

# NEPENTHE ASSOCIATION

## BOARD OF DIRECTORS MEETING

March 1, 2017, 5:30 PM

Nepenthe Clubhouse | 1131 Commons Drive | Sacramento, CA 95825

### OPEN SESSION MINUTES

#### I. CALL TO ORDER

Present	Board Member	Positon
X	Steve Huffman	President
X	Joan Haradon	Vice President
X	Linda Cook	Secretary
X	Will Vizzard	Treasurer
	Vacant	Member at Large

#### II. ANNOUNCEMENTS

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on March 1, 2017 in order to consider matters relating to personnel, member discipline, legal matters and the formation of third-party contracts.

**Items of discussion included:**

- Personnel Matters
- Pending Litigation
- Member Discipline

b. **Board Announcements**

1. As the Board moves through the agenda, members may comment or ask questions about any agenda item during the two homeowner forums. Please address all comments or questions to the chair. The Board will be unable to accept comments or questions from the floor during its deliberations.
2. Homeowner educational forum will be held March 4<sup>th</sup>- Living in Nepenthe- What You Need to Know
3. Parking Town Hall will be held March 11<sup>th</sup>.

#### III. COMMITTEE REPORTS

- a. **Ad Hoc Committee on University Ave. Lots-** No report given.
- b. **Architectural Review Committee-** Verbal report provided at meeting. Minutes provided to Board in their packet.
- c. **Finance Committee-** No meeting. Verbal report provided at meeting.
- d. **Grounds Committee-** Verbal report provided at meeting. Minutes provided to Board in their packet.
- e. **Insurance, Legal and Safety Committee-** Verbal report provided at meeting. Minutes provided to Board in their packet.
- f. **Nominating Committee -** Verbal report provided at meeting. Minutes provided to Board in their packet.

- g. **Outreach Committee-** Verbal report provided at meeting.

**IV. MANAGEMENT REPORTS**

**a. Operations Report-**

1. Phase III Siding and Painting project is running ahead of schedule. It is approximately one-third completed.
2. Roof and gutter cleanings are in process and going well with good coordination with the landscaper for the leaf clean up.
3. Tree Maintenance: On February 1, 2017, Paul Dubois inspected several trees on the Nepenthe property during the monthly tree walk. Management, Grounds Steward Elsa Morrison and arborist Paul Dubois will continue the monthly practice of tree walks in the community. Owners with tree concerns are welcome to forward them to the office for inclusion on the walk list.

- b. Master Calendar Report-** Manager Bettsi Ledesma reviewed the calendar with the Board.

**V. HOMEOWNER CORRESPONDENCE-None**

**VI. HOMEOWNER FORUM-** Comments were received on a number of topics. Management made notes of the comments for possible future Board action.

**VII. CONSENT CALENDAR** Director Will Vizzard motioned to remove and correct item B from Consent Calendar. Director Linda Cook seconded this motion and it passed unanimously.  
**Director Steve Huffman Motioned to approve corrected item b. Financial Statement**  
**Second:** Director Joan Haradon  
**Vote:** All in favor  
**The Board approved Consent Calendar items A to E as presented excepting therefrom the item removed by unanimous consent: Item b. Financial Statements-** removed as these were approved at last month's open session. Management will include January and February Financial Statements on the April 5 agenda.

*Begin Consent Calendar*

**a. Approval of Minutes February 1, 2017 Open Session**

Proposed Resolution: The Open Session minutes dated February 1, 2017 are approved as presented.

**b. Appoint Special Committee on Lighting**

These homeowners have applied to serve on this committee and have also agreed to abide by the Nepenthe Conflict of Interest Policy. They have all received their Scope of Work as agreed upon at the February 1, 2017 open session of the Board of Directors.  
Proposed Resolution: The Board hereby appoints Cheryl Cochrane, Bill Olmsted, Joel Weeden and Renee Mendez as Chair as members in good standing to the Special Committee on Lighting.

**c. Appoint Committee Member**

Homeowner Charles Schaffer has submitted his application to serve on the Outreach Committee. He has also agreed to abide by the Nepenthe Conflict of Interest Policy.  
 Proposed Resolution: The Board hereby appoints Charles Schaffer, a member in good standing to the Outreach Committee.

**d. Lien Resolution**

Per the enclosed Resolution dated February 15, 2017, 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
1963-01	\$923.00
1959-02	\$1,061.00

**e. Architectural Applications**

The Architectural Review Committee met on February 11, 2017 to review the enclosed applications.

Proposed Resolution: The Board confirms the recommendations of the committee.

Address	Application for	Recommendation
1395 Commons Dr.	Window Replacements	Approval
1390 Commons Dr.	Trellis/Patio cover	Approval
2236 Swarthmore Dr.	HVAC System	Emergency Approval

<i>End Consent Calendar</i>
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**VIII. UNFINISHED BUSINESS**

**a. Amend Resolution allowing Homeowners to move fences between 1575, 1581 and 1587 University Avenue**

Motion: Director Joan Haradon

Second: Director Will Vizzard

Vote: All in favor

**Resolution: That the below resolution be amended as indicated in the bold italic text below.**

Whereas the Nepenthe Board of Directors is granted authority under the Third Amended and Restricted CC&Rs, Article VI, Section 6.6(a)(ii)(H) to manage and administer the Common Area;

Whereas the Board of Directors has agreed to review all requests to move fences on a case-by-case basis;

Whereas the owners of 1581 and 1587 University Ave. have requested permission to move the wood fences on the front elevation of their homes at their expense;

Whereas the area to be enclosed by the relocated fences is devoid of any association-purchased landscaping;

Whereas the homeowners at 1575, 1581 and 1587 University Ave. have entered into agreements to protect the locations of HVAC equipment behind the fences;

Whereas the association finds that the fences in the current positions create an attractive nuisance and have been known to shelter a vagrant in the past;

Whereas the Grounds Committee reviewed the requests at their September 8, 2016 meeting and voted to recommend approval; now therefore, be it

**Resolved, that the owners of 1581 and 1587 University Ave. have the approval of the Nepenthe Board of Directors to move the wood fences closer to the front elevations of 1575, 1581 and 1587 University Ave. at their own expense using the Association's contractor, James E. Williams & Son, Inc. with the proviso that they inform the Nepenthe office of the scheduled date for the work a week in advance.**

**b. Committee Charters**

**Action Item.** In accordance with their adopted 2017 goals, the Directors have met with the committees and prepared revisions to the charters for the following committees. Architectural Review, Finance and Grounds Committee Charter revisions will be considered at the April 5 Open Session. The Standards and Practices for Committees is also enclosed- no need for revision to this document has been identified.

**1. Insurance, Legal & Safety:**

1. Charter

No action taken. Committee will be consulted.

2. Standards & Practices for Insurance

**Motion:** Director Will Vizzard

**Second:** Director Joan Haradon

**Vote:** all in favor

**Resolution:** The Directors hereby approved and adopt the revised Standards & Practices for Insurance.

**2. Outreach Committee**

**No action taken.**

**3. Elections Committee**

**Motion:** Director Will Vizzard

**Second:** Director Joan Haradon

**Vote:** All in favor

**Resolution:** The Directors hereby approved and adopt the revised Charter for the Elections Committee.

**4. Nominating Committee**

**Motion:** Director Will Vizzard

**Second:** Director Joan Haradon

**Vote:** All in favor

**Resolution:** The Directors hereby approve and adopt the revised Charter for the Nominating Committee.

**5. Standards & Practices for Committees**

**No change.**

**Motion:** Director Will Vizzard

**Second:** Director Linda Cook

**Vote:** All in favor

**c. Bylaw Revisions**

In conjunction with the changes to the committee charters, the need for some revisions to the Bylaws has been noted. There are other areas of the Bylaws that contain typographical errors. These items will be collected over the course of the next year on the open session agenda for future revision. Noted this month:

<b>Page Number(s)</b>	<b>Section</b>	<b>Description</b>
Page 22	Article VII, Section 7.1	Change name of Insurance, Legal & Risk Committee to Insurance, Legal & Safety. Add Outreach Committee. Add "charters and/or" in front of "Standards & Practices"
Page 22	Article VII, Section 7.2	Add at the end of paragraph 1: "The Board may change the membership of any committee between Annual Organizational Meetings."
Page 23	Article VII, Sections 7.5- 7.9	Insert new Section 7.6. Insurance, Legal and Safety Committee. It shall be the duty of the Insurance, Legal and Safety Committee to recommend to the Board policies, practices and procedures related to insurance for both the Association and its members, legal matters affecting the Association and the safety and security of the Association and its members. The Board shall endeavor to appoint as Members at least one insurance professional, at least one licensed attorney and at least one member with a law enforcement or public safety background.
Page 23	Article VII, Sections 7.5- 7.9	Insert new Section 7.7. Outreach Committee. It shall be the duty of the Outreach Committee to recommend to the Board events designed to encourage residents to interact with other residents in interesting and enjoyable ways; educational forums for residents; and programs to welcome new residents. In selecting members of the Outreach Committee, the Board shall endeavor to appoint members who are skilled in putting on events, have a good knowledge of Nepenthe Association and its goals and can communicate with residents effectively.

Page 23	Article VII, Sections 7.5- 7.9	Re-number current Sections 7.6 and 7.7 to 7.8 and 7.9 respectively.
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**Action:** No action taken.

## IX. NEW BUSINESS

### a. Parking Policy Update

1. Update to Directors on results of second survey and discuss next steps towards improving the community's parking policies:
  1. Review the responses received on the survey. Because the survey ends after the publication of this agenda, advance materials are not available. The results of the survey will be provided to the Board under separate cover at the March 1 meeting and displayed on the projection screen during the meeting. **No action taken- discussion item.**
  2. Discuss meeting with Councilmember Guerra and other City representatives regarding enforcement of parking on City streets. This meeting will address:
    - a. Inconsistent verbiage on J-Permit signage
    - b. 72-hour street parking limit
    - c. Red curbs adjacent to corners
    - d. Parking of non-registered vehicles on City streets
    - e. Fire lane enforcement

**Motion: Joan Haradon**  
**Second: Director Linda Cook**  
**Vote: All in favor**  
**Resolution:** The Board directed management to arrange meeting for Directors Huffman and Haradon with Councilmember Guerra and other pertinent City representatives.
  3. Consider whether to draft a CC&R amendment or a new set of parking rules. A Board Agenda Report has been prepared by General Manager Bettsi Ledesma and is enclosed in the packet.  
**No action taken- Directors will review with general counsel.**

### b. Proposals for Tree Work

Arborist Paul Dubois of The Grove Total Tree Care walked the property on January 31, 2017 accompanied by Grounds Committee member Elsa Morrison, Grounds Chair Pam Livingston, Board Liaison Linda Cook and General Manager Bettsi Ledesma. The purpose of the walk was to inspect trees identified by residents, Grounds Committee members and management as potentially failing and/or hazardous and to complete an overview inspection of the trees in Zone 5. His report was provided to the Grounds Committee who reviewed it at their February 9, 2017 meeting and asked Mr. Dubois to prepare the enclosed proposals for Board action.

The specific work identified is as follows:

Species	Location	Qty	Service Description	Price
Dogwood	#489 Next to 2268 Swarthmore	1	Corrective Pruning to establish structure	\$75.00
Cedar	#1968 Next to 1005 Vanderbilt	1	Pruning for crown reduction on co-dominant trunks and weight reduction of heavy portions of	\$1,800.00
Redwood	#1490 1071 Vanderbilt	1	Tree Removal – leaving stump 2-3” above grade	\$1,800.00
Birch	# 1496 Next to 1215 Vanderbilt	1	Tree Removal – leaving stump 2-3” above grade	\$450.00
Ash	#1936 next to 210 Elmhurst	1	Pruning for weight reduction	\$960.00
Maple	#1942 next to 210 Elmhurst	1	Pruning to reduce co-dominant stems to promote structure	\$680.00
Redwood	#1456 next to Elmhurst Pool Area	1	Deep Root Watering Treatments including grove of 10 trees along pool area - 3 applications June/ July/August @\$390 EA	\$1,170.00
Mayen	#1449/# 1439 210/217 Elmhurst	2	Pruning to clean out deadwood	\$430.00
Pine	#1823 next to 400 Elmhurst	1	Pruning for weight reduction	\$1,280.00
Tulip Tree	1581 University	1	Pruning for weight reduction	\$2,325.00
<b>CONTRACT PRICE</b>				<b>\$10,970.00</b>

**Motion:** Director Will Vizzard

**Second:** Director Linda Cook

**Vote:** All in favor

**Resolution:** The Board approved the removals and specific tree pruning as proposed by Grove Total Tree Care for the amount of \$10,970, payable from Reserves which has a remaining 2017 allocation for tree work of \$120,010.

**X. HOMEOWNER FORUM-** Comments were received on a number of topics. Management made notes of the comments for possible future Board action.

**XI. NEXT MEETING:** Wednesday, April 5, 2017 at 5:30 pm in the Nepenthe clubhouse

**XII. ADJOURN @6:47pm**