

## RESPONSES TO DECEMBER 27, 2023, SPECIAL OPEN MEETING COMMENTS

**1. Greg Beale, Homeowner, past Board member:** The trees are the thing. Workers are thinning the trees as best they can. The recall for Christina is spending money. Last year's storm damaged 20 houses and many cars. When Nepenthe was built in the 70s the builder put in many redwood trees and Sacramento is a tree city. It takes an act of God to remove a tree. Trees can kill us. Trees can ruin this place and instead we are focusing on a Director recall. Global warming means we will have more floods and more tree loss. Christina has nothing to do with it. Money is in trees.

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

**2. Paula Connors, Homeowner:** It feels like a gladiator thing is going on. She watched the videos but is unclear about today's purpose. On the 18<sup>th</sup> the Board received a valid request for a recall that had valid signatures and should accept that request. She thought the attorney had advised the Board to accept. It seems we are here to debate. Believes there is a valid request to follow and let the chips fall. A statement made 12/18 that most signatories had not attended committee or Board meetings is not true in her case. She feels attending the Grounds Committee meeting did not get a response; she was referred to Christina George. She believes Grounds is not a functioning entity.

**Board Response:** Thank you for your comments. Our attorney stated that 98.8% of Boards accept recall petitions and move forward. Given the vocal opposition to the recall at the 12/18 meeting, the Board explored the options available. The result was this December 27, 2023 meeting to discuss the allegations in the petition and the best way for the Board to be fiscally responsible to the community.

**3. Gerry Gelfand, Homeowner:** I said things at the last meeting (12/18/23) and I stand by those statements. The attorney said the allegations contained nothing that was illegal. There are Forums and meetings for information and bringing up issues. It is true that some residents feel Grounds does not always respond. The petition has a small number of signatures for 590 homes and the cost of doing a recall is unnecessary.

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

**4. Mary Gray, Homeowner:** There is a reason for this recall. A Member at Large does not have authority to sign. That's a violation of the Bylaws. The number of signatories is not the issue. The petition is legal. Violations did occur.

**Board Response:** Thank you for your comments. The ByLaws permit delegation of authority. There is evidence that Members at Large, and all other Directors, have signed documents since at least 2010.

**5. Nina White, Homeowner, past Board member:** The petition is valid and we should follow the rules.

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

**6. John Apostolo, Homeowner:** The delegation of authority information should come from Brad (Nepenthe attorney). Proper documentation to the homeowners should have been given as to the authorization to all Directors.

**Board Response:** Thank you for your comments. The ByLaws do not call for a public announcement of delegation of authority. There is evidence that Members at Large, as well as all other Directors, have signed documents since at least 2010.

**7. Trish Meraz, Homeowner:** We should be following the rules. Cost is cost. It's clear there is a violation. People at large (community) can vote. Christina should be removed.

**Board Response:** Thank you for your comments. The Nepenthe attorney finds no violation of ByLaws or any criminal act in the charges made in the petition. There is evidence that Members at Large, as well as all other Directors, have signed documents since at least 2010. Other allegations in the petition refer to Board decisions of which Christina George was only one of five Directors responsible for making decisions. In fact, some of the cited decisions were made when Christina George was not a Director.

**8. Don Landslittel, Homeowner:** What I am going to say may not seem to bear on subject of the meeting but bear with me. John Baker had strong words at the last meeting (12/18) and I take objection to them. John, as President of the Board, gave the General Manager authorization to spend \$2500 for landscape needs. The Board was allowed to lapse in June 2021 and the Manager used that authorization excessively, going to \$2800 and combining areas to create a project. Extensive work was done in zones 6 and 7. The GM admitted using the authorization to create projects. That money added up. Supervision of the GM by the Board has been lacking. As past Chair of Grounds, I saw it happen. Baker sent an email about a cabal. {Notified by Dascher that his time had expired}. I will continue to speak – you have not held to 3 minutes in recent meetings. [General Manager stated that the notice is to bring comments to a quick conclusion]. I support the recall.

**Board Response:** Thank you for your comments. The incidents mentioned do not address the recall.

**9. Courtney Delfin, Homeowner:** I want to piggyback on Don's statements. I believe some costs on landscaping can be controlled. We should control them where we can. Completely eradicating shrubs around green belts when they are healthy is not necessary. We should not be spending on landscaping during the siding project.

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

**10. Peter Klein, Homeowner:** I want to share my perspective as a non-attorney and non-accountant. No one wanted a dues increase. The Reserve study covers a projection of where we are going to go over the next 30 years. Check its projections out 4 or 5 years and it has nothing to do with signing contracts. It has to do with the aging of the plant, including landscaping. No one is perfect we ask our Boards to make decisions and they make them in their best judgement – they must be made. This bitterness is not reasonable. Judgement is what is important. The decisions are made by the full Board, not one person. In these issues, no one was killed, and it is not worth the money to be

spend and will not gain anything. Whatever the reasons, it can wait until the next Board election.

**Board Response:** Thank you for your comments. The next election for 2 Board positions will occur in May, 2023. The exact date of the election and dates leading to that election will be announced in January 2024.

**11. Nancy Cooper, Homeowner:** I don't normally attend any meetings. I am appalled by what is going on here. I have gotten unknown numbers of emails about this issue. I am not in favor of a recall. Am horrified of the crucifying. The plants have been here since the houses were built and they need work; this work has to happen. I thank all the volunteers for putting up with all the criticism and applaud the Board. If the Board wishes to rescind, they should do so. We need to work as a group to solve problems. Keep this up and see a decrease in property values. Who wants to live in a dysfunctional community?

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

**12. Barbara Beddow, Homeowner:** I want to make one statement to Mary and Trish – Brad Epstein (attorney for Nepenthe) says nothing illegal occurred. The Board can follow legal advice and make decisions. At a Finance Committee meeting the CPA said they cannot provide more information as we already have it all. Now you want to recall. I understand things very differently from your statements today.

**Board Response:** Thank you for your comments. Our Finance Committee and Treasurer carefully follow the accounts and balances of Nepenthe funds to ensure that monies are properly accounted.

**13. Ashley Tangeraas, Homeowner and past Board member:** This is a revolt of many people. Landscaping spending goes on. Proposals are no longer in detail (shows some paper from past saying it used to list plants, etc.). A current proposal for \$200,000 shows no detail. No one was asked. We have one homeowner deciding to spend when in closed sessions. There is always a reason to spend more despite homeowner complaints. There is no discussion and the community cannot see who voted. Bring the proposals out into open session. We need to hire a professional landscape architect. That's the only way things are going to change.

**Board Response:** Thank you for your comments. It was not possible to see the documents you showed. Please give us the date and proposal information you mentioned, as well as a copy of the \$200,000 proposal you mentioned. Our contract with Carson Landscaping requires them to follow the Vision Statement and approved Plant list. Decisions on which available plants are best suited to an area are made by Carson, again by Board decision. All negotiations, contracts, and approval of contractor proposals are conducted in Executive session upon legal advice. All contracts and proposals are discussed by Directors prior to voting. A favorable vote by a majority of the Directors is required for approval. Once a proposal is approved by the Board, a Director signs the document to certify that the Board has approved. That document then forms the basis for writing a work order to the contractor.

**14. Maureen White, Homeowner:** I understand what we are all going through. This is a wonderful place with great people. When shopping here, my husband saw the pool in our patio and decided to buy here. It is all about the grounds. The grounds are part of her home. She saw manicured shrubs that reminded her of an English countryside. Nepenthe is an oasis in Sacramento. Problems started about 5 or 6 years ago when the Board became autocratical about the grounds. The relandscaping is all new to us and is changing the exterior of our homes. The grounds become personal. Dunbarton was a bridge too far. People were befuddled and yelling on cell phones. It made me want to cry. I questioned if I really want to live here anymore. Three years ago, there was a Vision Document prepared about how grounds should look to be sustainable. Was the community called in about this? Was there a study? Was there an effort for buy-in? It was approved by the Board and turned over to Grounds. Same with the pilot project that changed the outside but has never gone on.

**Board Response:** Thank you for your comments. The Vision Document is dated December 3, 2014 and has been the standard used in Nepenthe landscaping since. In 2013 the Board of Directors formed the ad hoc Grounds Vision Committee to produce a long term vision for the Grounds, and to recommend standards and practices for grounds activities. As the report ([https://nepenthehoa.com/wp-content/uploads/2015/10/Grounds\\_Vision\\_Document.pdf](https://nepenthehoa.com/wp-content/uploads/2015/10/Grounds_Vision_Document.pdf)) states: *“Two homeowner brainstorming sessions and a Master Grounds Vision Forum were held to learn what homeowners saw as our highest priorities for the future. The top four priorities identified were: 1. Enhance landscape beauty; 2. Reduce water use; 3. Reduce maintenance and replacement costs, and; 4. Improve safety.*

*Much of the landscape is in need of repair or replacement, and reserves may not be adequate. Now is the time to take a long view.”*

While English countryside landscaping is beautiful it is not practical to the current, let alone changing, Sacramento climate. Controlling maintenance costs, water costs and meeting regulations about water and landscaping mean we must adjust to lower-maintenance and water tolerant plantings. We have learned (the hard way) that shrubs planted too close to siding and fencing cause rot and increase the expense of repairing the siding and fences. The newer plants and groupings are not English, but they maintain the HOA as charged in the CC7&Rs, ByLaws and Vision Document.