

February 2024

**Editors:**  
**Nicole Marks**  
**and**  
**Jay Michel**

# NEPENTHE NEWS

## Nepenthe Annual Director Elections

The Annual Election of the Nepenthe Board of Directors is approaching with the Annual Meeting to be held on: **Wednesday, May 22nd, 2024.**

This year two Director terms are ending: Jacquelyn Grebitus and Cheryl Nelson. If you are interested in running for a position on the Board, please complete and submit the enclosed Initial Application for Board Candidacy (pg. 9) to the Nepenthe Office. Additional copies of the application will be available in the office as well. The Office will forward your completed application to a member of the Nominating Committee who will then contact you with additional information.

The following is the timeline for the 2024 election:

### **ELECTION SCHEDULE:**

**Friday, March 29th, 5:00pm** – Names of Board candidates due to the Nepenthe Office

**Friday, March 29th, 5:00pm** – Candidates' statements, pictures, and questionnaires due to the office (to be included in April's Newsletter and ballot packets mailed to homeowners).

**Wednesday, April 3rd** - Board meeting– List of candidates' names presented.

**Saturday, April 13th** - Candidates' Forum for Nepenthe homeowners. (Afternoon time to be determined.).

*\* Ballots materials will be sent to homeowners from April 12th to April 22nd\**

**Wednesday, May 22nd** - Annual Membership Meeting and Election -

At this meeting, while the Inspectors of Election are tallying the ballots, we will celebrate another successful year of accomplishments. We hope to see you all there!

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**We ❤️ RIF's!!**

*Hello Residents of Nepenthe!*

“What is a RIF?” you might ask. Well, it is a Resident Information Form that we kindly ask you to fill out once a year! One form must be submitted per person (over the age of 18) currently residing in your home. If you have not submitted one this year yet, now is it time! This form can be found on [Nepenthehoa.com](http://Nepenthehoa.com) under the resources tab, or feel free to stop by the front desk at the Clubhouse!

# Budget Report

The report reflects a year-to-date net operating income of (\$255,992.94) and year-to-date reserve funding of \$3,694,507.42 compared to the year-to-date reserve funding budget of \$2,251,452. The actual year-to-date operating expenses were \$1,935,355.39. The budgeted year-to-date operating expenses were \$1,848,456. The association has \$193,608.85 in operating funds, which represents 0.56 months of budgeted expenses and reserve contributions. The association has \$10,905,489.27 in reserve funds.

## December Cash Flow Report

Sources / Uses	Operations	Reserves
<b>Beginning Balance 1/1/2023</b>	<b>\$125,828</b>	<b>\$11,113,960</b>
<b>Plus Income</b>	<b>\$4,847,067</b>	
Reserve Investment Income		\$524,280
Contributions to Reserve		\$3,170,228
Pending Reserve Expense		196
Accounts Payable	\$350,970	
<b>Less Operating Expenses</b>	<b>(\$1,932,833)</b>	
Reserve Funding	(\$3,170,228)	
Reserve Expenditures		(\$3,903,174)
Due to Operating	(\$15,500)	
Receivable from Management	(900)	
<b>Ending Balance 12/31/2023</b>	<b>\$193,609</b>	<b>\$10,905,489</b>

## Awarded Contracts - February 2024

### The Board took the following actions at the February 7, 2024, Executive Session:

- 1) The Board approved proposal from IES to service/repair all 6 AC Units servicing the main clubhouse, Dunbarton Cabana and Elmhurst in the amount of \$21,270.
- 2) The Board approved proposal from Bailey Boys to clean all gutters and downspouts in the amount of \$55,176.
- 3) The Board approved proposal from Browning Reserve Group for a 30-year update to our reserve study in the amount of \$6,600
- 4) The Board approved proposal from Carson Landscape to install downspout drains at 5 locations and remove shrubs and stumps at specified locations in the amount of \$6,100.
- 5) The Board approved proposal from Carson Landscape to install drains at specified locations in the amount of \$21,800.
- 6) The Board approved proposal from Carson Landscape to remove shrubs and renovate in zone 4 in preparation for siding and painting project in the amount of \$65,400

# Approved Architectural Modifications

Address	Improvement	Action
1335 Vanderbilt	Windows	Approved

Selling your Nepenthe Home? Please view the Association's Architectural Estoppel process on Page 5.

## Phase 1 Siding & Fencing Update:

Phase 1 is defined as the 171 units within the Dunbarton Circle area bounded by Commons Drive, Swarthmore Drive, Howe Ave & University Ave.

### Path of Travel:

Following the above units, schedule will be as follows:

1008 to 1010 Dunbarton—5 days for completion

706, 708, 710, 712, 714 Dunbarton—15 days for completion

716, 718, and 720 Dunbarton—9 days for completion

700, 702, and 704 Dunbarton—9 days for completion

510, 512, 514, and 516 Dunbarton—12 days for completion

506 and 508 Dunbarton—5 days for completion

500, 502, 504 Dunbarton—9 days for completion

304, 306 and 308 Dunbarton—9 days for completion

300 and 302 Dunbarton—4 days for completion

214 and 216 Dunbarton— 5 days for completion

204, 206, 208, 210, and 212 Dunbarton—15 days for completion

200 and 202 Dunbarton—5 days for completion

100, 102, 104, 106 Dunbarton—12 days for completion

108, 110 and 112 Dunbarton—9 days for completion

114, 116, 118 Dunbarton and 1411 Commons—12 days for completion

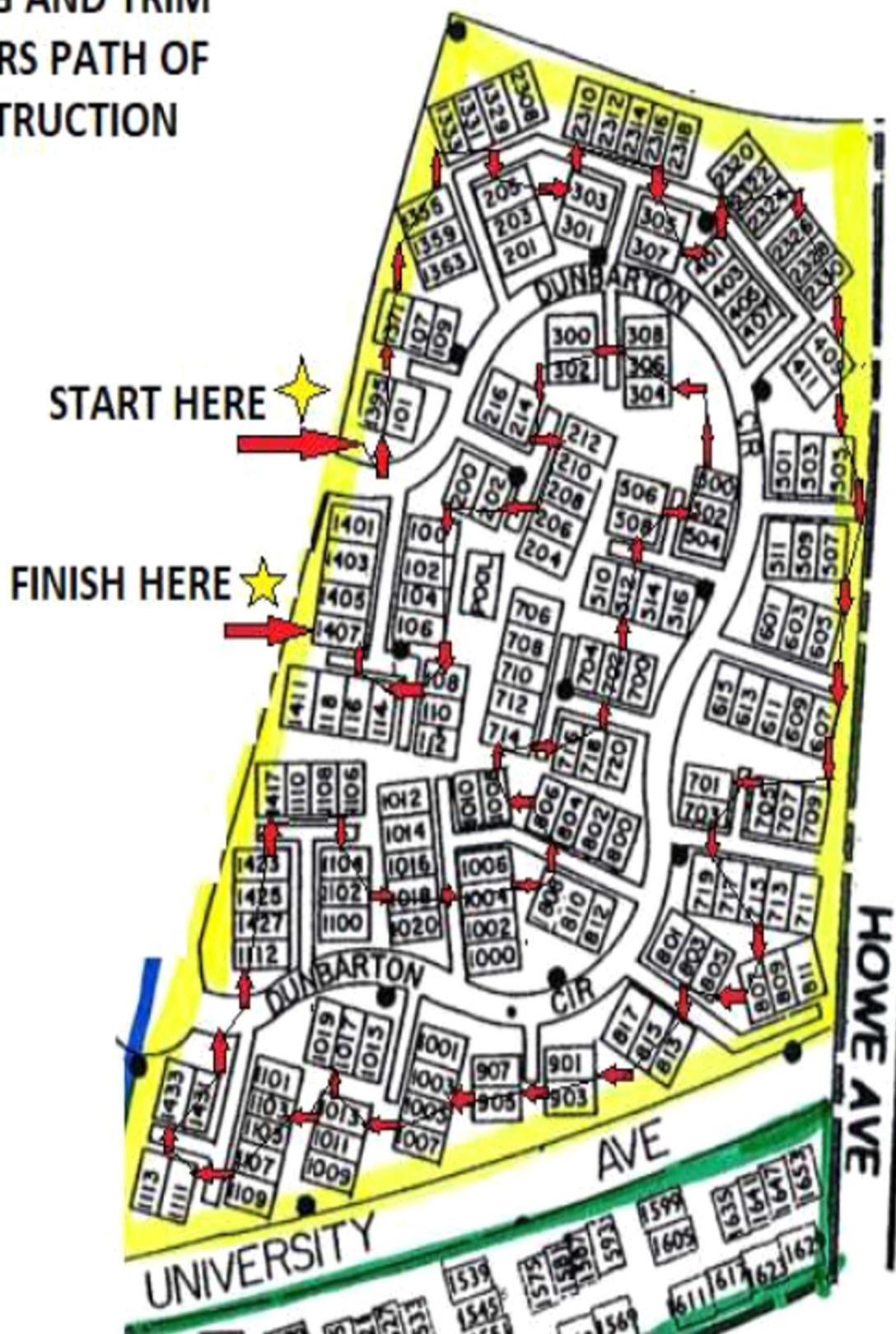
1403, 1405 and 1407 Commons—9 days for completion

Please be reminded that a monthly project report as prepared by Paul Reeves is included in each Open Board Packet that is published on the Nepenthe HOA website.

Additionally, please find a Path of Construction Map on page 4 for your reference.

If you have any questions or concerns pertaining to the project,  
please call the Nepenthe Office at: (916) 929-8380.

NEPENTHE ASSOCIATION  
SIDING AND TRIM  
REPAIRS PATH OF  
CONSTRUCTION



Phase 1 map circled in yellow.



## **When selling your home, please remember the following process required by the Nepenthe Association...**

### **Nepenthe Association Architectural Compliance Estoppel**

#### **Rules**

**Adopted by the Board of Directors on January 4, 2023**

All Homeowners who are in the process of selling their Nepenthe Association home must adhere to the following process before their home sale closes escrow. This process is in addition to the option that Homeowners have pursuant to the Association's CC&Rs at Section 4.15 that provides that Homeowners may obtain an estoppel certificate "certifying (with respect to any Lot owned by the applicant Owner) that as of the date thereof, either: (a) all improvements made and other work completed by said Owner comply with these CC&Rs, or (b) such improvements or work do not so comply."

Also, Homeowners who are refinancing their home loans may proceed with the following process.

The Association may initiate this process upon being informed that a Homeowner is in the process of selling their home.

1. Obtain from the Association a Request for Inspection form. (See Attachment A.)
2. Complete the form and submit it to the Association at 1131 Commons Drive, Sacramento, CA 95825 or [Nepenthe.HOA@fsresidential.com](mailto:Nepenthe.HOA@fsresidential.com).
3. The Association will make an appointment to inspect the exterior of the home to determine whether the home is either in compliance or in noncompliance with the Association's governing document's architectural provisions. (See Attachment B.)
4. After the inspection, the Association will send the Homeowner a certificate that states that the home is either in compliance or in noncompliance with the Association's governing document's architectural provisions. (See Attachment C.)
5. If the Association determines that the home is not in compliance with the architectural provisions, then the Homeowner may take the necessary steps for the home to be compliance. After the Homeowner has taken the necessary steps for the home to be in compliance, and has informed the Association that it has taken the necessary steps, then the Association will perform a reinspection, and, if Association determines that the home is in compliance with the architectural provisions, will send the Homeowner a certificate that states that the home is in compliance with the architectural provisions.

⇒ **Request for Estoppel Inspection Forms can be obtained from the Nepenthe Office located at: 1131 Commons Drive.**

Copies of our complete Architectural Compliance Estoppel Rule can also be obtained from the office, and our staff are more than happy to answer any questions you may have regarding this process. Thank you!

# Upcoming Outreach Events

## Rock Painting Workshop!

The Outreach Committee is sponsoring a spring Rock Painting Workshop on Saturday, March 2<sup>nd</sup> at the Nepenthe Clubhouse. The workshop is open to all adults and artistic skills are not required. You'll paint a simple acrylic design on small flat rocks that are yours to keep or place in the community to brighten someone's day!

Maximum class size is 20 and sign ups are required. All supplies will be provided. There is a \$5 materials fee.

Please contact Bonnie at

[jacobsonbonnie2@gmail.com](mailto:jacobsonbonnie2@gmail.com).



**IT'S FUN!**

**IT'S EXCITING!**

**NO EXPERIENCE**

**NECESSARY!**

**THURSDAY, FEB. 29**

**6:00—8:00**

**NEPENTHE  
CLUBHOUSE**

**BYOB**



## Bunco Night!

- ♦ Quick to learn!
- ♦ Easy to Play!
- ♦ Instruction Provided

If you can  
roll  
dice...then  
you can play  
**BUNCO!**





# Meet Your New General Manager!

It is with great pleasure that we introduce Nicole Marks, who has been a top performing community manager within our organization. With unwavering dedication and commitment, Nicole has exemplified the values and work ethic that are critical to success as a General Manager. Her journey began at the front desk, where she showcased exceptional interpersonal skills and a keen

understanding of customer service. Recognizing her potential, she was soon promoted to the role of Assistant Community Manager and then Community Manager, where she continued to excel and contribute significantly to our team's success.

Nicole brings a wealth of experience and a deep understanding of community management. Her leadership has been instrumental in fostering a positive and collaborative work environment as she is often found mentoring new managers. Her journey is a testament to her hard work, perseverance, and the growth opportunities that our organization provides.

Please join us in extending a warm welcome to Nicole Marks as your interim General Manager.



# February 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 9am-12pm Pickleball	2	3 8:30am-10:30am Pickleball  10am-12pm Coffee Group
4	5 10am-12pm Private Event (Cabana) 12pm-3:30pm Canasta (library) 2pm-4pm Mahjong Group (Clubhouse)	6 9am-3pm Bridge (Clubhouse) 10am-12pm Renaissance Photography Club (Clubhouse) 12:30pm-3:30pm Mahjong Group (Library)	7 10am-2:30pm Bridge (Library) 2:30pm-4:30pm Alley Cats Group (Library) 3pm-5pm Executive Board Meeting 6pm-8pm Open Board Meeting	8 9am-12pm Pickleball  5:30pm-7pm Architectural Committee Meeting	9	10 8:30am-10:30am Pickleball  10am-12pm Coffee Group (Clubhouse)
11	12 12pm-3:30pm Canasta (library) 2pm-4pm Mahjong Group (Clubhouse)  3:30pm-5pm Book Club (Library)	13 12:30pm-3:30pm Mahjong Group  5:30pm-6:30pm ILS Committee Meeting	14 10am-2:30pm Bridge (Library) 2:30pm-4:30pm Alley Cats Group (Library) 4pm-6pm Outreach Committee Meeting	15 9am-12pm Pickleball  3pm-5pm Grounds Committee Meeting	16	17 8:30am-10:30am Pickleball 10am-12pm Coffee Group (Clubhouse) 12:30pm-3:30pm Private Event (Clubhouse)
18	19 *Office Closed*  12pm-3:30pm Canasta (library) 2pm-4pm Mahjong Group (Clubhouse)	20 9am-3pm Bridge (Clubhouse) 10am-12pm Renaissance Photography Club (Clubhouse) 12:30pm-3:30pm Mahjong Group (Library)	21 10am-2:30pm Bridge (Library)  11am-4pm Rotary Wives Bridge (Clubhouse)  2:30pm-4:30pm Alley Cats (Library)	22 9am-12pm Pickleball	23	24 8:30am-10:30am Pickleball  10am-12pm Coffee Group (Clubhouse)
25	26 12pm-3:30pm Canasta (library) 2pm-4pm Mahjong Group (Clubhouse) 4:30pm-5:30pm Finance Committee Meeting	27 12:30pm-3:30pm Mahjong Group (Library)	28 10am-2:30pm Bridge (Library)  2:30pm-4:30pm Alley Cats Group (Library)	29 9am-12pm Pickleball  6pm-8pm Bunco Night!		



# Initial Application for Board Candidacy

**Your name:** \_\_\_\_\_ **Address:** -----

**Email:** ----- **Best Phone:** -----

**1. Why are you interested in becoming a member of the Nepenthe Board of Directors?**

**2. How long have you been an owner in Nepenthe?**

**3. Have you served on any committees in Nepenthe or been involved in any other way? Please specify.**

**4. What background and experience do you have that might be useful as a Board member (professional, volunteer, other Boards, etc.)?**

**5. The duties of a Board member (monthly meeting, liaison to a committee, etc.) typically take about 16 to 32 hours per month, depending on circumstances. Would you be able to make that commitment?**

**6. Is there any other information you would like to provide? You will also have an opportunity to do so in your Candidate Questionnaire and Statement.**

After this completed application has been received in the office, you will be contacted by a member of the Nominating Committee. You will also receive a Welcome Packet with material advising you of pertinent dates and instructions for preparing your Candidate Statement.

# Always Good to Know...

## New Around Here?

Welcome! If you've just moved in, please come by the Clubhouse at 1131 Commons Drive to complete your Resident Information Form and obtain your electronic key card.

We have a great welcome packet for you!

## Need Service?

If you have a problem with a component that the Association is obligated to maintain, please complete a Service Request.

Examples are gates, address signs, dry rot or irrigation in the common area.

## Have a Concern?

Start with the management office via walk in, phone call 916.929.8380 or email [Nepenthe.HOA@fsresidential.com](mailto:Nepenthe.HOA@fsresidential.com).

If the office staff cannot resolve the problem, work with the General Manager, Nicole Marks. Still not satisfied? Submit a letter to the Board of Directors for review at the next meeting by dropping it at office.

## Weed Abatement Schedule

Carson Landscape performs weed abatement every Tuesday, Wednesday and Thursday between the hours of 8:00 am and 4:00 pm. The application process is performed in compliance with applicable regulations by one certified specialist employed by the company .

Pre-emergent weed granules are applied between Winter and Spring.

## See Area Crime Map

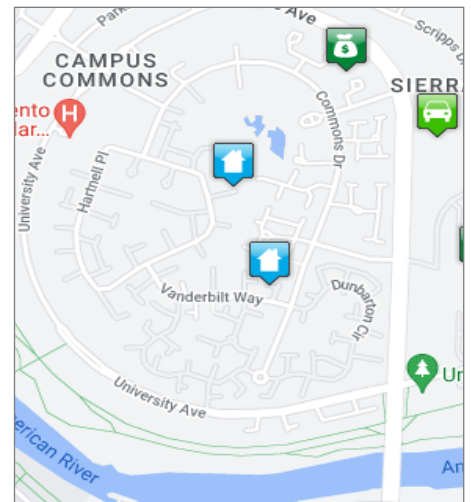
Would you like to see where crime is happening in our area? Go to: <https://communitycrimemap.com/> Use the tools on the left of the map to zoom in to Campus Commons. You can also set a date range.

Click on the icons displayed for more information.

Use the button in the upper right corner to "sign up for crime alerts" to get a weekly email.

This is a terrific resource for staying safe!

If you see a vagrant trespassing/loitering in the Community, please call the non-emergency Police at: (916) 808-5471. For emergencies and crimes in progress, call 9-1-1



**Call the Office with any questions.**

**916.929.8380**



Nepenthe Association  
1131 Commons Drive  
Sacramento Ca 95825

**Office Hours**

Monday—Friday ~ 9am-6pm  
Phone: 916-929-8380  
Nepenthe.HOA@FSResidential.com  
NepentheHOA.com

**Management Staff:**

Nicole Marks, General Manager, [Nicole.Marks@fsresidential.com](mailto:Nicole.Marks@fsresidential.com)  
Nirmal Dhesi, Assistant Community Manager, [Nirmal.Dhesi@fsresidential.com](mailto:Nirmal.Dhesi@fsresidential.com)  
Julienna Michel, Administrative Assistant, [julienna.michel@fsresidential.com](mailto:julienna.michel@fsresidential.com)

**Other Important Contacts:**

After Hours Customer Care Center 1-800-428-5588 for property-related emergencies  
Power Outage: 1-888-456-SMUD

**Your volunteer Board of Directors:**

Vice President: *Cheryl Nelson*  
Member at Large: *Christina George*

President: *Markus Dascher*

Treasurer: *W.F. (Bill) Henle*

Secretary: *Jackie Grebitus*

**Board of Directors**

1st Wednesday, 6:00 pm, via Zoom and at the Clubhouse

<https://us02web.zoom.us/j/88272111861?pwd=bDJDalMycUswQ0ZPSU8lY05jeVF6dz09>

Meeting ID 882 7211 1861, passcode 620373

**Architectural Review Committee**

Chair: Alan Watters, [arc@nepenthehoa.com](mailto:arc@nepenthehoa.com)

2nd Thursday, 5:30 pm at the Clubhouse

**Finance Committee**

Chair: Susan Timmer, [financecomm@nepenthehoa.com](mailto:financecomm@nepenthehoa.com)

4th Monday at 4:30 pm **via Zoom**

<https://us02web.zoom.us/j/89767673487?pwd=Z25BcjBDUDILWWdoN2hhT0R2L1I0UT09>

Meeting ID: 897 6767 3487, Passcode: 198099

**Grounds Committee**

Co-Chair: Jim Shaw

3rd Thursday at 3:00 pm at Clubhouse

At this time, please send any inquiries for the Grounds Committee to: [Nepenthe.HOA@fsresidential.com](mailto:Nepenthe.HOA@fsresidential.com)

**Insurance, Legal & Safety Committee**

Chair: Nancy Arndorfer, [ils@nepenthehoa.com](mailto:ils@nepenthehoa.com)

2nd Tuesday, 5:30 pm at the Clubhouse

**Outreach Committee**

Chair: Marcy Best, [outreach@nepenthehoa.com](mailto:outreach@nepenthehoa.com)

2nd Wednesday, 4:00 pm at the Clubhouse



## RESPONSES TO JANUARY 2024 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, permits these responses may also be emailed mid-month after the meeting date mentioned in the heading.

**1. Carol Duke, Homeowner:** Carol made comments regarding the current meeting: 1) the financial information presented in the spreadsheet can look perfect if you don't know the details; 2) from her observations, the roots lifting the compressor at 1100 Dunbarton came from a tree on a neighbor's patio and that should have implications on the expense and responsibility. Carol states that, at the December 27 meeting, the motion to change the minutes was not clear before a vote was taken and, therefore, the result is null and void. It appears that there is a move to limit homeowner comment. At the December 27 meeting there appeared to be a rush to end the meeting and there was only one homeowner comment period. It is standard to have 2 sessions. If the Board is changing the pattern, it should be announced to the community ahead of time. [The Board President stated that the agenda and number of homeowner comments sessions is at the discretion of the Board and the agenda is issued ahead of time, thus giving notice of the number of comment periods.]

**Board Response:** Thank you for your comments.

**2. Paula Connors, Homeowner:** Paula has not received a response to her letter that was included in the December 6 Open Meeting packet. She is distributing it again seeking a response.

**Board Response:** The Board owns Paula an apology. Her letter was not specifically addressed the Responses to Homeowners attached to the January packet. Paula's letter mirrored questions asked by her neighbor, Amy Mickel, who did receive a letter from the Board (included in the January packet). When the oversight was noticed, a letter was also sent to Paula, however, it was too late to reach her before the January meeting. The letter is available for all homeowners to review at page 70 of the January Board packet (<https://nepenthehoa.com/wp-content/uploads/2024/01/Nepenthe-2024-01-03-Open-Session-Packet.pdf>) with attachments to the letter on pages 74 through 89.

**3. Trish Meraz, Homeowner:** Trish apologized for her hoarse voice. At the December 27 meeting she raised the issue of the allegation in the recall petition about the Member at Large not having authorization to sign documents. Based upon her understanding, the member at large has no authorization to sign unless the Board made an express resolution to permit such signatures. In looking for such evidence, she did not see or hear any. On December 27, she commented that Christina George, given the accuracy of the allegation, should resign and save the HOA the expense of the recall; that is what Trish would have done. Perhaps others at the meeting saw or heard something she did not, if so, she apologizes for not paying attention. She apologizes to Christina.

Trish also wishes to let people know that in 2019 the Howard Jarvis initiative (Prop13) was modified and it no longer true that one's lower tax rate can be inherited by one's children unless the children assume residence in the house.

**Board Response:** Thank you for your comments.

**4. Ricardo Pineda, Homeowner:** He's learning how Board communication works. He has sent 3 messages regarding remediation near his residence and not received a response. He has been expecting an email or letter. [Director George referred Ricardo to page 72 of the packet for the Board response.] <https://nepenthehoa.com/wp-content/uploads/2024/01/Nepenthe-2024-01-03-Open-Session-Packet.pdf>

**Board Response:** Correspondence to the Board is included in the Open Meeting packet for all to review. That correspondence and comments made by homeowners at the Open meetings are, by this Board, replied to in articles we call "Responses to Homeowners". Those responses, where possible, will be released before the next Open meeting via an email blast. Regardless, responses will be in the following month's Board packet. The intent is to share information as broadly as possible to all homeowners. The responses are also included with the newsletter to achieve a broad distribution. As the Board meets only once a month, responses, unless urgent, are necessarily delayed. We encourage homeowners to ask questions about issues or if they are unsure of a process.

**5. Pat Singer, Homeowner:** Pat thanks the Board as she would not be willing to step up to the position. She appreciates Paul Reeves' information and would like to see such a presentation quarterly. She has 3 points to make: 1) Given Paul Reeves' comment that it is important to paint every 8 years, she is hoping that the Board has set up funding and planning for such a schedule; 2) Trim and caulking may not also last as long as the Duratemp siding material and she is hoping the Board is also funding and planning for inspection and repairs for those items rather than waiting for 12-year siding cycle. When we finish phase three, is there a plan to go back to evaluate phase one?; 3) CPR has replaced several fences where there are gate issues now appearing. Rather than have Elite make repairs, she suggests holding CPR responsible for their work.

**Board Response:** The Browning Reserve Study is the planning document for anticipated future replacement and repair. The current planned siding cycle is 12 years, painting is 6 years, and each year has reserve line items for painting touchup and siding repairs, as needed, between such cycles. When there are issues with contractor work, please report all such instances to the HOA office for inspection. The office, in conjunction with Board members and liaisons will determine, based upon warrantee periods and other factors, how repairs should be performed.

**6. Ashley Tangeraas, Homeowner, and past Board Member:** On December 6, 2023, the Board received a recall petition. The Board's Attorney confirmed the validity of the petition; 5% of the homeowner signed the petition. The Board rescinded their acceptance of the petition on December 27. The petition documented fiduciary problems, but the law says a Director may be removed without cause. She is calling on

the Corporation code 7511C to have a single ballot vote on April 17, 2024, to recall Christina George.

**Board Response:** The Board acknowledges the receipt of a document presented by Ms Tangeraas.

**7. Peter Pelkofer, Homeowner:** Peter wishes people to know he is not only a homeowner, but also an attorney. He has reviewed the bylaws and believes a violation of them has occurred. He would like the Board's attorney to refute that belief.

**Board Response:** Thank you for your comments.

## **CORRESPONDENCE TO BOARD**

1. A letter from Donald Person, Homeowner was included in the Board packet.

**Board Response:** Thank you for your comments.

2. A letter from homeowner Kelly Cole, was included in the Board packet.

**Board Response:** The removal of shrubs along several alleys along Dunbarton was performed to clear access for siding contractors and painters, and to fully expose all areas needing siding repair. From prior siding work performed, the Board had learned having clear access to the siding and fencing was essential. In approving the work, the Board had anticipated several days to notify homeowners, but the contractor's schedule permitted them to begin the day following approval – catching all off guard. The new landscaping will better meet the community needs for clearance between plantings and surfaces as well as help accomplish other goals such as water savings and reduced maintenance costs.

3. Two letters from homeowner John Apostolo were received but not included in the Board packet due to an error. The letters are attached to this file so that all homeowners can view the questions asked and comments made.

**Board Response:** The January 3, 2024, packet included some answers to the questions asked in these letters. Paul Reeves, project manager for our siding project, also provided information at about clearances needed between plants and siding and fences to prevent damage to wood. The link to the video of the meeting is at:

<https://nepenthehoa.com/recorded-board-meetings/> Specific answers about the City trees is contained on pages 65-67 of the January 3, 2024 Board packet.

Browning Reserve Study currently projects siding and paint of 12 and 6 years, respectively.

AB1572 is new legislation that is being closely tracked by all HOAs in the State. The Board is in contact with our management company, in contact with other HOAs, on mailing lists for meeting and regulation notices and actively engaged in planning for changes as we learn what is required.



Delegation of authority for the member at large to sign documents has been grandfathered as a Nepenthe practice since at least 2010. No Directors have authority to 'sign checks'. The payment process is as follows. Under contract with vendors (none of which have been signed by the Member at Large), proposals for additional work are presented to the Board for discussion at Executive meetings. Discussion and possible alterations/adjustments to those proposals take place and, once approved by at least 3 of the 5 Directors, the office prepares a work order authorizing the actual work. Once invoiced, the invoice is compared to the proposal and payment information is input into the accounting system. Authorization to make the payment requires the signatures of 2 directors who review the paperwork for accuracy. Once signed by the Directors, the General Manager electronically signs the authorization, setting into process the issuing of a check from the appropriate account.

4. A letter from homeowner Peter Klein was received too late to be included in the January packet. A copy of his letter is attached at the end of this document. Peter has reviewed the siding project, and his observations are included in his letter.

**Board Response:** The Board has forwarded this letter to Paul Reeves, our siding project manager, for his review and response.

## Dusty Favichia

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**From:** CA - Nepenthe HOA  
**Sent:** Monday, December 11, 2023 8:39 AM  
**To:** Dusty Favichia  
**Subject:** FW: Response Requested: December 2023 Homeowners Association Meeting - Follow up

This is in Nepenthe HOA



**NIRMAL DHESI**  
Assistant Community Manager  
Direct 9169298380



**From:** John Apostolo <apostolo.john@gmail.com>  
**Sent:** Sunday, December 10, 2023 6:50 PM  
**To:** CA - Nepenthe HOA <Nepenthe.HOA@fsresidential.com>  
**Subject:** Response Requested: December 2023 Homeowners Association Meeting - Follow up

You don't often get email from [apostolo.john@gmail.com](mailto:apostolo.john@gmail.com). [Learn why this is important](#)

December 10, 2024

**To:** Nepenthe Homeowner Association Board of Directors  
**cc:** Nepenthe Homeowner Association Manager  
Nepenthe Homeowners

I attended the December 6, 2023 Nepenthe Homeowners Association meeting, and left the meeting with the following questions and concerns which I am asking for a Board response.

I am also requesting this communication be included in the January 2024 Board Meeting packet.

1. City tree removal. One homeowner commented that a City of Sacramento (City) tree was recently removed at Nepenthe's expense, in addition to other City tree removal within the Nepenthe footprint.

a. How does this removal expense, of a city owned tree(s), demonstrate scarce monetary resource stewardship? Please help me connect the dots on this matter.

2. Landscape Remediation / Painting and Siding. A slide deck was shared at the December 6<sup>th</sup> Board Meeting illustrating the extensive landscape remediation taking place in conjunction with Phase I Painting / Siding work on Dumbarton Circle. I walked away from the meeting understanding the

landscape remediation work is at the behest of the painting and siding contractors citing close proximity of shrubs and other growth to homes making it difficult to replace and paint siding etc. I find this difficult to comprehend. I have owned a home in Nepenthe since 1990, and experienced 4-5 painting and siding cycles, and during this past work shrubs and other growth adjacent to homes has never been an issue. Bushes and shrubs have been trimmed in a reasonable manner. Observing painting /siding work in other Villages, i.e. Village 3, I have not witnessed the extensive shrub removal as demonstrated on Dumbarton Circle.

- a. What is the 1-3-year strategic plan in coordinating painting, siding and landscape remediation, and the projected cost over the life of these projects? What is the impact on reserves once these projects are completed?
- b. Why would the Association not hold future non-contracted landscape work in 2024 until a comprehensive monetary assessment and strategic plan is developed, presented and discussed?

3. Use of Non-Potable Water for Common Area Irrigation. I understand this is the elephant in the room facing the Association in 2029.

- a. Has Nepenthe reached out to the Campus Commons Park Corporation Board to gain an understanding of how their five villages will be addressing this issue?
- b. Has Nepenthe reached out to the City of Sacramento for available resources for planning for 2029?

I look forward to your speedy response

John Apostolo, Homeowner  
916-505-4746



## Dusty Favichia

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**From:** CA - Nepenthe HOA  
**Sent:** Wednesday, December 20, 2023 11:20 AM  
**To:** Dusty Favichia  
**Subject:** FW: Board Response Requested: Delegation of Authority

URGENT



**NIRMAL DHESI**  
Assistant Community Manager  
Direct 9169298380



**From:** John Apostolo <apostolo.john@gmail.com>  
**Sent:** Tuesday, December 19, 2023 5:54 PM  
**To:** CA - Nepenthe HOA <nepenthe@fsresidential.com>  
**Subject:** Board Response Requested: Delegation of Authority

You don't often get email from [apostolo.john@gmail.com](mailto:apostolo.john@gmail.com). [Learn why this is important](#)

December 19, 2024

**To:** Nepenthe Homeowner Association Board of Directors  
**cc:** Nepenthe Homeowner Association Manager  
Nepenthe Homeowners

I attended the December 17, 2023 Nepenthe Homeowners Association meeting, and left the meeting with the following questions and concerns which I am asking for a written Board response. To be clear this communication is not a challenge to an individual's capability or commitment to the Nepenthe Board of Directors and Nepenthe Homeowners. This is a question addressing Board processes. Please include this letter in the January 2024 Board meeting packet.

1. Delegation of Authority:

Nepenthe's attorney spent approximately 15 minutes explaining delegation of authority citing current Nepenthe By-Laws and State of California Corporation code. The explanation was clear, however, I did not walk away from the meeting hearing if the Nepenthe Board of Directors had delegated signature authority to execute financial instruments and contracts.

- a. When (specific date) did this delegation of authority take place between May 2023 (Board of Directors election) and December 17, 2023?
- b. Did the delegation of authority limit only signing checks on Nepenthe's behalf or provide a more inclusive approval to execute all financial instruments and contracts regardless of contract value or invoice amount?

Had this specific information been shared at the December 17<sup>th</sup> meeting, through documentation of redacted Executive Session Board minutes, clarity and transparency would have been provided, and the meeting would have taken a different and more productive tact.

I am asking the Board to agenda "Delegation of Authority" at the January 2024 Board meeting for discussion and sharing the process steps taken to assure the proper delegation of authority was passed via Board resolution. If documentation cannot be provided, then delegation did not occur and there is a challenge to the Board of Directors' fiduciary responsibility to the homeowner's and not just one individual board member. Board transparency is important, based on homeowners comments at the December 17, meeting.

I await your speedy response

Regards,

John Apostolo, Homeowner  
916-505-4746



ReplyForward  
Add reaction