management in advance

**Respectfully submitted by Christina George, Susan Timmer, Peter Klein  
April 15, 2023**

#### **Attachments:**

- Charge to Sports Court Ad Hoc Committee
- Grove Report
- Tennis Court Specialists Report
- Tennis Court Specialists Proposal
- Carson Proposal dated 1/6/23. Carson has confirmed that proposal is still valid
- Tennis Courts - Reserve Study Comments

## CHARGE TO SPORTS COURTS AD HOC COMMITTEE 2023

Members - Christina George (Chair), Peter Klein, Susan Timmer

The formal appointment of the ad hoc committee will occur at April open meeting

Purpose: To advise the Board in its duty to maintain the amenities of the Association.

Charge - Inspect three sports courts (Main Clubhouse, Common Drive, Elmhurst Circle) and prepare a written report for the Board.

Report to include information, options and recommendations on:

- Condition of each court
  - what are current needs
  - what does current Reserve Study say
  - what are anticipated needs, within a foreseeable future
  - suggest maintenance plans and schedule
    - for Elmhurst, are there minimums that would suffice
  - consider the proposal to remove juniper trees at clubhouse court
    - if they are removed, does green screening need to be provided
  - improvements needed
  - alternate uses for Elmhurst location
- Seating needs at all courts
- Signage needs (i.e., do not move pool chairs onto court, guests, etc.)

Contact information:

Christina George, [cjadot@me.com](mailto:cjadot@me.com)

Susan Timmer, [stimmer@ucdavis.edu](mailto:stimmer@ucdavis.edu)

Peter Klein, [notes4pk@yahoo.com](mailto:notes4pk@yahoo.com)



October 19, 2022

October 19, 2022, I conducted a limited basic visual inspection of Cypress (*Cupressocyparis leylandii*) at the tennis courts of the Nepenthe HOA Clubhouse at 1131 Commons Dr. Per request of the property owner. The cause of the inspection was to address the health and safety of the tree as it relates to the property.

- DBH ~12" Health Fair
- Trees are growing into the fence along the tennis courts
- Signs of lifting from the tree roots along tennis court

I reviewed the trees planted along the fence of the tennis courts at the main clubhouse. The trees are planted within inches of the fence line around the court and over the years have grown in, through and around the fencing. Due to the proximity of the trees to the court the root flair of the trees has started to alter the surface court even causing cracks in the court. Maintenance of these trees is difficult because of how the trees have grown into the fencing that pruning them away from court to create space is not possible. Due to the current condition, there are no mitigation options possible to correct these defects. I recommend removal of the trees and replacing them with new plants installing them further away from the court to prevent this issue from reoccurring while maintaining the privacy.

Sincerely,

Paul Dubois  
The Grove Total Tree Care  
ISA Board Certified Master Arborist WE-9034BUM  
Qualified Tree Risk Assessor

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9530 Elder Creek Road, Sacramento CA 95829  
OFFICE: 916-231-8733 FAX: 916-856-5410

CONTRACTOR'S LICENSE: 1034968

A DIVISION OF CARSON LANDSCAPE INDUSTRIES



**Bettsi Ledesma**

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**From:** bruce sheldon <tenniscourtspecialists@gmail.com>  
**Sent:** Monday, February 6, 2023 10:06 AM  
**To:** Bettsi Ledesma  
**Subject:** tennis courts  
**Attachments:** Nepenthe Association 2023.doc

Hi Bettsi,

Here is our contract for the tennis courts on Commons Drive. Regarding the two tennis courts off of Elmhurst Circle: Due to the slope of the courts, and the water ponding issues, I recommend that they be cleaned and maintained rather than color coated at this time.

Let me know if you have any questions.

Thank you.

Bruce

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

Proposal

February 6, 2023

Bettsi Ledesma  
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 two tennis courts on Commons Drive. 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.

Clean and prepare surface by water broom and/or blower  
Repair approximately 250 feet of cracks using RiteWay crack repair system  
Apply two coats of Laykold Nusurf acrylic resurfacer over RiteWay repaired areas  
Apply two coats of Laykold color surface system over entire surface  
Tape and hand paint lines in accordance with the USTA specification

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

Seventeen thousand dollars (\$17,000.00)

Please note: There will be an increased cost if more cracks appear or cracks grow 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. We cannot and do not warrant against 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 / 2023

## Landscape Improvements

Project Address: Commons Dr. - 1131

Project Name: Nepenthe Association

On-Site Location: Zone 1 East Side by Tennis Court (See attached Map and Photos)



Carson Landscape Industries agrees to provide labor and materials to perform the following services.

### Work Description

- Remove (8) Juniper Trees and Nandinas (small section of ivy) by the tennis court fence at the east side.
- Grind stumps as best possible – Remove stump grinds and hand remove sections by fence and tennis court concrete.
- Repair irrigation as needed if filling areas with top soil blend.

*Note: It is possible that some of the wood will stock on the fence, we will try our best to remove it, but not 100% or we will damage the fence.*

### Labor & Equipment

| Service                            | Crew Size | Days | Total Hours | Labor Rate | Total Price       |
|------------------------------------|-----------|------|-------------|------------|-------------------|
| Landscape Improvement              | 1         | 1    | 8           | \$115.00   | \$920.00          |
| Landscape Improvement              | 3         | 1    | 24          | \$105.00   | \$2,520.00        |
| Tree Removal                       | 3         | .5   | 12          | \$125.00   | \$1,500.00        |
| Stump Grinding                     | 1         | .5   | 4           | \$180.00   | \$720.00          |
| <b>Total Labor &amp; Equipment</b> |           |      |             |            | <b>\$5,660.00</b> |

### Materials

| Qty | Size  | Item                                | Unit Price | Total Price     |
|-----|-------|-------------------------------------|------------|-----------------|
| 5   | Cu Yd | Topsoil Blend                       | \$45.00    | \$225.00        |
|     |       | Misc. Irrigation Parts and Hardware |            | \$395.00        |
|     |       | Waste Fee                           |            | \$360.00        |
|     |       | <b>Total Materials</b>              |            | <b>\$980.00</b> |

**Total Labor and Materials**

**\$6,640.00**

**TERMS:** Payment in full is due upon completion of the work. A finance charge of 1.5% per month will be added to the unpaid balance after 30 days. In the event legal action is taken to collect on a past due account, the debtor agrees to pay all collection costs including interest, attorney's fees and court costs. Any alteration or deviation from the above involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be in writing. Our workers are fully covered by workers compensation and our firm is covered by liability insurance. This proposal may be withdrawn by us if not accepted within 30 days.

### Carson Landscape Industries

Contractor's License No. 470283

9530 Elder Creek Rd.

Sacramento, CA 95829-9306

Tel: 916-856-5400 • Fax: 916-856-5410

Email: olopez@carson1975.com

Nepenthe Association

1131 Commons Drive

Sacramento, CA 95825

Tel: 916-929-8384

Email: bettsi.ledesma@fsresidential.com

By: Oscar Lopez (by EFB)

By: \_\_\_\_\_

Name: Oscar Lopez

Name: Bettsi Ledesma

Title: Account Manager

Title: \_\_\_\_\_

Date: 1/6/2023

Date: \_\_\_\_\_



# Appendix 1: Tennis Courts- Reserve Study Comments

## 00020 - Main Clubhouse Areas

### 17000 - Tennis Court

306 - Miscellaneous

Tennis Court Awning & Bench

|                       |                          |
|-----------------------|--------------------------|
| Useful Life 16        | Remaining Life 2         |
| Quantity 1            | Unit of Measure          |
| Cost /LS \$2,688      | Lump Sum                 |
| % Included 100.00%    | Total Cost/Study \$2,688 |
| Replacement Year 2024 | Future Cost \$2,825      |

Summary

This is to replace the green canvas awning and bench.

Note- the 4x4 composite bench seat is replaceable.

2018- \$3,340 was expended.

GL

500 - Resurface

4 Main Clubhouse

|                       |                            |
|-----------------------|----------------------------|
| Useful Life 21        | Remaining Life 18          |
| Quantity 4            | Unit of Measure            |
| Cost /Itm \$26,650    | Items                      |
| % Included 100.00%    | Total Cost/Study \$106,600 |
| Replacement Year 2040 | Future Cost \$166,260      |

Summary

This is to resurface the tennis courts utilizing an overlay. Resurfacing includes a Petromat fabric overlay, new asphalt, sealer, color coat and striping.

2021- Remaining life extended per client to 2040. Moderate linear cracking throughout was observed. Remaining life reduced from 40 to 21 per client.

2020- Major work was done on the tennis courts in 2020 which caused this remaining life to be extended, pending confirmation of work, and the next reserve inspection. According to the vendor, Tennis Court Specialists, in 2020, this major remediation will never need to be done. So BRG has extended the useful and remaining lifes by large amounts. Although these may last a long time, they may not last "forever."

2019- \$921 was expended.

2015- There are moderate linear cracking.

GL N23271

17000 - Tennis Court

100 - Reseal

4 Main Clubhouse

|                  |          |                  |          |
|------------------|----------|------------------|----------|
| Useful Life      | 10       | Remaining Life   | 8        |
| Quantity         | 4        | Unit of Measure  | Items    |
| Cost /Itm        | \$12,480 |                  |          |
| % Included       | 100.00%  | Total Cost/Study | \$49,920 |
| Replacement Year | 2030     | Future Cost      | \$60,823 |

Summary

This is to reseal and restripe the tennis courts, after repairs are made.

2021- The \$48,000 proposal work was not completed in 2020. Per client, actual expenditure is anticipated in May or June 2021. This work is only including repairs, crack fill, resurface and striping. Moderate linear cracking throughout was observed. Remaining life set to 2030 to line up with the next resurface.

2020- \$48,000 was expended for seal, strip and crackfill in 2020. Based on information from the association's vendor, Tennis Court Specialties, this cost has been increased based on 2020 work. BRG has minimally extended the useful life based on this work, and made major changes to the long term replacement or overlay. See related component.

2016- \$17,244 was expended.

2015- There are moderate linear cracking. This surface should be evaluated by the proper experts and re-sealed as needed.

2008- Last sealed.

Costing provided by Tennis Court Specialists

GL N23271

00040 - Elmhurst Cabana Areas

17000 - Tennis Court

310 - Miscellaneous

3 Tennis Court Awning & Benches

|                  |         |                  |         |
|------------------|---------|------------------|---------|
| Useful Life      | 16      | Remaining Life   | 1       |
| Quantity         | 3       | Unit of Measure  | Items   |
| Cost /Itm        | \$1,248 |                  |         |
| % Included       | 100.00% | Total Cost/Study | \$3,744 |
| Replacement Year | 2023    | Future Cost      | \$3,838 |

Summary

This is to replace the green canvas awning and benches.

2- benches

1- awning w/structure

2017- Remaining life reduced one year to sync with sealing.

2012- Remaining life reset to mid life pending direction from client. This area looks in good general condition. The 2008 study indicated this was done but appears it was not. According to management, once these tennis courts are resurfaced in 2009, this project may have a higher priority.

2010- Deferred from 2010 to 2011.

2009- Awning is showing signs of stress but is in fair condition.

GL

504 - Resurface

2 Elmhurst

|                  |          |                  |          |
|------------------|----------|------------------|----------|
| Useful Life      | 21       | Remaining Life   | 18       |
| Quantity         | 2        | Unit of Measure  | Items    |
| Cost /Itm        | \$26,879 |                  |          |
| % Included       | 100.00%  | Total Cost/Study | \$53,758 |
| Replacement Year | 2040     | Future Cost      | \$83,844 |

Summary

This is to resurface the tennis courts utilizing an overlay.

2021- Remaining life extended per client to 2040.

2017- Remaining life extended for 2 cycles after 2016 sealing.

2015- The 2024 remaining life may extend as no major cracking or failure was observed.

2012- Life extended as the courts look in good condition.

GL N23273

17000 - Tennis Court

106 - Reseal

2 Elmhurst

|                  |         |                  |          |
|------------------|---------|------------------|----------|
| Useful Life      | 7       | Remaining Life   | 1        |
| Quantity         | 2       | Unit of Measure  | Items    |
| Cost /Itm        | \$6,718 |                  |          |
| % Included       | 100.00% | Total Cost/Study | \$13,437 |
| Replacement Year | 2023    | Future Cost      | \$13,773 |

Summary

This is to reseal and restripe the tennis courts. This is the Tennis Court near Elmhurst & Hartnell (Village Ten).

2017- \$11,650 was expended. Later, client advised expended in 2016, not 2017.

GL N23273

00045 - Commons Tennis Ct Area

17000 - Tennis Court

104 - Reseal

2 Commons

|                       |                           |
|-----------------------|---------------------------|
| Useful Life 7         | Remaining Life 1          |
| Quantity 2            | Unit of Measure Items     |
| Cost /lrm \$6,718     |                           |
| % Included 100.00%    | Total Cost/Study \$13,437 |
| Replacement Year 2023 | Future Cost \$13,773      |

Summary

This is to reseal and restripe the tennis courts.

2015- Moderate court cracking was observed.

2016- \$9,684 was expended.

2012- Extended life to 2016. Minor chipping noted at north end.

2008- Courts were sealed.

GL N23274

308 - Miscellaneous

Tennis Court Awning & Bench

|                       |                          |
|-----------------------|--------------------------|
| Useful Life 16        | Remaining Life 2         |
| Quantity 1            | Unit of Measure Lump Sum |
| Cost /LS \$2,688      |                          |
| % Included 100.00%    | Total Cost/Study \$2,688 |
| Replacement Year 2024 | Future Cost \$2,825      |

Summary

This is to replace the green canvas awning and bench.

Note- the 4x4 composite bench seat is replaceable

2008- This was installed by Fred Wilton.

GL N23274

502 - Resurface

2 Commons

|                       |                           |
|-----------------------|---------------------------|
| Useful Life 21        | Remaining Life 1          |
| Quantity 2            | Unit of Measure Items     |
| Cost /lrm \$26,879    |                           |
| % Included 100.00%    | Total Cost/Study \$53,758 |
| Replacement Year 2023 | Future Cost \$55,102      |

Summary

This is to resurface the tennis courts utilizing an overlay. There is a problem with water infiltration on the south side of the court.

2012- Extended one year and one seal cycle as the condition looks good except for some light cracking between the courts and the pod.

GL N23274



## Bettsi Ledesma

---

**From:** bruce sheldon <tenniscourtspecialists@gmail.com>  
**Sent:** Saturday, February 11, 2023 8:02 AM  
**To:** Bettsi Ledesma  
**Subject:** Re: tennis courts

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Bettsi,  
The juniper trees are damaging the courts due to being planted too close. The roots are upheaving the courts and not allowing the water to drain off them. The fences are also starting to be affected. We recommend taking them out to prevent further damage. All the trees surrounding all of the courts should be trimmed back, including the redwoods on Common Place.  
Bruce

On Tue, Feb 7, 2023 at 3:34 PM Bettsi Ledesma <[Bettsi.Ledesma@fsresidential.com](mailto:Bettsi.Ledesma@fsresidential.com)> wrote:

Bruce,

Thank you for your proposal. Could you please give me your professional opinion about the juniper trees harming the clubhouse courts?

Kind regards,



**FirstService**  
RESIDENTIAL

**BETTSI LEDESMA, CMCA, AMS**  
General Manager  
Direct 916-929-8380



**From:** bruce sheldon <[tenniscourtspecialists@gmail.com](mailto:tenniscourtspecialists@gmail.com)>  
**Sent:** Monday, February 6, 2023 10:06 AM