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FirstService RESIDENTIAL

# NEPENTHE ASSOCIATION

## Open Session

October 2, 2024 6:00 PM
Nepenthe Clubhouse
1131 Commons Drive
Sacramento, CA

**MINUTES**

**Directors Present**
MARKUS DASCHER TTEE - President
CHERYL NELSON - Vice President
COURTENAY DELFIN - Treasurer
BRIAN COATES - Secretary
PETER LEWICKI - Director

**Directors Absent**
None

**Additional Attendees**
Nicole Marks, CMCA, AMS - General Manager, FirstService Residential
Trevon McCrea - Administrative Assistant, FirstService Residential

### I. CALL TO ORDER

The meeting was called to order at 6:01PM.

### II. EXECUTIVE SESSION ACKNOWLEDGEMENT/ANNOUNCEMENT

In accordance with Civil Code Section 4935(a) the Board met in Executive Session on October 2, 2024 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.

**The Board met in Executive Session on October 2nd. The Board took the following actions during the October 2nd meeting:**

- The Board approved the proposal from Critical Path Reconstruction in the amount of $323.74 for siding/trim repairs at 1359 Commons
  - *This proposal was approved unanimously*
- The Board approved the proposal from Critical Path Reconstruction in the amount of $4,139.23 for fencing repairs at 403 Dunbarton
  - *This proposal was approved unanimously*
- The Board approved proposal from Grove Total Tree Care in the amount of $7,560 for tree maintenance in Zone 7
  - *This proposal was approved unanimously*

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- The Board approved proposal from James E. Williams in the amount of $1,801 for installation of wire mesh around the gates at the main clubhouse and Dunbarton cabana
  - *This proposal was approved unanimously*
- The Board approved proposal from James E. Williams in the amount of $1,957.65 to install fencing extension around Dunbarton roof to prevent jumping
  - *This proposal was approved unanimously*
- The Board approved proposal from 3D Technologies in the amount of $1,562.24 to install push button at front desk to open clubhouse doors.
  - *This proposal was approved unanimously*

## III. BOARD ROLES/LIAISONS

**Resolved**

**President** - Markus Dascher (Liaison to ILS Committee)

**Vice President** - Cheryl Nelson (Liaison to Outreach Committee)

**Treasurer** - Courtenay Delfin (Liaison to Finance Committee)

**Secretary** - Brian Coates (Liaison to Arch Committee)

**Member at Large** - Peter Lewicki (Liaison to Grounds Committee)

**Motion:** MARKUS DASCHER TTEE
**Second:** BRIAN COATES

▶ ***Resolved***
***The motion passed unanimously***

## IV. REPORTS

### A. GENERAL MANAGER'S REPORT

The General Manager, Nicole Marks, provided the GM report verbally

### B. CONSTRUCTION MANAGER'S REPORT

The Construction Manager's Report was reviewed and GM provided update verbally

## V. COMMITTEE UPDATES

### A. ARCHITECTURAL COMMITTEE

**Resolved**

The Board affirms the committee's recommendations below:

| Address | Modification | Recommendation |
|---|---|---|
| 700 Dunbarton | Solar Tubes | Approval with Conditions |
| 302 Elmhurst | Solar Energy System | Partial approval (approved except for battery) |
| 618 Elmurst | Trellis | Approval with Conditions |

**Motion:** BRIAN COATES
**Second:** MARKUS DASCHER TTEE

▶ ***Resolved***
***The motion passed unanimously***

### B. OUTREACH COMMITTEE

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Marcy Best provided a verbal update for the Outreach Committee regarding upcoming events in the community

### C. ILS COMMITTEE

Jackie Grebitus provided a verbal update for ILS Committee

### D. GROUNDS COMMITTEE

Peter Lewicki introduced himself as the new Grounds Board Liaison and will get up to speed with the committee in the coming weeks

### E. FINANCE COMMITTEE

Carol Duke provided a verbal update for the Finance Committee

## VI. HOMEOWNER CORRESPONDENCE

### A. HOMEOWNER CORRESPONDENCE - 10.02.24

The Board has acknowledged receipt of all correspondence received and will respond accordingly.

### B. HOMEOWNER COMMENT/CORRESPONDENCE FOLLOW UP - 09.04.24

The Board has provided written response to all Homeowner Correspondence received for the September 4, 2024 Open Session Board Meeting.

## VII. NEW BUSINESS

### A. LIEN

**Background**

**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 30 days prior to recording a lien; and

**WHEREAS**, the Association has sent this letter and the 30 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 properties listed below

**Resolved**

**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 30 days has elapsed from the mailing of the warning letter and no payment has been received.

| Date | Account No. | Total Amount Due | Approved | Denied |
|---|---|---|---|---|
| 09/09/24 | 2356-01 | $2,892.06 | X | |

**Motion:** MARKUS DASCHER TTEE
**Second:** COURTENAY DELFIN

► ***Resolved***
***The motion passed unanimously***

### B. OPEN SESSION MINUTES - SEPTEMBER 4, 2024

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**Resolved**

The Board approves the Open Session Minutes dated September 4, 2024 as presented.

**Motion:** MARKUS DASCHER TTEE
**Second:** PETER LEWICKI

▶ ***Resolved***
***The motion passed unanimously***

**C. RECALL ELECTION MINUTES - SEPTEMBER 18, 2024**

**Resolved**

The Board approves the Special Meeting minutes dated September 18, 2024 as presented.

**Motion:** MARKUS DASCHER TTEE
**Second:** PETER LEWICKI

▶ ***Resolved***
***The motion passed unanimously***

**D. FINANCIAL STATEMENT - AUGUST 2024**

**Resolved**

The Board accepts the Association's income statement for August 2024 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 $155,882.62 and year-to-date reserve funding of $1,776,541.45 compared to the year-to-date reserve funding budget of $1,580,512. The actual year-to-date operating expenses were $1,394,856.86. The budgeted year-to-date operating expenses were $1,377,480. The association has $275,968.71 in operating funds, which represents 0.75 months of budgeted expenses and reserve contributions. The association has $10,218,553.20 in reserve funds.

**Motion:** MARKUS DASCHER TTEE
**Second:** PETER LEWICKI

▶ ***Resolved***
***The motion passed unanimously***

## VIII. HOMEOWNER FORUM

Multiple Owners addressed the Board during Homeowner Forum. Cheryl has notated all the comments/questions and will draft the responses for the November 6th Open Session Board Meeting.

## IX. NEXT BOARD MEETING

The Association's next open Board meeting will be held November 6, 2024, at 6:00 pm.

## X. ADJOURN

The meeting was adjourned at 6:56PM.

11/8/2024

**APPROVED** **DATE**