



**NEPENTHE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
January 6, 2021, 5:30 PM  
VIA ZOOM TELECONFERENCE DUE TO COVID-19 CONSIDERATIONS**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85085770895?pwd=a3FVSnFZSGMxQjNDcDh1ZExHY2hxZz09>

Meeting ID: 850 8577 0895

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**WELCOME**

Thank you for attending. This is a business meeting, open to members of the Nepenthe Association and guests of the Board. The primary purpose of the meeting is to ensure that the Association is meeting its responsibility to maintain the property and to serve homeowners.

Please mute yourself unless you've been called on to speak during Open Forum. These proceedings may be recorded to assist with the preparation of minutes.

<b>OPEN SESSION AGENDA</b>
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**I. CALL TO ORDER**

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

**I. ANNOUNCEMENTS**

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on December 2 and 29 and January 6 to consider legal matters, member discipline, personnel and contract formation.

**II. COMMITTEE REPORTS**

- a. Architectural Review Committee

The committee’s recommendations for approvals are on the Consent Calendar.

Architectural items that are outside of the adopted guidelines are listed under new

business. The committee’s minutes provide more detail. ....Pages 9-17

- b. Finance Committee .....Pages 18-19
- c. Grounds Committee.....Pages 20-21
- d. Insurance, Legal and Safety Committee..... No meeting

**III. MANAGEMENT REPORT**

- a. Management Operations Report .....Pages 22-23
- b. 2021 Master Calendar .....Pages 24-27

**IV. HOMEOWNER CORRESPONDENCE..... Pages 28-35**

**V. HOMEOWNER FORUM**

In accordance with California Civil Code Section 4920(a), the Association must post or distribute the agenda for Regular Session Meetings no fewer than four (4) days prior to a Regular Session Meeting. During Homeowner Forum, items not included on the agenda that are raised by homeowners may be briefly responded to by the Board and/or Management; however, no action may occur with respect to that item unless it is deemed an emergency by the Board of Directors and developed after the agenda was posted and/or distributed. The Board of Directors may refer informational matters and direct administrative tasks to Management and/or contractors. Each homeowner will be given three (3) to five (5) minutes to speak in accordance with the Open Meeting Act, California Civil Code 4925(b), or a total of twenty (20) minutes will be granted for all to address the Board of Directors regarding items of interest or concern.

**VI. CONSENT CALENDAR**

In an effort to expedite the Board meetings, Management has placed several business items on a Consent Calendar. Please review the items prior to the meeting so that you may have your questions answered in advance.

Action required: Board Resolution.

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

*Begin Consent Calendar*

- a. **Approval of Minutes** ..... **Pages 36-38**

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

- b. **Financial Statement: November 2020** ..... **Separate Packets**

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

The reports reflect a negative year to date variance of \$68,940 and reserve funding of \$1,968,163 compared to the reserve funding budget of \$1,997,853. The Association has \$196,910 in operating funds, which represents less than one month of budgeted expenses and reserve contributions. The Association has \$10,039,227 in reserve funds.

- c. **Lien Resolution.....Page 39**  
 Per the enclosed Resolution, Management is requesting authorization to place liens on the following accounts should the delinquent assessments not be paid within the time period established in the Intent-to-Lien letter.

Account Number	Past Due Amount
1946-01	\$1,038.00

- d. **Architectural Applications.....Separate Packet**  
 The Board confirms the recommendations of the committee as noted below.

	Address	Application for	Recommendation
<b>1</b>	2316 Swarthmore	Window Replacements	Approval
<b>2</b>	1002 Dunbarton	HVAC Replacement	Approval
<b>3</b>	1115 Commons	Window Replacements	Approval
<b>4</b>	1077 Vanderbilt	Window Replacements	Approval
<b>5</b>	307 Dunbarton	Kitchen Window Replacement	Approval
<b>6</b>	1575 University	Window Replacements	Approval
<b>7</b>	328 Elmhurst	Awning/Shade Structure	Approval
<b>8</b>	810 Dunbarton	Patio Hardscape	Approval
<b>9</b>	210 Elmhurst	Window Replacements	Approval
<b>11</b>	406 Elmhurst	Patio Hardscape	Approval

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

- a. **Review proposed Signs Rules..... Pages 40-44**  
 In January 2013, new legislation was enacted that permits homeowners living in associations to display certain flags and banners on their property. The Civil Code does permit the association to regulate some of what owners are permitted to do regarding signage. Counsel has prepared a draft rule to protect the association’s rights under Civil Code 4710.  
 State law requires the Board to take certain steps to adopt the rules. (Civil Code Section 4360) Accordingly, after the Board approves the rules, the rule adoption notice will inform the owners of the date, time, and location of the meeting where the Board intends to adopt the rules.

The Board approves the draft of the rules at an open meeting and sets a Board meeting date for adoption of the rules allowing for enough time for the Association’s management to deliver the Notice for adoption of the rules with the rules a minimum of 28 days’ prior to the meeting where the Board will decide whether to adopt the rules.

Delivery of the Notice for adoption of the rules with the rules to the owners by posting the Notice and rules in the common area at least 28 days before a Board meeting where the Board will decide whether to adopt the rules.

Action required: Discussion and possible resolution

**Proposed resolution:** The Board approves posting the Proposed Political Signs and Flag Display Rules to the ownership for a 28-day comment period and advising the owners that the policy will be adopted by the directors at the March 3, 2021 Open Session at 5:30 pm.

**VIII. NEW BUSINESS**

a. **Discussion Item: Applications Received for Outreach Committee .....Page 45**

In October, the Board voted to disband the Outreach Committee due to the pandemic and the need to remain socially distant.

In December, five homeowners submitted applications to serve on the committee. The directors will discuss whether this is an appropriate time to re-form the committee.

Action required: Discussion and possible resolution

b. **Appoint Nominating Committee**

Action required: Board resolution

**Proposed resolution:** Pursuant to Bylaws Article IV, Section 4.6(a), the Board hereby appoints the following homeowners: \_\_\_\_\_, \_\_\_\_\_ and Linda Cook as Chair to serve as this year’s Nominating Committee.

c. **Adopt Standards and Practices for the Management of the Landscape ..... Pages 46-47**

With the start of a new landscape contractor, the Board has determined to codify standards and practices of the Nepenthe Association so that all parties will have a clear understanding of the processes in place to manage the landscape and to ensure continuity of operations between the Board, committees, management and contractors.

Action required: Board resolution

**Proposed resolution:** The Board adopts the Standards and Practices for the Management of the Landscape.

d. **Architectural Applications.** These applications are for items not covered by the adopted criteria or represent a variation from the criteria. The Directors are asked to consider each application separately. All applications have been provided to the Directors separately to protect sensitive homeowner information.

i. **1015 Vanderbilt Way - Shade Canopy**

**From the ARC minutes:** This matter has been referred to the ARC by the Board. A garden shade structure, a canopy over tent-like frame with a beige-canvas peaked roof that has been present for 2 ½ years is applied for in this 4400 model. The structure is located at the junction of the side garage wall and the back fence and gate on the alley. When no architectural guidelines exist for an improvement, it is the ARC's practice first to seek the opinions of neighbors close to the improvement. Accordingly, Management was to send out a letter to all seven other homes on this Vanderbilt-Elmhurst alley. **Approval Recommended by the Committee.**

**From Management:** This item was noted by the General Manager on a landscape walk. It is not an umbrella nor is it one of the approved shade structures in the adopted criteria. The CC&Rs Article IV Architectural Review and Approval, Section 4.1 (a) states that the construction or installation of any improvement must be approved by the ARC and ultimately the Board. Improvement is defined in 4.1(b) as a "structure of any kind".

Upon investigation, there appeared to be no approval for the item in the homeowner's file. A courtesy note was sent to the owner who stated that the structure is no different than an umbrella and asked to have the matter reviewed by the Board. The Board determined to require the owner to either apply to the ARC for approval or remove the structure.

Approving this structure sets a precedent for shade devices outside of the adopted criteria. This precedent may make it more difficult for the ARC and Board to deny future installations of this type. Additionally, such structures may, if prevalent, have a detrimental effect on home values in the community. Therefore, it is management's recommendation that the application be denied.

If the Directors are inclined to approve this application, management then recommends that the Board charge the ARC with writing additional criteria for all acceptable shade structures.

Action required: Resolution and discussion.

**Proposed resolution:** The Board of Directors *approves/denies* the application as submitted with conditions. (*Outline the conditions within the resolution.*)

ii. **1403 Commons Drive – Outbuilding (Sauna)**

**From the ARC Minutes:** In this 2200 model, a non-attached, portable barrel sauna is requested within the smaller fenced patio abutting the alley. The

Guidelines for Outbuilding or shed would seem to assume that such a structure is for storage only and not tall enough to admit people. Therefore, this improvement, being necessarily taller than fence height, would seem to fall outside this or any other of the existing categories for improvements.

Requested is installation of an Almost Heaven Sauna's Salem 2-person barrel sauna of cedar wood, of assembled size 6'W x 4'D x 6' 5"H, with a single door, no other windows, and electric stove and without plumbing or waste water drain. The modified design, at 6' 5" high, will rise above the 6-ft backyard fence only 5 inches. Per the architectural drawings, in reference to the alley, the sauna will be positioned sideways so that the round side will be visible, showing only the cedar boards. Also, an adjunct modification would be an electrical outlet mounted in the exterior garage wall facing the back patio for a 220-Volt electric outlet, to be installed by KT Electric, License #1039810. For this application, the ARC is in favor of an abeyance to the Architectural Guideline's height restrictions for outbuildings of not rising above backyard fence height.

When no architectural guidelines exist for an improvement, it is the ARC's practice first to seek the opinions of neighbors close to the improvement. Thus, the applicants have obtained the approval of neighbors who live on the common alley. An earlier application for a different model of sauna (but of the same height and same exposure above the fence top) was passed by the ARC and approved by the Board in May 2019. (Four of four members present at a special meeting on Dec. 12, 2020 voted for approval.) **Approval Recommended by the Committee.**

**From Management:** As these homeowners had received approval for a prior application for a similar structure (which was not built) and because demand for this type of improvement is rare, management recommends approval.

Action required: Resolution and discussion.

**Proposed resolution:** The Board approves the application for the Almost Heaven Sauna at 1403 Commons Drive.

**iii. 1491 University Ave. – Security Lighting**

**From ARC Minutes:** Exterior security lamp installation in this 2300 Model. Requested is the installation of the three WAC Lighting WSW20506-BZ Scoop LED Outdoor Wall Light Fixture, Bronze lamps, only one location of which was authorized by the Board.

This product is the supplemental lamp selected in 2017 by the Ad Hoc Committee to improve security by offering additional light in alleys that was approved for installation located only over the house number plate on the garage-door face of the garage (Guidelines section 5.b, pp 7-8). Thus, the ARC

has authority to approve installation only in the location the Board has previously approved for this improvement and has done so.

The other two requested locations are on the exteriors of the house above walkways leading to the gates on either side of the fenced patio area that is main entrance to this model. This house is sandwiched into a row of four homes and is positioned perpendicularly such that at night these walkways have narrow exposure and little light reaching them. Additionally, south of University Ave., this residence is only one house removed from the levee and parkway. In order to install one lamp where wanted, the homeowner is requesting alteration of an existing bush; the Grounds Committee has been notified so that it can judge that need. (Voting conducted by email on Dec. 20, 2020, with five “yes” votes out of five members responding.) **Approval Recommended (for the single installation over the house number on the garage door façade.)**

**From management:** Because of the way this unit is situated, the approach to both courtyard gates is constricted and dark. In this instance, the standard criteria are insufficient to the problem. The specifics of the home site suggest that an alternative solution be found. There are certain homes where a deviation from the criteria is recommended. 709 Dunbarton and 1653 University, where the Board has permitted the owners to install a taller fence due to the proximity to traffic come to mind. As to the issue of the shrub blocking the light, this request comes under management’s Process for Homeowner Landscape Requests. The shrub in question is an aging camellia that is planted too close to the unit and the fence. Removing the camellia is an appropriate remediation. Management recommends approval of this application as submitted.

**Action required:** Board resolution

**Proposed resolution:** The Board of Directors approves the application from the owner of 1491 University for the installation of three of the approved light fixtures as delineated on the home improvement application at a height of 66” from the ground.

## **XI. HOMEOWNER FORUM**

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**XII. NEXT MEETING:** Wednesday, February 3, 2021 at 5:30 pm via Zoom Teleconference

**XIII. ADJOURN**

## NEPENTHE ARCHITECTURAL REVIEW COMMITTEE MINUTES

Tuesday, December 8, 2020 at 5:30 pm, conducted via videoconferencing

**Members present:** Jenny Smith, chair; Alan Watters, Lee Blachowicz, Ken Luttrell, Diane Vanderpot.

**Absent:** Jan Summers. (Member Steve Farrar has taken a leave of absence.)

**Also Present:** Bettsi Ledesma, General Community Manager; Christina Romero, Assistant Community Manager; homeowner Karen Lowrey; homeowner Peter Klein.

Meeting was convened at 5:32 pm.

**A.1.** Welcome and Opening Remarks.

**B.1. Homeowner requests not voted on:** none.

**B.2. Homeowner Requests Recommended to be Approved:** (With conditions if so noted.) (All votes unanimous unless otherwise noted.)

1. **2316 Swarthmore Drive** – Windows replacement in 4400 model: Replace all windows (except kitchen's garden window) and sliding doors with Simonton DaylightMax 7300 with exterior color dark bronze, with five windows and one sliding door. There is to be a permitted change in type and configuration: the den's existing sliding door is to be replaced with sliding windows XOX over a fixed window panel, like the living room window configuration (per diagram). The contractor is to be Hall's Windows. **Approval Recommended.**
2. **1002 Dunbarton Circle** – HVAC replacement in this 4400 Model. The installation was already performed. No product information nor specifications were provided. The answer to question 4 is not to the issue: "1/2 " AMT pipe," perhaps indicating that conduit will be installed. Conduit piping is visible on top of the siding, descending from attic to ground on the south facade, presumably to contain a new control wire. This conduit installed on the outside of the walls is not in keeping with the *Architectural Guidelines*, which requires conduit to be installed within the walls. A solution to this problem has been suggested, that when siding work is to be done, perhaps as soon as in nine months, the conduit be installed underneath the siding, at the homeowner's expense. **Approval Recommended with Conditions:** Approval is contingent on the homeowner working with Management to have the conduit installed beneath the siding inside the wall, at the homeowner's expense.
3. **1115 Commons Drive** – Windows replacement in this 1720 model: Replace via retrofit installation three upstairs windows using Simonton Daylight Max 7300 dual-paned vinyl-framed windows. The configuration of the windows will not

change. The exterior color of the frames will be bronze. The contractor is to be C.E.C.S., with tech Gary Lee. **Approval Recommended.**

4. **1077 Vanderbilt Way** – Windows replacement in this 5000F model: Replace via retrofit installation all six windows with Marvin Infinity dual-paned fiberglass windows in dark bronze. This product was last approved in January, 2020. The configuration will not change. Contractor is to be Hall’s Windows. **Approval Recommended.**
5. **307 Dunbarton Circle** – Windows replacement in this 2200 model: Replace via retrofit installation a kitchen garden window using Simonton Daylight Max 7300 dual-paned vinyl-framed window, in a picture window (that is, not opening) configuration. The exterior color of the frames will be bronze. The contractor is to be C.E.C.S., with Gary Lee. **Approval Recommended.**
6. **1575 University Avenue** – Windows replacement in this 5500 model: Replace via retrofit installation two upstairs bedroom windows and the living room windows using Anlin Del Mar Expanded View vinyl-framed windows in Bronze. The configuration of the windows will not change. Contractor is to be Northwest Exteriors. **Approval Recommended.**
7. **328 Elmhurst Circle** – Awning/ Shade structure: In this 3300 model, a KE Regal retractable, motorized awning is requested to be installed within the fenced-in backyard area. Mount a 15’-wide awning to project 10’-2” to the exterior wall over the kitchen window and sliding door. The awning is to be electrically operated, retractable Regal model with “Sand” color frame without hood, and an 8” free-hanging valance; the awning fabric is Sunbrella’s “Linen,” a solid beige color. All is in accordance with criteria. Contractor is to be Goodwin-Cole. The homeowner presented a choice of two different color fabrics, the beige “Linen” and a gray-green “Sage.” While the greenish fabric was very attractive and a thoughtful choice that would harmonize well, the committee opted for the beige color fabric established in the *Guidelines*. **Approval Recommended.**
8. **1015 Vanderbilt Way** – This matter has been referred to the ARC by the Board. A garden shade structure, a canopy over tent-like frame with a beige-canvas peaked roof that has been present for 2 ½ years is applied for in this 4400 model. The structure is located at the junction of the side garage wall and the back fence and gate on the alley. When no architectural guidelines exist for an improvement, it is the ARC’s practice first to seek the opinions of neighbors close to the improvement. Accordingly, Management was to send out a letter to all seven other homes on this Vanderbilt-Elmhurst alley. See Discussion of issues in Appendix A. **Approval Recommended.**

9. **810 Dunbarton Circle** – Patio Hardscape installation in this 4400 model. Architect’s drawing provided. Existing concrete to be replaced with “Moduline Series” Aspen color concrete pavers with drainage slope of 2% or ¼” every foot. Original grading for drainage not to be disturbed. Vote conducted by email on December 9 with four of four members who responded voting for approval. **Approval Recommended.**
10. **1403 Commons Drive** – Outbuilding or shed (Sauna): In this 2200 model, a non-attached, portable barrel sauna is requested within the smaller fenced patio abutting the alley. The Guidelines for Outbuilding or shed would seem to assume that such a structure is for storage only and not tall enough to admit people. Therefore, this improvement, being necessarily taller than fence height, would seem to fall outside this or any other of the existing categories for improvements. Requested is installation of an Almost Heaven Sauna’s Salem 2–person barrel sauna of cedar wood, of assembled size 6’W x 4’D x 6’ 5”H, with a single door, no other windows, and electric stove and without plumbing or waste water drain. The modified design, at 6’ 5” high, will rise above the 6-ft backyard fence only 5 inches. Per the architectural drawings, in reference to the alley, the sauna will be positioned sideways so that the round side will be visible, showing only the cedar boards. Also, an adjunct modification would be an electrical outlet mounted in the exterior garage wall facing the back patio for a 220-Volt electric outlet, to be installed by KT Electric, License #1039810. For this application the ARC is in favor of an abeyance to the *Architectural Guideline’s* height restrictions for outbuildings of not rising above backyard fence height. When no architectural guidelines exist for an improvement, it is the ARC’s practice first to seek the opinions of neighbors close to the improvement. Thus, the applicants have obtained the approval of neighbors who live on the common alley. An earlier application for a different model of sauna (but of the same height and same exposure above the fence top) was passed by the ARC and approved by the Board in May, 2019. (Four of four members present at a special meeting on Dec. 12, 2020 voted for approval.) **Approval Recommended.**
11. **210 Elmhurst Circle** – Windows replacement in this 2200 model: Replace via retrofit installation all windows and sliding patio doors (except the kitchen garden window) using Simonton Daylight Max 7300 dual-paned vinyl-framed windows. The configuration of the windows will not change. The exterior color of the frames will be bronze. The contractor is to be C.E.C.S., with Gary Lee. (Voting conducted by email on Dec. 15, 2020, with five “yes” votes out of five members responding.) **Approval Recommended.**
12. **406 Elmhurst Circle** – Patio hardscape replacement: replace the existing concrete aggregate with interlocking pavers. The footprint of the patio will not change, nor will the slope, which will be 2% as required by the *Guidelines*. (Voting conducted by email on Dec. 16, 2020 with four “yes” votes and one abstention.) **Approval Recommended.**

13. **1491 University Avenue** – Exterior security lamp installation in this 2300 Model. Requested is the installation of the three WAC Lighting WSW20506-BZ Scoop LED Outdoor Wall Light Fixture, Bronze lamps, only one location of which was authorized by the Board. This product is the supplemental lamp selected in 2017 by the Ad Hoc Committee to improve security by offering additional light in alleys that was approved for installation located only over the house number plate on the garage-door face of the garage (Guidelines section 5.b, pp 7-8). Thus, the ARC has authority to approve installation only in the location the Board has previously approved for this improvement and has done so. The other two requested locations are on the exteriors of the house above walkways leading to the gates on either side of the fenced patio area that is main entrance to this model. This house is sandwiched into a row of four homes and is positioned perpendicularly such that at night these walkways have narrow exposure and little light reaching them. Additionally, south of University Ave., this residence is only one house removed from the levee and parkway. In order to install one lamp where wanted, the homeowner is requesting alteration of an existing bush; the Grounds Committee has been notified so that it can judge that need. (Voting conducted by email on Dec. 20, 2020, with five “yes” votes out of five members responding.) **Approval Recommended** (for the single installation located over the house number on the garage door façade.)

**B.2.A. Homeowner Requests Approved via Emergency Approvals:** none.

**B.3. Homeowner Requests Not Approved:** none.

**C. Approval of Minutes:** done via email.

**D. Reviewed Notices of Completion from Homeowners:** Alan stated that he had inspected and signed off on 4 NoC’s that were open: 1425 Univ, 1587 Univ, 714 Dunb, 1539 Univ.

**F. Old Business:** none.

**G. New Business:** none.

**H. Next meeting.** Next regular meeting on Tuesday, January 12, 2021, at 5:30 pm, via videoconferencing, rather than in the Clubhouse.

Meeting adjourned at 6:37 pm.

Respectfully submitted, Alan Watters, A.R.C. secretary

## **Appendix A: Discussion of issues related to evaluating garden shade structure at 1015 Vanderbilt Way**

The A.R.C. determined that although this tent-like backyard shade structure is certainly a structure within backyard (or “patio) area, the Shed or Outbuilding definition does not apply because these structures are both limited in height because they are for storage alone and are not intended to be sufficiently tall to shelter people.

Historical background:

The “Patio Structures Criteria” section of the Architectural Guidelines adopted by the Board on April 18, 2005 contains the following passage (its second paragraph) banning non-Architectural-application-approved structures from being visible over backyard fences. However, this paragraph was *deleted* when the document was revised in the 2010s by unknown hands.

“Fence Line – Nothing above or outside

No structures or appurtenances shall be visible above the fence line. This includes ladder, woodpiles, tarps and the floral trellis. Exceptions include independently growing trees and shrubs that grow above the fence height, and umbrellas attached to an outdoor patio set, shade sails and exterior security lighting.”

The issue of an improvement’s being visible over the fence is not addressed in the CC&R’s, either. It would seem that this garden shade tent-like structure, then, does not violate any current CC&R or Architectural rule, as there is no prohibition against tents, per se.

The A.R.C. approached this application as it would any new application for an improvement without existing criteria.

Visual Impact:

The ARC finds that in this case the peaked awning is not large nor is it especially high; the awning is positioned so that its end abuts the fence and alley, presenting only the framework. (see photo page 7) The canvas cover of the tent-like structure is of a beige color that blends well with the garage and house. The ARC finds it is not too visually intrusive. We understand that this structure is not permanently installed, but can be taken down and disassembled.

It is mostly not visible along this alley. The only direct line of sight is from the driveway area of 106 Elmhurst directly across the alley. This structure has rather a narrow visual profile because it is sandwiched between 1015 Vanderbilt’s garage (on the west) and a tree (on the east).

The homeowner makes an argument that this structure is less visually intrusive than some patio umbrellas. Although the passage exempting patio umbrellas from architectural controls was deleted along with the entire paragraph, as explained above, it has continued to be Nepenthe's practice that backyard patio umbrellas are unregulated. Thus, brightly colored umbrellas, whether table-mounted or of larger size are permitted. Opinion is divided about whether brightly colored umbrellas are visually pleasing or upsetting. The A.R.C., then, agreed with the homeowner's argument that this structure is at least not so intrusive as some umbrellas that are allowed.

There was in fact an application in May, 2017, at 710 Elmhurst, that had a different outcome: the owner wanted to install a large, tall, ornate tent she had had at a previous house. The ARC did not agree that it was a good match design-wise and thought its design clashed with our simple geometric architecture, for one. Moreover, although she planned to take the canvas/fabric cover down over the winter, the metal framework would be permanently in place, and visible over the fence. Seems to me, the HOA has every right to regulate permanent structures installed in backyard that are visible over the fence. The ARC denied this application and I believe the Board concurred.

The A.R.C. has decided in favor of this application and this particular tent-like structure, given its limited visibility and visual impact. This is not to say that any or every tent or tent-like structure would necessarily be approved in the same way.

Going forward:

There is no prohibition per se in the Architectural rules against putting up a tent framework that can be seen over the fence, but one can argue (perhaps attorney Brad Epstein would agree) that it is implied in Nepenthe documents that if a structure can be seen over the fence, the HOA has jurisdiction over it. For example, there exist rules covering trellises/patio covers, garden structure/art work, sheds.

I think it makes sense for Nepenthe to regulate, i.e., require approval for, every installation that is permanent and can be seen above the fence line. I would like to somehow include in the Architectural Rules, say, garden decorative features, e.g., rock walls, art installations and walls, permanent tents and canopies, as well as mention patio umbrellas. Additionally, the ARC might ask for concurrence of the applicant's immediate neighbors if the structure is visible above the fence line.

Compiled by Alan T Watters, ARC recording secretary

<b>Nepenthe Association Architectural Committee</b>	Criteria No. 4
	Committee Approval: April 2, 2005
	Board Approval: April 18, 2005

## PATIO STRUCTURES CRITERIA

Please check all appropriate boxes. If your proposed improvement differs from the criteria, please supply appropriate information and/or drawings with your application.

- Floral Trellis**
 **Shed/Outbuilding**  
 **Overhead Trellis**
 **Fence Line, Nothing Above or Outside**

**Cost of Installation, Maintenance, Repairs and Replacement:** All costs of acquisition, installation, maintenance, repair/replacement or painting of siding or other building components related to this installation shall be borne by the owner when incurred. This includes removal and re-installation necessitated by Association repairs such as repair of siding, fences and painting.

**Installation Criteria:** No beams or trusses are to be removed or cut. Installer may not remove or alter existing venting systems. Visible parts of housing unit must be made of metal or another material to which paint will properly adhere without peeling or cracking. Paint must be the same color as other installations on the residence. No deviations from the Committee and Board approval are allowed. Proposed changes to the Nepenthe approval, including those which are suggested by the contractor shall be resubmitted for approval prior to any further work.

**Floral Trellis.** A floral trellis that supports a shrub may be visible if placed near the wall of the garage, but shall be removable and not permanently attached to allow for siding removal and painting of the structure. **Note:** Committee and Board approval are not required.

- Overhead Trellis.** The trellis shall be constructed of wood only and be smooth or rough grade. Redwood or cedar is recommended. The posts shall be 6 x 6 and approximately 8 1/2 feet in height after installation. Posts shall be set on a metal post base and set in a concrete pier. Pressure treated posts are recommended. Wood of the post shall be two inches or more above the dirt grade. There shall be a 2" x 6" ledger placed 6" above the trim of the sliding glass door and maintained with caulk across the top. The trellis shall not be covered with any plastic, bamboo, canvas, etc. However, 2" x 2"s spaced every 3-1/2" may be placed perpendicular to the cross beams.

**Note:** If the house has been painted either *Grey Beige*, *Hawk Brown* or *Beechwood*, the homeowner will have a choice of painting the trellis either the color of the house or *Cocoa Brown*, the color of the fences. If the home is not painted one of the three above colors, the trellis must be painted *Cocoa Brown*. A building permit shall be secured, if required. The homeowner shall contact the building department and include the response in the request.

- Large Trellis: (See Exhibit A)** There shall be two support beams, 4" x 6" or one support beam, 4" x 8". The support beam shall be parallel to the dwelling. The support beams shall be bolted to the outside of the posts with

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Continued and to be signed on Other Side  
 Nepenthe Association Architectural Committee  
 PATIO STRUCTURES CRITERIA

the bottom approximately 18" from the top of the post allowing about 6" of post to be visible once cross beams are placed on top. All cross beams, 4" x 6" shall be placed above the support beams and shall be perpendicular to the sliding door and attached to the ledger by metal brackets. Cross beams shall not be attached by an S wire and shall not be attached below the support beams. Cross beam ends shall extend approximately 15" beyond the support beam and be equidistant from each other with approximately 20" centers.

- Small Trellis:** (See Exhibit B) There shall be four support beams, 4" x 6". There shall be one support beam bolted to each side of each post. Support beams shall be perpendicular to the dwelling. These four support beams shall attach to the ledger above the sliding door by metal brackets. The bottom of the support beam shall be approximately 18" from the top of the post allowing about 6" of post to be visible once cross beams are placed on top. All cross beams, 4" x 6" shall be placed above the support beams and shall be parallel to the dwelling. Cross beams shall not be attached by an S wire and shall not be attached below the support beams. Cross beam ends shall extend approximately 10" beyond the support beam.

- Shed/Outbuilding.** The height of the shed is not to exceed the height of the patio fence. The structure will not be attached to the unit to allow for siding replacement/repair or painting.

**Fence Line, Nothing Above or Outside.** No structures or appurtenances shall be visible above the fence line. This includes ladders, wood piles, tarps and floral trellis. Exceptions include independently growing trees and shrubs that grow above the fence height; umbrellas attached to an outdoor patio set and approved exterior security lighting.

No unsightly items shall be allowed to accumulate outside the patio fence of any lot. No storage shall be allowed outside the fence or any lot. This includes but is not limited to rubbish, debris, woodpiles, machinery or equipment. Garbage cans are to be kept within the garage or patio except on collection day. Garbage cans and recyclable materials shall be placed in the rear driveway area in accordance with city requirements no earlier than the afternoon of the day prior to collection day. They are to be returned to the enclosure the same day that collection occurs. No garbage can shall be overfilled to the extent that the contents become visible above the fence line. **Note:** Committee and Board approval are not required.

In applying for the installation(s) checked above, I have read and understand the criteria and I will ensure that the installation complies, and that if a contractor is involved, I will not accept the installation as complete until the work complies with the criteria.

\_\_\_\_\_  
Owner Applicant

\_\_\_\_\_  
Date

Page 2 of 4

See Other Side

*Nepenthe Association Architectural Committee*  
**PATIO STRUCTURES CRITERIA**



Minutes – Finance Committee

Nov. 23, 2020, 4:30 pm

Present at last meeting: Aubrey Lara (m), Tara Zimmerman (m), Susan Timmer (m), Will Vizzard (treasurer), Bettsi Ledesma (manager)

Minutes reviewed from last meeting: Approved

- 1) Approval of minutes- Accepted unanimously
- 2) Old business:
  - a. Updates from Bettsi on budget/ Will – Budget was passed by the Board. New contract with Carson landscape was signed. Coast will cease providing services as of 11/30/2020.
  - b. Review reserve budget recommendations (running list)-
    - i. Landscape- Reduce yearly allocation to landscape maintenance by \$5K
    - ii. Tennis courts- Check on allocation for tennis court repair, may be over budgeted
    - iii. Siding- With some siding repairs being done this year, adjust reserve budget accordingly.
    - iv. Clubhouse repairs- with special siding installed with 50 year lifespan, push out future clubhouse siding repairs accordingly. Adjust painting schedule for clubhouse on reserve budget, as this was just completed.
    - v. Roofing- Roofing repair estimates are still set at 20 years when roofs have 50-year lifespan. Consider extending timeline for roof repairs.
    - vi. Fencing- New design was adopted which reduces material costs and labor for this item. Revise reserve estimates of replacement costs and extend timeline as needed.
- 3) New business:
  - a. Review of October financials- Flood insurance was paid out of operating funds (\$328K), leaving insufficient funds for regular obligations. The following steps were taken:
    - i. Monthly reserve contribution was not made- Reasoning was that annual budgeted obligation was nearly complete, so it was possible to skip the monthly payment and still meet the budgeted contribution amount for the year.
    - ii. Decision to pay taxes on reserve income from the reserve account made it possible to transfer \$87K from reserve account back to operating account, which had paid quarterly estimated taxes in September.
  - b. Review of Reserve tracker- Board will likely roll over unspent funds into next year's reserve budget, as we have deferred work for many of the line items.

- c. Investment recommendations unanimously approved- New CDs (rollovers), transferring funds into other instruments, moving money market funds into the Metropolitan account from Morgan Stanley because of higher interest rates. Tara Zimmerman moved to approve the recommendations, Aubrey Lara seconded, motion to approve the recommendation passed unanimously.
- 4) Set next meeting- Next meeting will be Monday, January 25, 2021 @ 4:30 pm. There will be no meeting in December.

Meeting adjourned @ 5:17 pm.

**Grounds Committee Meeting Minutes  
December 17, 2020 @ 3:00 PM  
In the Clubhouse Parking Lot and Zone 1  
ATTENDANCE**

Members Present

Steve Huffman, Chair  
Markus Dascher  
Diane Durawa  
Solveig Toft  
Don Landsittel  
Helga Dicker

Liza Tafoya  
Diane Luttrell  
Kathy Waugh  
Joan Trotta (portion)  
Joleen Hecht  
Kathleen Sadao

Members Absent

None

Also Present

Christina George, Board Liaison  
Linda, Cook, Nepenthe Association Vice President  
From Carson Landscape Industries:  
Frank Carson  
Oscar Lopez  
J P Acocella

Bettsi Ledesma, General Manager  
Joe Flores  
Mike Barbone  
Paul DuBois

Homeowners Present

None

**AGENDA ITEMS**

Minutes of Committee Meeting October 15

On a motion by **Diane Durawa** and seconded by **Liza Tafoya**, the minutes were approved unanimously.

Proposal from The Grove

**Paul** from The Grove answered several questions regarding his proposal for tree work in zones 1, 4 and 5. It had been distributed to the committee in advance. On a motion by **Markus Dascher** and seconded by **Helga Dicker**, the proposal was recommended by unanimous vote to the Board for its approval.

Documents to be Considered by the Board at Its January 6 Meeting

**Steve** told the group that he had been working with **Christina** and **Bettsi** on two documents:

1. New Standards and Practices for the Grounds Committee
2. A revised Process for Homeowner Landscaping Requests

He promised to email them to the committee by the end of the next day for their comments and any questions. He added that although the Board was not asking for the committee's approval, he would pass on any responses to **Christina**.

Walkabout with Carson

The final hour of the meeting was a tour of a portion of zone 1. The purpose was for the committee to learn of Carson's approach to landscaping. **Frank** and members of his team described how they intend to control costs and improve the appearance of the grounds by selectively removing plants and doing detailed cleaning prior to new plantings. They fielded questions from committee members.

The meeting adjourned at 4:20.

Respectfully submitted,

Steve Huffman, Chair

Next meeting: January 21 at 3:00 PM

Requests of the Board: Approve The Grove's proposal for tree work in zones 1, 4 and 5.

## Management Report

Board Meeting Date: January 6, 2021

Submitted by: Bettsi Ledesma, General Manager

### Communication

- The Nepenthe News was last published on December 4, 2020. The next newsletter will be published on January 8, 2021. Topics to be covered include:
  - Annual Election Schedule
  - Informative article about Redwood Trees
  - 2021 Facility Projects
  - Alley Parking Reminder
  - Understanding Nepenthe's Insurance
  - February roof cleaning
- Website, [www.NepentheHOA.com](http://www.NepentheHOA.com) is up to date and complete except for the Architectural Guidelines. Management is working with the ARC to incorporate updated criteria.

### Administration

- Management has updated the Process for Homeowner Landscaping Requests to ensure it complies with proposed Standards & Practices for Management of the Landscape
- Resident Registration: In November, two homes were sold. The association welcomed three new resident homeowners.

### Facilities

- Experienced a problem with the gates at the clubhouse over the Christmas weekend break. Apparently, the programming called for a complete closure of all gates on the 24<sup>th</sup>, 25, 26<sup>th</sup> and 27<sup>th</sup>. We contacted our service provider to ensure that the problem did not repeat over the New Year's break or for any holidays in the future.
- Management obtained proposals for fence repairs at twelve units. Proposals are presented on the Executive Session Agenda.
- Management obtained proposal for re-plastering the Elmhurst Pool, the Clubhouse family pool and the Clubhouse spa.
- Clubhouse Gas Lines have been repaired. Before PG&E can come out to turn on the gas, the work must be inspected by the City Building Department. Once the gas is restored, JWS will return to seal up the siding.
- In compliance with recent pandemic restrictions and to protect the health of the management team, the clubhouse restrooms have been closed to all parties except staff.
- Janitorial Service: Custom Care Cleaning has performed all scheduled nightly cleanings of the facilities.
- Pool Service: Sparkling Clear Pool service performed all daily testing and cleaning. Additionally, owner Dale Lynch met with the representative from Geremia Pools to ensure that the re-plastering proposal encompasses all items noted by the County during the last inspections.

**Grounds**

- Carson Landscape took over care of the landscape on December 2. In that time, they have been focused on leaf drop and have started the work of establishing clean edging lines of the turf and ground covers.
- They have prepared a service binder for the crew and for the management team so that expectations are clear on all sides.
- Carson has also cleaned out the garage at the Elmhurst Cabana and are using it as a shop to eliminate runs back to their yard for regularly used materials and equipment. They brought in a table and chairs so the crew can have their break there as well.
- The Grounds Committee conducted landscape walks with Frank Carson and Account Manager Oscar Lopez on December 8 and 15. The Grounds Chair and I were present at both walks.
- Frank Carson, Oscar Lopez and other representatives from Carson Landscape also attended the Grounds Committee meeting on December 17<sup>th</sup> to raise the committee’s awareness of the deferred maintenance noted on the property.
- The proposal for tree work in Zone 5 was presented to the Board on the Executive Session Agenda.

**Financial**

- November 2020 Financials are provided to the directors as a separate packet when the Board packets are published.
- Comcast commission for August and September has been received and deposited into the Operating Account in the amount of \$3,061.85

**Governance**

- Attorney has returned revised draft Sign and Flag Display Rule for Board review.
- Securitas has provided mobile patrols throughout November. Reports are reviewed by management daily, recapping the rounds and interactions of the officers on duty. Seven vehicles were towed from the alleys since the last Board meeting.
- Violations by Category, November 26 – December 30:

<b>Violation Categories/Sub-Categories</b>	<b>Count</b>
Common Area-Encroachment	2
Landscaping-Trim Shrubs	1
Trash-Improper Storage	1
Unsightly Items-Remove from View	1
<b>Total:</b>	<b>5</b>

## 2021 Master Calender

Due Date	Events	Complete
1/1/21	Fiscal Year Begins	
1/1/21	Office closed for New Year's	
1/6/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
1/8/21	Nepenthe News Published	
1/11/21	ARC Meeting 5:30pm	
1/11/21	Insurance, Legal, and Safety Committee Meeting 5:00pm	
1/21/21	Grounds Committee Meeting 3:00 pm	
1/22/21	Financials published and distributed to Board and Finance Committee	
1/25/21	Finance Committee meeting 4:30 pm	
1/27/21	Committee Minutes due in management office	
1/29/21	Manager posts agenda and distributes Board packets	
2/1/21	Second roof and gutter cleaning commences	
2/1/21	Annual Key Card Audit	
2/1/21	Manager to submit required records to CPA for Annual Review	
2/3/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
2/5/21	Nepenthe News Published - Candidate Solicitation	
2/8/21	Send Flood Surcharge List to Accounts Receivable for April Statements	
2/9/21	Insurance, Legal, and Safety Committee Meeting 5:00pm	
2/9/21	ARC Meeting 5:30pm	
2/15/21	Office Closed for Presidents Day	
2/18/21	Financials published and distributed to Board and Finance Committee	
2/18/21	Grounds Committee Meeting 3:00pm	
2/22/21	Finance Committee meeting 4:30 pm	
2/24/21	Committee Minutes due in management office	
2/24/21	Lock in agendas 1) Proposal to clean all lights and poles, benches, signs and transformer boxes 2) Slate of Candidates 3) Approve 2022 Reserve Study	
2/26/21	Manager posts agenda and distributes Board packets	
3/1/21	Pool contractor to inform management of any equipment needs for the pool	
3/3/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
3/5/21	Nepenthe News Published	
3/8/21	Election Committee organizational meeting	
3/9/21	Insurance, Legal and Safety Committee Meeting 5:00pm	
3/9/21	ARC Meeting 5:30pm	
3/18/21	Grounds Committee Meeting 3:00pm	
3/19/21	Hearing invite to delinquent owners	
3/24/21	Financials published and distributed to Board and Finance Committee	
3/25/21	Names of Self Nominated Board candidates due to Nepenthe Office	

3/26/21	Notify Members of date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector, the date, time and location of the meeting at which the ballots will be counted, and the names of all candidates that will appear on the ballot.	
3/29/21	Finance Committee meeting 4:30 pm	
3/31/21	Candidates statements and pictures due to office (to be included in the April newsletter and Ballot Packets mailed to homeowners)	
3/31/21	Lock in agendas 1)Record date 2)Determine members in good standing 3)Approve Draft Annual Review 4)Approve Tax Returns	
3/31/21	Committee Minutes due in mangement office	
4/2/21	Manager posts agenda and distributes Board packets	
4/7/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
4/7/21	Record date for election	
4/9/21	Nepenthe News Published	
4/12/21	Manager mails Annual Review to membership and uploads tax returns to FirstService accounting department	
4/13/21	Insurance, Legal,and Safety Committee Meeting 5:00 pm	
4/13/21	ARC Meeting 5:30 pm	
4/13/21	Inspectors of Election Proofread Ballot	
4/15/21	Grounds Committee Meeting 3:00pm	
4/21/21	Financials published and distributed to Board and Finance Committee	
4/26/21	Finance Committee meeting 4:30 pm	
4/26/21	Mail notice to Committee Chairs- to submit new applications for June Board meeting	
4/26/21	Ballot Packet, including statements and pictures, is mailedto homeowners (to be returned no later than May 26)	
4/28/21	Committee Minutes due in mangement office	
4/28/21	Lock in agenda for 5/5/21 Board Meeting	
4/30/21	Manager posts agenda and distributes Board packets	
5/1/21	Candidates Forum 10:00 am	
5/5/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
5/11/21	ARC Meeting 5:30pm	
5/11/21	Insurance,Legal,and Safety Committee Meeting 5:00pm	
5/20/21	Grounds Committee Meeting 3:00 pm	
5/21/21	Financials published and distributed to Board and Finance Committee	
5/24/21	Finance Committee meeting 4:30 pm	
5/26/21	5:00pm-Annual Membership Meeting and Election	
5/26/21	Deadline for Committee applications	
5/26/21	Committee Minutes due in mangement office	
5/26/21	Lock in agenda for 6/2/21 Board Meeting: 1) Organizational Meeting-appoint committees and liaisons	
5/28/21	Manager posts agenda and distributes Board packets	
5/31/21	Office Closed for Memorial Day	
6/2/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	

6/4/21	Nepenthe News Published	
6/8/21	ARC Meeting 5:30pm	
6/8/21	Insurance, Legal, and Safety Committee Meeting 5:00 pm	
6/17/21	Grounds Committee Meeting 3:00 pm	
6/17/21	Financials published and distributed to Board and Finance Committee	
6/28/21	Finance Committee meeting 4:30 pm	
6/30/21	Lock in agenda for 7/7/21 Board Meeting	
7/2/21	Manager posts agenda and distributes Board packets	
7/5/21	Office closed for Independence Day	
7/7/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
7/9/21	Nepenthe News Published	
7/12/21	Manager begins preparation of next year's budget	
7/13/21	ARC Meeting 5:30pm	
7/13/21	Insurance, Legal, and Safety Committee Meeting 5:00pm	
7/15/21	Grounds Committee Meeting 3:00pm	
7/15/21	Financials published and distributed to Board and Finance Committee	
7/26/21	Finance Committee meeting 4:00pm	
7/28/21	Committee Minutes due in management office	
7/28/21	Lock in agenda for August 5 Board Meeting	
7/30/21	Manager posts agenda and distributes Board packets	
8/4/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
8/6/21	Nepenthe News Published	
8/10/21	Insurance, Legal, and Safety Committee Meeting 5:00pm	
8/10/21	ARC Meeting 5:30pm	
8/19/21	Grounds Committee Meeting 3:00pm	
8/19/21	Financials published and distributed to Board and Finance Committee	
8/30/21	Finance Committee meeting 4:30 pm	
8/25/21	Committee Minutes due in management office	
8/25/21	Lock Agenda for 9/1/21 Meetings 1) Board reviews draft budget 2) Let roof & gutter cleaning contract	
8/27/21	Manager posts agenda and distributes Board packets	
9/1/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
9/3/21	Nepenthe News Published	
9/6/21	Office Closed for Labor Day	
9/7/21	ARC Meeting 5:30pm	
9/7/21	Insurance, Legal, and Safety Committee Meeting 5:00pm	
9/16/21	Grounds Committee Meeting 3:00pm	
9/16/21	Financials published and distributed to Board and Finance Committee	
9/27/21	Finance Committee meeting 4:30 pm	
9/29/21	Committee Minutes due in management office	
9/29/21	Lock in agenda for 10/7 Board Meeting 1) Approve 2022 Budget 2) CPA Letter of Engagement 3) Holiday Charity Drive	
10/1/21	Manager posts agenda and distributes Board packets	

10/2/21	Annual Education Event "Living at Nepenthe: What you need to Know"	
10/6/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
10/8/21	Nepenthe News Published	
10/11/21	Mail Budget Disclosures to homeowners	
10/12/21	ARC Meeting 5:30pm	
10/12/21	Insurance,Legal,and Safety Committee Meeting 5:00pm	
10/21/21	Grounds Committee Meeting 3:00pm	
10/21/21	Financials published and distributed to Board and Finance Committee	
10/25/21	Finance Committee meeting 4:30 pm	
10/27/21	Committee Minutes due in mangement office	
10/27/21	Lock in agendas for 11/3/21 Board meetings	
11/1/21	Roof and Gutter Cleaning begins	
11/3/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
11/5/21	Nepenthe News Published-Include Holiday Décor Policy	
11/9/21	ARC Meeting 5:30pm	
11/9/21	Insurance,Legal,and Safety Committee Meeting 5:00pm	
11/18/21	Grounds Committee Meeting 3:00pm	
11/18/21	Financials published and distributed to Board and Finance Committee	
11/22/21	Committee Minutes due in mangement office	
11/22/21	Lock in agenda for 12/2 Board Meeting - 1) Cancel January meeting?	
11/24/21	Manager posts agenda and distributes Board packets	
11/25/21	Office Closed for Thanksgiving	
11/26/21	Office Closed for Thanksgiving	
11/29/21	Finance Committee meeting 4:30 pm	
12/1/21	Board Meeting: Closed 4:00 pm, Open 5:30 pm	
12/3/21	Nepenthe News published	
12/7/21	Insurance,Legal,and Safety Committee Meeting 5:00pm	
12/7/21	ARC Meeting 5:30pm	
12/16/21	Grounds Committee Meeting 3:00pm	
12/16/21	Financials published and distributed to Board and Finance Committee	
12/24/21	Office Closed for Christmas	
12/27/21	Office Closed for Christmas	
No meeting	Finance Committee meeting 4:30 pm	
12/29/21	Committee Minutes due in mangement office	
12/29/21	Manager locks in agenda for 1/5/22 Board meetings	
12/30/21	Manager posts agenda and distributes Board packets	
12/31/21	Office closed for New Year's	

From: Marla Bowen  
2318 American River Drive  
Sacramento, CA 95825  
(801) 550-4430

December 7, 2020

Dear Board of Directors at Nepenthe,

I am writing to request the removal of the crepe myrtle tree that is located outside of my back fence between my gate and my neighbor's gate at 2316 American River Drive. This tree was recently planted without much thought of the function or use of the walkways, light distribution, or the equipment located just inside the fence.

There are several reasons for this request. I've had a crepe myrtle growing in my back patio area when I moved in two years ago. While it was aesthetically pleasing, it created a terrible mess of sticky sap all over my patio furniture no matter how I trimmed it. I had to remove it in order to preserve my furniture, though I had to replace the ruined cushions. Now the ground crew, who are no longer employed by the association, has planted this same tree just outside the gate, right by the air compressors of both my neighbor and myself. The sap and seeds, even as a small sapling, are already spreading as far as my back patio door. The sticky seeds stick to your shoes and anything it touches. It's a terrible mess to manage and this is unacceptable.

In addition, as it grows, the measly little light that is meant to provide safety as we navigate the walkway at night will be obscured by the tree.

For these reasons, we ask that the tree be removed as soon as possible and if something else is to be planted, we request some consideration of the areas use and the people who have to clean up after it. I request that you please provide your response in writing for my records

Thank you for your time,  
Neighbors at 2318 & 2316 American River Drive



# NEPENTHE ASSOCIATION

1131 Commons Drive, Sacramento, CA 95825

916.929.8380

nepenthe@fsresidential.com

December 9, 2020

Ms. Marla Bowen  
2318 American River Drive  
Sacramento, CA 95825

RE: Request for removal of Crepe Myrtle in Common Area

Dear Ms. Bowen:

Thank you for your letter dated December 7, 2020. We wanted to let you know that your concern was evaluated by the General Manager and the Chair of the Grounds Committee.

The tree was planted as approved by the Board of Directors. The Board, as you know, is the sole authority that may plant or remove landscaping in the Common Area per Article V, Section 5.1(a) of the CC&Rs.

You note in your letter, concerns about sticky sap. This "sap" is a product of woolly aphids. The tree is healthy, but should aphids become a problem, the tree will receive an annual Merit injection just as many of our other Crepe Myrtle trees do. Therefore, no removal will be ordered. If you disagree with this decision, you are welcome to write a letter to the Board of Directors. You may drop it off here at the clubhouse and staff will ensure that it is delivered to the directors.

I have included a photo of the tree in question (taken this morning). It shows that the Crepe Myrtle in question is still small, but is well placed and appears not to impose any restriction on access or lighting.



# NEPENTHE ASSOCIATION

1131 Commons Drive, Sacramento, CA 95825

916.929.8380

nepenthe@fsresidential.com



Thank you for your letter. Please let me know if you have any further questions or concerns.

Sincerely,

Bettsi Ledesma, CMCA  
General Manager

Cc: Board of Directors, Grounds Committee Chair

DEC 1 2020

STEVE HUFFMAN,

I WOULD LIKE THE TREE IN GARAGE AREA BETWEEN 2316 AND 2318 AMERICAN RIVER DRIVE NOT TO BE REPLACED WHEN REMOVED.. MY NEIGHBOR AT 2318 DOES NOT WANT A TREE THERE EITHER. TREE IS NOT RESPONDING,SAP ALL OVER IT . WE ARE HAPPY WITH THE PLANTS ON THE AREA WE DID NOT APPROVE OF THE TREE PLANTED.

THE WALK AREAS BETWEEN GARAGES ARE SMALL AND IF TREES AND BUSHES ARE PLACED WE CAN NOT MOVE FURNITURE INTO HOUSE. COLBY 13 COULD NOT GET THEIR FURNITURE IN. AND 2314 AM RIVER DR HAD TO HOLD ALL FURNITURE ON SHOULDERS WHEN THEY MOVED IN IN NOVE. THE WALK AREA IS NOT WIDE ENOUGH BECAUSE OF THE BUSHES. ANOTHER COLBY HOUSE HAD TO SEVERLY CUT THE BUSH ON WALK WAY AS WIFE BROKE KNEE AND AMBULANCE HAD TO USE WALK WAY AN COULD NOT. THE HOUSE AT 2314 WALK WAY HAS BUSHES THAT NEED TO BE SEVERLY CLIPPED SO PEOPLE CAN MOVE IN AN OUT. THEY ARE RENTERS. ALL THIS HAPPENED IN LAST FEW MONTHS.

IT IS HARD ON US TO USE THE WALK WAYS SAFELY WITH LEAVES AND DEBRI. THEY ARE NOT KEPT UP. THE FRONTS HAVE WORSE DEBRI SO WE USE THE BACK WALK WAYS.

PLEASE BE AWARE OF THE ISSUES

THANK YOU

MARILYN GLAVINOVICH 2316 AMERICAN RIVER DRIVE



## NEPENTHE ASSOCIATION

1131 Commons Drive, Sacramento, CA 95825

916.929.8380

nepenthe@fsresidential.com

December 9, 2020

Ms. Marilyn Glavinovich  
2316 American River Drive  
Sacramento, CA 95825

RE: Request for removal of Crepe Myrtle in Common Area

Dear Ms. Glavinovich:

Thank you for your letter to the Grounds Chair dated December 1, 2020. In the letter you request (for the third time since its planting) the removal of the Crepe Myrtle in the Common Area behind your unit.

The tree was planted as approved by the Board of Directors. The Board, as you know, is the sole authority that may plant or remove landscaping in the Common Area per Article V, Section 5.1(a) of the CC&Rs.

You note in your letter, concerns about sticky sap. This "sap" is a product of woolly aphids. The tree is healthy, but should aphids become a problem, the tree will receive an annual Merit injection just as many of our other Crepe Myrtle trees do. Therefore, no removal will be ordered. If you disagree with this decision, you are welcome to write a letter to the Board of Directors. You may drop it off here at the clubhouse and staff will ensure that it is delivered to the directors.

I have included a photo of the tree in question (taken this morning). It shows that the Crepe Myrtle in question is still small, but is well placed and appears not to impose any restriction on access or lighting.



# NEPENTHE ASSOCIATION

1131 Commons Drive, Sacramento, CA 95825

916.929.8380

[nepenthe@fsresidential.com](mailto:nepenthe@fsresidential.com)



Thank you for your letter. Please let me know if you have any further questions or concerns.

Sincerely,

Bettsi Ledesma, CMCA  
General Manager

Cc: Board of Directors, Grounds Committee Chair

12/1/2020

Hello. I am writing this per Bettsi's request It is my day off and had hoped to enjoy it, which so far has not been the case. I am reluctant in writing this because I believe this will fall on deaf ears as it has in the past.

My complaint is that the noise and environmental pollution by the leaf blowers that are contracted by Nepenthe via the landscape company are destroying my ability to enjoy living in my own house and community. It is against our bylaws for anyone to do that. I have complained in the past and I get a minimizing explanation du jour.

I called yesterday when leaf blowers were being used on a day it was predicted to have AQI of 121 and was a no burn day. The response was " they are trying to hurry and clean up before the new landscape company starts tomorrow ". Only to have it happen again today.

I made a complaint to the City of Sacramento(as a City ordinance violation) as well as to Governor Gavin Newsom yesterday in which I will continue to do asking for a ban on these archaic non essential polluting products . I also purchased 3 air purifiers for my house since I cough and sneeze the whole time they are near my condo .

I am a Registered Nurse and essential worker who now works from home talking to patients. The noise is so bad that I have had to trade my shifts with other nurses to start after 5pm.

I want this to stop. Sure the community may look nice but how nice is it with environmental and noise pollution which is so severe it is interfering with living in my home. It's not only a nuisance but toxic and a health hazard .

Molly Malone

2 Colby Ct

Owner in good standing since 2006

December 23, 2020

Dear Board Members,

Please reconsider your vote on reopening the pool coming into Spring 2021. My daughters swim school "Little Whales" has been open the whole time since it's deemed essential for kids to learn to swim to

Prevent drowning since leading cause of death in children. I think 1-5. My point I am making is a little baby/kid school stayed open through the pandemic and yet we got shut down in 2020 because a few adults could not follow the rules? If you know who they are then take action and ban them from being able to go to the pool in 2021. Let the rest of the members enjoy the pool since we are still paying our HOAS so we expect to utilize our services. The pool is deemed essential since good for our mental and physical wellbeing. Also, we live longer and be able to work longer to continue to pay into social security down the road to our elders. My generation is told that we might not even have social security when we become elderly which is why the pool shall open so myself and other can live longer to take care of our most vulnerable population.

Sincerely,

Erin Woods

1113 Commons Drive



**NEPENTHE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
December 2, 2020, 5:30 PM**

**VIA ZOOM TELECONFERENCE DUE TO COVID-19 CONSIDERATIONS**

<b>OPEN SESSION MINUTES</b>
-----------------------------

**I. CALL TO ORDER**

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

**I. ANNOUNCEMENTS**

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on October 23 and November 4 to consider legal matters, member discipline, personnel and contract formation.

**II. COMMITTEE REPORTS** -The directors reviewed the reports provided by the committees as listed below.

- a. Architectural Review Committee ..... Minutes provided
- b. Finance Committee ..... Minutes provided
- c. Grounds Committee ..... No meeting
- d. Insurance, Legal and Safety Committee..... No meeting

**III. MANAGEMENT REPORT**

- a. Management Operations Report was provided to the Board

**IV. HOMEOWNER CORRESPONDENCE**

- a. The directors reviewed the correspondence received from homeowners.

**V. HOMEOWNER FORUM**

No homeowners asked to address the Board.

**VI. CONSENT CALENDAR**

<i>Begin Consent Calendar</i>
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**a. Approval of Minutes**

The Open Session minutes dated November 4, 2020 are approved as presented.

b. **Financial Statement: October 2020**

The Board accepts the October 2020 interim financial reports and bank reconciliations as presented, subject to annual review.

The reports reflect a negative year to date variance of \$192,927 and reserve funding of \$1,950,723 compared to the reserve funding budget of \$1,816,230. The Association has \$242,071 in operating funds, which represents less than one month of budgeted expenses and reserve contributions. The Association has \$9,706,723 in reserve funds.

c. **Lien Resolution**

Management is authorized 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
2117-02	\$1,038
2174.02	\$1,038
2273-01	\$1,038

d. **Architectural Applications**

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

	Address	Application for	Recommendation
1	1109 Dunbarton	Retractable Awning	Approval
2	200 Elmhurst	Replacement Windows & Sliders	Approval
3	1575 University	Solar Tubes	Approval
4	1491 University	HVAC Replacement	Approval

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

**Motion:** Director Cook

**Second:** Director Beale

**Vote:** All in favor

*End Consent Calendar*

**VII. UNFINISHED BUSINESS**

a. **Review proposed Signs Rules**

This item was sent back to the attorneys in November for requested revisions. The revised rule had not been received before this meeting. No action- item remains tabled.

**VIII. NEW BUSINESS –**

a. **Discuss Levee Irrigation and Mowing**

**Resolution:** The Board of Directors agrees to end the mowing and irrigation of the levee slope in Zone 7 and allow the American River Flood Control District to take over the maintenance in accordance with applicable regulations.

**Motion:** Director Gray

**Second:** Director Beale

**Vote:** All in favor

b. **Approve Investment Recommendations**

**Resolution:** The Board approves the following investments:

	<b>Amount</b>	<b>From Account</b>	<b>To Account</b>	<b>To Account Comment</b>
1	240,000.00	Reserve Metropolitan	Reserve CIT Bank	New 36-month CD
2	245,000.00	Reserve Metropolitan	Reserve Alliance	New 12-month CD
3	245,000.00	Reserve Metropolitan	Reserve BankOZK	New 24-month CD
4	245,000.00	Reserve ADM	Reserve ADM	New 21-month CD
5	255,404.40	Reserve Morgan Stanley	Reserve Metropolitan	
6	1,015,000.00	Reserve Morgan Stanley	Reserve Metropolitan	

**Motion:** Director Beale

**Second:** Director Vizzard

**Vote:** All in favor

c. **Authorize Onsite Staff to Collect Donations for Local Charity for December**

**Resolution:** The Board authorized the onsite management team to work with Joel Weeden to set up a collection point in the clubhouse for donations of new socks, gloves and hats for Loaves and Fishes through the month of December.

**Motion:** Director Cook

**Second:** Director Gray

**Vote:** All in favor

**XI. HOMEOWNER FORUM**

No homeowners asked to address the Board.

**XII. NEXT MEETING:** Wednesday, January 6, 2021 at 5:30 pm via Zoom Teleconference

**XIII. ADJOURN 5:55 PM**

# NEPENTHE

## December 15, 2020

**WHEREAS**, Section 5673 of the California Civil Code requires that, the decision to record a lien for delinquent assessments shall be made only by the Board of Directors of the association and may not be delegated to an agent of the association; and

**WHEREAS**, Section 5660 of the California Civil Code requires that a warning letter be sent by certified mail to the owner of record at least 45 days prior to recording a lien; and

**WHEREAS**, the Association has sent this letter and the 45 days has or will soon expire; and

**WHEREAS**, as of the date of this report payment has not been received to pay the delinquent assessment amount on the property listed below

**NOW THEREFORE BE IT RESOLVED** that the Board of Directors approves by a majority vote of the board members present at a duly called open meeting for FirstService Residential to record a lien on the separate interests/accounts listed below on behalf of the association and to mail a copy of the recorded lien to all known owners and addresses once the 45 days has elapsed from the mailing of the warning letter and no payment has been received.

Date	Account No.	Total Amt Due	Past Due Assessment Only	Approved	Denied	Comment
12/15/20	1946-01	\$1,053.41	\$1,038.00			

**Deferred Items from prior meeting**

Date	Account No.	Total Amt Due	Past Due Assessment Only	Approved	Denied	Comment

Any two (2) Board members must sign:

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

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

# Nepenthe Association

1131 Commons Drive  
Sacramento, CA 92825

January 7, 2021

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

**Date: March 3, 2021**

**Time: 5:30 pm**

**Location: Via Zoom Conference Room,  
850 8577 0895**

**Passcode: 859843**

Dear Owner:

Your Association's Board is intending to adopt rules regarding the posting and display of political signs and American flags within an owner's Lot. Please see the proposed updated Political Signs and Flag Display Rules enclosed, which will be added to the Association's Community Rules under Section 4, Owner and Resident Obligations, 4.4.1, Signs.

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

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

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

The Board intends to adopt the Political Signs and American Flag Display Rules at its Board meeting on March 3, 2021, at 5:30 pm, at Zoom Conference Room 850 8577 0895, Passcode: 859843.

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

Sincerely,

Board of Directors

Enclosure

# NEPENTHE ASSOCIATION

## POLITICAL SIGNS AND FLAG DISPLAY RULES

[Adopted \_\_\_\_\_]

The following will be added to the Association’s Community Rules under Section 4, Owner and Resident Obligations, 4.4.1, Signs, ***which currently reads:***

Reasonably sized signs as required by legal proceedings or “For Sale”, “For Rent” or a security service identification sign may be placed in a window.

***And shall now read:***

### **4.4.1. Signs**

#### **(A) Legal Proceedings, Sale or Rent, or security service identification signs:**

Reasonably sized signs as required by legal proceedings or “For Sale”, “For Rent” or a security service identification sign may be placed in a window.

#### **(B) Political Signs and Flag Display Rules**

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

#### **(1) Political Signs**

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

- a. No Political Signs may be posted or displayed on the Common Area, which includes the front yard of an owner’s Residence.
- b. Political Signs must be made of paper, cardboard, cloth, plastic or fabric; and may not be made of lights, roofing, siding, paving materials, flora, balloon, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces.
- c. Political Signs may not be more than nine (9) square feet in size, except that Political Signs that are flags or banners may not be more than fifteen (15) square feet.
- d. Political Signs may not contain obscenities or fighting words or other offensive language.

e. No more than a combination of three (3) Political Signs may be posted or displayed on an owner's Lot at the same time.

f. Political Signs may not be posted or displayed in a manner that interferes in any way with the Association's maintaining of the landscaping on an owner's Lot or any other maintenance obligations of the Association to be performed on an owner's Lot.

In particular, Political Signs may be posted in the windows of an owner's Residence, but not portions of an owner's Residence or Lot that are the maintenance responsibility of the Association (including but not limited to exterior siding, fencing, vehicle garage door exterior surfaces, garage side doors and roofs).

g. Political Signs may not be posted and displayed on an owner's Lot more than ninety (90) days before the date of the election.

h. Political Signs posted or displayed on an owner's Lot must be removed from the owner's Lot no later than fifteen (15) days after the election date.

## (2) American Flags

"American Flag" for this subsection (B) is defined as the United States of America flag consisting of thirteen (13) equal horizontal stripes of red (top and bottom) alternating with white, and a blue rectangle in the upper hoist-side corner bearing fifty (50) small, white, five-pointed stars arranged in nine (9) offset horizontal rows of six (6) stars (top and bottom) alternating with rows of five (5) stars.

a. No American Flag may be posted or displayed on the Common Area.

b. An American Flag may only be constructed of the following materials: nylon, polyester, cotton or similar materials. An American Flag may not be made from lights, paint, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping or decorative component.

c. American Flag dimensions are limited to a maximum of three (3) feet by five (5) feet and may not be more than fifteen (15) square feet in size.

d. Only one (1) American Flag may be posted or displayed on an owner's Lot.

e. The maximum height of the top of any American Flag when displayed is the lesser of twenty (20) feet or the roofline of the owner's Residence.

f. An American Flag may only be posted or displayed on an owner's Lot between sunrise and sunset (to eliminate flapping noise that might disturb neighbors).

g. American Flags must not be flown upside down on an owner's Lot.

h. American Flags must be cleaned and mended as needed.

i. American Flags may not be posted or displayed on an owner's Lot in such a manner as to permit them to be easily torn, soiled, or damaged in any way.

j. American Flags may not be posted or displayed on an owner's Lot during inclement weather unless an all-weather American Flag is used.



## **OUTREACH COMMITTEE CHARTER**

The Board of Directors hereby adopts this charter for the conduct of the Outreach Committee, effective September 6, 2017.

### **PURPOSE OF COMMITTEE:**

To promote a sense of community by engaging residents in a variety of educational and social activities and events throughout the year.

### **MEMBERSHIP:**

The membership should consist of as many residents, but no less than three, as is required to promote and facilitate activities throughout the year.

### **KEY RESPONSIBILITIES:**

- Develop a comprehensive welcome packet introducing new residents to Nepenthe and the opportunities available for getting involved and meeting their neighbors.
- Plan, organize and calendar periodic homeowner forums to inform residents of the activities of the various committees and volunteer opportunities that support decisions related to common area landscaping, architectural improvement projects, insurance, safety and association finances.
- Coordinate and calendar 2-3 themed social events each year.
- Regularly provide updates of “what’s new” through the association’s various communication tools such as the website, newsletters, announcements, flyers, etc.

k. American Flags may only be flown at half-staff on an owner's Lot for Federal, State, or Association recognized memorials authorizing American Flags to be flown at half-staff. These generally include by order of the (a) President upon the death of a principal figure of the United States Government, (b) the Governor of California upon the death of a past or present official of California, or (c) the Board of Directors upon the death of past or present member(s) of the Board.

l. When lowered, no part of the American Flags should touch the ground or any other object, and the American Flags should be folded into a triangular shape neatly for storage.

m. Flagpoles and flagstuffs upon which American Flags are flown on an owner's Lot must be structurally sound, and the locations of the flagpoles and flagstuffs cannot interfere with the Association's ability to maintain components on an owner's Lot or any other maintenance obligations of the Association to be performed on an owner's Lot.

(i) "Flagpoles" are poles that are mounted in the backyard of an owner's Lot from which an American Flag may be raised and displayed.

(ii) "Flagstuffs" are a pole or dowel that sits in a bracket affixed to the exterior surface of an owner's Residence from which an American Flag is hanging, typically at close to a 45-degree angle. Owners at their own expense must remove Flagstuffs to accommodate maintenance work that may need to be performed by the Association on the exterior building surface of the owner's Residence.

n. Owners seeking to install flagpoles or flagstuffs on an owner's Lot for the posting and display of flags need to submit an architectural application to the Association's Architectural Review Committee for approval specifying the size, color, location, and construction materials for the flagpoles or flagstuffs, and obtain such approval, prior to the installation of such flagpoles or flagstuffs in compliance with the procedures in the Association's CC&Rs, Article IV, for approval of improvements.



## Standards and Practices for Management of Landscape

Adopted by the Board of Directors: (date) \_\_\_\_\_

The purpose of this document is to codify standards and practices of the Nepenthe Association so that all parties have a clear understanding of the processes in place to manage the landscape and to ensure continuity of operations between the Board, committees, management and contractors.

### A. Significance

The landscape is one of Nepenthe's greatest assets. The value it imparts to the community is impossible to quantify. The Association has a responsibility to manage the landscape in a thoughtful and strategic manner.

### B. Basic principle

To achieve the goals adopted in the Grounds Vision Document, processes must be established and followed. As management is the administrative arm of the Association, the processes to achieve the goals must be sustainable at that level.

### C. Management shall:

#### 1) Provide oversight to landscape contractors

- a) Make regular inspections of the common area to ensure that contractors are performing in compliance with executed contracts.
- b) Communicate with contractors regularly for updates, concerns and the preparation of proposals for extra work.
- c) Address specific concerns as appropriate:
  - i. Issuance of work order
  - ii. Discussion with Field Supervisor
  - iii. Written communication with Landscape Manager
  - iv. Escalation to Board level of serious or ongoing, unresolved concerns.

#### 2) Process service requests from owners (Refer to Process for Homeowner Landscape Requests):

- a) Receive and evaluate requests.
- b) Inspect reported conditions and formulate plan for remediation.
- c) Inspect completed work.

#### 3) Report to the Board of Directors relevant information:

- a) Landscape contractors' performance.
- b) Status of approved landscape projects.
- c) Reserve allocations status throughout the year.
- d) CC&R violations by homeowners in regard to the common area.

#### 4) Assist, as appropriate, the Grounds Committee in the discharge of their Board-assigned tasks:

- a) Provide copies of landscape contractors' proposals in advance of monthly committee meeting.
- b) Attend Grounds Committee meeting monthly and provide report of work orders in process.

- c) As requested by Board, make documents available, provide administrative support and schedule meetings.
- 5) **Facilitate communication between all parties: Board of Directors, landscape contractors, Grounds Committee and homeowners.** Refer to Standards and Practices for Communication, Board and Committees for more information about these specific processes.
- D. **The Grounds Committee shall discharge their duties in compliance with their Board assigned charter.**
- a) Review Nepenthe landscape on a regular basis. Identify any issues needing management or Board action.
  - b) Assist, as requested by the Board, in evaluating the current landscape management contract performance. Participate as needed in the selection process for a new Nepenthe landscape contractor.
  - c) Identify any issues with the Nepenthe irrigation systems. Notify management of recommended actions for mitigation.
  - d) Make recommendations to the Board regarding planting projects and other enhancements to the common areas.
  - e) Assist and support management in identifying landscape projects for the upcoming year.
  - f) All members of the committee must be thoroughly familiar with governing documents as they pertain to the grounds and trees.
- E. **The Board of Directors shall provide clear direction to the General Manager and Grounds Committee and respond to recommendations and requests for information or guidance.**