



NEPENTHE ASSOCIATION

Open Session Nepenthe Board of Directors

January 5, 2022 6:00 PM
Nepenthe Clubhouse
1131 Commons Drive
Sacramento, 95825

MINUTES

Directors Present

LINDA COOK - Secretary
MARY GRAY - Vice President
JOHN BAKER - President
MARKUS DASCHER TTEE - Director at Large
ASHLEY TANGERAAS - Treasurer

Directors Absent

None

Additional Attendees

Betsi Ledesma, CMCA, AMS, General Manager, FirstService Residential

I. CALL TO ORDER

Meeting was called to order at 6:04 pm.

II. EXECUTIVE SESSION ACKNOWLEDGEMENT/ANNOUNCEMENT

In accordance with Civil Code Section 4935(a) the Board met in Executive Session immediately preceding the Open Session meeting in order to consider litigation, matters relating to the formation of contracts with third parties, member discipline, personnel matters, or to meet with a member, upon the member's request, regarding the member's payment of assessments, as specified in Civil Code.

Teleconference Notice:

Pursuant to the Centers for Disease Control and Prevention's (CDC) interim guidance on mitigation strategies in response to COVID-19 outbreak, including the implementation of social distancing measures where feasible, this meeting is being held via teleconference and videoconference. All homeowners were provided with call-in and video conference information and an opportunity to address the Board of Directors during Homeowner Forum.

Please be advised that pursuant to California Penal Code section 632 it is a crime to intentionally use a recording device to eavesdrop on a confidential communication without the express consent of all parties to the communication.

III. COMMITTEE UPDATES

The following committees submitted minutes or verbal reports for Board review:

Ad Hoc Committee - Campus Commons Playground Fundraising Effort. Written report was reviewed by the directors.

Architectural Review Committee met in November and December. All minutes are provided to the Board. Chair also provided a brief verbal report.

Finance Committee met in November, but not December. Written minutes were reviewed by the directors.

Grounds Committee Minutes were provided to the Board in their advance materials. There was no meeting in November. The Chair also spoke briefly noting that the committee's requests are on the agenda under new business.

Insurance, Legal & Safety Committee Chair provided brief verbal report. No minutes were submitted.

Outreach Committee met in November. The minutes for their meeting was provided to the Directors.

IV. REPORTS

Management Report:

Communication

- The Nepenthe News was last published on November 5, 2021 and December 3, 2021. The next newsletter will be published on January 7, 2022. Topics to be covered include:
 - ◊ Board Report
 - ◊ Update your Resident Information Form
 - ◊ 2022 Annual Meeting
- Website has received review and cleanup.
 - ◊ Uploaded supporting materials from Grounds Committee selected shrub removal sites to “Grounds & Landscape Updates” page.
 - ◊ Board meeting Zoom recordings are uploaded on “Board of Directors” page.

Facilities

- There were ten clubhouse and cabana rentals in November and December.
- 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. Heaters to all pools have been turned off, but spas are available throughout winter.
- The first Roof and gutter cleaning has been completed. The work was delayed by weather on multiple occasions. Because we contract for two full cleanings, management recommends doing the first cleaning earlier next year.
- All fence and siding repairs authorized by the Board in November have been completed.

Grounds

- Walked the Howe Ave. berm with Kevin Hockner, City Arborist. He is adding the trees located in the road right-of-way to his inventory and will be expediting pruning so the street sweepers can clean Howe Ave.
- The Grove is finishing the approved Zone 4 and 7 Tree Work. Zone 5 work is scheduled for this month.
- Account manager, Oscar Lopez, is preparing a proposal for review by the Grounds Committee for remediation of tree removal sites throughout Nepenthe.
- Based on authority provided me by the Board at Executive Session on September 4, I placed work orders to remediate small areas based on homeowner service requests. For larger concerns, the work order took the form of a proposal request.

Financial

- November 2021 Financials were provided to the directors as a separate packet when the Board packets are published.
- The flood insurance policies are renewing. There have been delays around the change in the Association's Agent of Record, but those seem to have been resolved.

Governance

- Securitas has provided mobile patrols throughout September. Reports are reviewed by management daily, recapping the rounds and interactions of the officers on duty. There has been one tow since the last Board meeting.
- New legislation regarding debt collection may require changes to current delinquency policy. I will have more information for the Board at our February meeting.

V. HOMEOWNER FORUM

A number of homeowners spoke to the directors about various concerns related to the agenda and safety in the community.

VI. HOMEOWNER CORRESPONDENCE

Homeowner correspondence received was included in the directors' advance materials under the pertinent business items.

VII. CONSENT CALENDAR

Resolved

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

Motion: LINDA COOK

Second: JOHN BAKER

► **Resolved**
The motion passed unanimously

A. APPROVAL OF MINUTES

Resolved

The Open Session Minutes dated November 3, 2021 are approved as presented.

B. FINANCIAL STATEMENT

Resolved

The Board accepts the Association's income statement for November 2021, comparing actual results to budget, reserve statement, bank statements and reconciliations, check history report and general ledger as presented, subject to an annual audit. The report reflects a year to date net operating income of \$118,158 and year-to-date reserve funding of \$1,937,348 compared to the year-to-date reserve funding budget of \$1,998,9200. The actual year-to-date operating expenses were \$1,581,527. The budgeted year-to-date operating expenses were \$1,512,390. The association has \$391,274 in operating funds, which represents 1.23 months of budgeted expenses and reserve contributions. The association has \$10,041,026 in reserve funds.

C. ARCHITECTURAL APPROVALS

Resolved

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

November		
1104 Dunbarton Circle	Patio Hardscape	Approval
1130 Vanderbilt Way	Patio Hardscape	Approval
1111 Dunbarton Circle	Security Cameras	Approval
1431 Commons Drive	Replacement Windows	Approval
December		
214 Dunbarton Circle	Replacement Windows	Approval
216 Dunbarton Circle	Dryer Vent Re-routing	Approval
807 Dunbarton Circle	Patio Hardscape	Approval
708 Elmhurst Circle	Solatube	Approval
2266 Swarthmore	Security Cameras and Monitoring System	Approval

D. LIEN RESOLUTION NOVEMBER 2021

Resolved

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
2006-01	\$1,070.00
2202-04	\$1,070.00
2401-02	\$1,070.00

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. COMMUNITY SAFETY/SECURITY DISCUSSION

In light of concerns about recent burglaries in the neighborhood, the Board held a special executive session on December 16th. They also invited the Association's attorney, Brad Epstein to join them to discuss the issue. The discussion centered around understanding the what the roles of the Association and the homeowners are in regards to securing the homes in Nepenthe.

Using the CC&Rs, civil code and Mr. Epstein's counsel as their guide, the directors agreed that Nepenthe Association can

- Publish resources for personal security to the homeowners via the newsletter and/or handouts at the Clubhouse
- Empower the Architectural Review Committee to research and expand lighting, security and camera options
- Strengthen the security of the amenities so they do not become attractive nuisances
- Solicit advice from experts in community safety
- Maintain the Common Area landscaping in a neat and tidy manner

- Empower the Insurance, Legal and Safety Committee to research and make recommendations to the Board on the following items:
 - ◊ additional lighting in the Common Areas
 - ◊ installing cameras on main intersections
 - ◊ building a perimeter fence along Howe Ave and other entrance points
 - ◊ expanding patrol service within the community

Homeowners can:

- Diligently lock gates, doors, windows, garage man doors and vehicles
- Park vehicles in the garage so they do not become attractive nuisances
- Install improvements such as
 - ◊ dowel in the tracks windows and sliding patio doors
 - ◊ gate locks
 - ◊ approved exterior lights
 - ◊ an alarm system
 - ◊ a security screen door
 - ◊ security cameras
 - ◊ doorbell camera
 - ◊ newer and more secure options for door locks
 - ◊ garage door sensor that alerts of an open garage door via smartphone app
- Form and participate in Neighborhood Watch
- Report incidents to Association for data tracking
- Explore ways to make unoccupied homes look occupied by using interior lights and televisions on timers
- Deter would-be burglars by responding to knocks on doors by talking through the door or the doorbell camera
- Get to know their neighbors and work together to keep an eye on each other's homes
- Retrieve doorstep parcels quickly or have them delivered to a secure location

The Directors invited the attending homeowners to also speak on these issues. Much discussion ensued.

B. CHARGE TO ARCHITECTURAL REVIEW COMMITTEE - HOUSE PAINT COLORS

Directors Gray and Tangeraas have researched different paint options as the Association is preparing to complete siding repairs and painting of the units throughout the community. The Board was to charge the Architectural Review Committee with reviewing the options and making a recommendation to the Board of Directors for paint colors.

The Board agreed to table this item to a later date.

C. CHARGE TO FINANCE COMMITTEE RE: SOLAR PANELS ON CLUBHOUSE

Resolved

The Board requests that the Finance Committee meet with the Tesla representative to consider the proposal to add solar panels to the main Clubhouse and make a recommendation to the Board for the approval or denial of said project.

D. REQUEST FROM ARCHITECTURAL REVIEW COMMITTEE RE: SECURITY CAMERA APPROVALS

Resolved

The Board approves the procedure for the approval of security cameras & systems for homeowner units.

Motion: LINDA COOK

Second: MARKUS DASCHER TTEE

▶ **Resolved**
The motion passed unanimously

E. REQUEST FROM CLUBHOUSE HOLIDAY DÉCOR GROUP

Resolved

The Board approves/denies the request for a new artificial Christmas Tree for the main lounge for a fee not to exceed \$3,000 payable from Clubhouse renovation reserves.

Motion: LINDA COOK

Second: MARKUS DASCHER TTEE

AYEs: LINDA COOK, JOHN BAKER, MARKUS DASCHER TTEE

NAYs: ASHLEY TANGERAAS

Abstained: MARY GRAY

▶ **Resolved**
The motion passed

F. REQUESTS FROM THE GROUNDS COMMITTEE

From the December Minutes of the Grounds Committee:

Information Requested from the Board

At your November meeting, you voted not to approve a \$4,320 proposal for turf remediation of a portion of zone 5. Those of you who voted no said we should be eliminating turf, not improving it. Yet the Reserve Study you approved has \$50,225 allocated for 2022 for that purpose.

Our question is, what is your guidance for next year? Is all turf to be removed community-wide? If not, what kinds of areas should be considered? We note that in past years small areas of turf have been converted to plants needing less water, per the Grounds Vision Document, and that process will continue.

Recommendations to the Board

- Approve shrub removal and remediation sites as shown on the attached maps.
- Give the Grounds Committee permission to ask Carson for a proposal for such work in zone 7.

After much discussion by the directors it was agreed to reach out to landscape architect, Garth Ruffner who has previously worked with the Association, to obtain some design guidance which may inform future renovation work. President Baker asked Director Dascher to work with the Grounds Committee on this project.

Resolved

It is resolved to obtain a proposal from Carson Landscape for shrub removal and renovation in Zone 7.

Motion: JOHN BAKER
Second: MARKUS DASCHER TTEE
AYEs: MARY GRAY, LINDA COOK, JOHN BAKER, MARKUS DASCHER TTEE
NAYs: ASHLEY TANGERAAS

▶ **Resolved**
The motion passed

G. GROUNDS COMMITTEE APPOINTMENTS

Resolved

The Board of Directors appoints Nina White and Don Ellwanger to serve on the Grounds Committee for the remainder of the current term ending May 25, 2022.

Motion: MARKUS DASCHER TTEE
Second: LINDA COOK
AYEs: LINDA COOK, JOHN BAKER, MARKUS DASCHER TTEE
NAYs: ASHLEY TANGERAAS
Abstained: MARY GRAY

▶ **Resolved**
The motion passed

H. ARCHITECTURAL APPLICATION - 615 DUNBARTON CIRCLE

As the vote on motion as stated was 2-2, it was agreed to request clarity from legal counsel, attorney Brad Epstein. He provided a letter later which clarified that without a clear majority vote, the application cannot be considered approved and is therefore denied.

Resolved

The Board affirms the recommendation of the Architectural Review Committee to deny the application.

Motion: MARKUS DASCHER TTEE
Second: LINDA COOK
AYEs: LINDA COOK, MARKUS DASCHER TTEE
NAYs: JOHN BAKER, ASHLEY TANGERAAS
Recused: MARY GRAY

▶ *The motion did not pass*

X. SECOND HOMEOWNER FORUM

XI. NEXT BOARD MEETING

XII. ADJOURN

The meeting was adjourned at 9:04 pm.

APPROVED

DATE