

RESPONSES TO AUGUST 2024 OPEN MEETING COMMENTS and CORRESPONDENCE

Please note these responses will always be attached to packets for Open Board meetings following the meeting where the comment was made and will also be published with the monthly newsletter. As time, quantity of homeowner comments, and level of research necessary to prepare full and accurate responses permits, these responses may also be emailed mid-month after the meeting date mentioned in the heading.

HOMEOWNER FORUM

1. **Bill White, Outreach Committee member**, Homeowner: Watering is occurring at the Commons roundabout 6 days a week. We should be on a 3 day/week schedule. There is overwatering that runs onto the road and will eventually cause damage. This has been reported to the office but there has been no change.

Topics: Overwatering

[The GM, Nicole, confirmed that the information had been received and transmitted to the contractor who is working to resolve the problem.]

2. **Leslie Arnal, ILS Committee member**, Homeowner: The number of tennis players in the community has increased. On weekend mornings the courts are often full, with more players hoping for a court. A reservation system will help. The Commons courts need to be cleaned and the key does not always work.

Topics: Tennis Court Access; Reservation System

[Director George relayed that last month cleaning equipment was approved and the handyman will be cleaning the courts. GM Nicole relayed that the Commons court has been rekeyed and that those with keys should come to the office for replacements.]

3. **Ricardo Pineda, ILS Committee member**, Homeowner: Be careful and aware when apparent salespeople come to your door. He recently experienced an encounter with someone who looked ok but when asked for details about the product he said he was selling, could not produce information or material.

Topics: Safety

Board Response: Thank you for your information.

4. **Nina White, Finance Committee member**, Homeowner: Last year's dues increase was large. She would appreciate the Board keeping the dues flat.

Topics: HOA Fees

Board Response: The Finance Committee is currently reviewing and will be making recommendations to the Board on the annual Reserve study. After those recommendations are completed, the Committee will turn its attention to Nepenthe's operating budget. It is an objective to look for cost savings where appropriate.

5. Will Vizzard, former Board Member and Finance member, Homeowner: Wishes to give his perspective on the recall. In his 8 years on the Board and 12 years on Finance, no one has put in as much time working for this community, other than Otis Turner, than Christina has. Whoever signs a contract, which is a ministerial function, is simply carrying out the instructions of the Board who have already voted for that contract. A signatory to a document is simply confirming that the Board has passed (voted for) the issue. The Board can delegate authority to anyone. They can delegate authority to the manager if they choose. The bylaws and counsel say it does not matter but some can argue. The recall is a tempest in a teapot.

Topics: Recall Effort

Board Response: Thank you for your comments. No contracts or proposals are approved without the approval of a majority vote of the 5-member Board. All Directors, including the Member at Large, have signature authority once the Board votes to authorize an expenditure. Work orders, resulting from Board decisions are prepared by the General Manager. Each transfer of funds to pay invoices is approved by 2 Directors.

6. Bonnie Jacobson (via chat), Outreach Committee member, Homeowner: Is there a way to explain to homeowners why some HOA Board issues are discussed in closed session versus open?

Topics: Closed (Executive) Session vs Open Session

[GM, Nicole, explained]

7. Ashley Tangeraas, former Board member, Homeowner: The way she reads the Bylaws and law nothing says not to do business in open session. She wants a letter from the HOA attorney stating what discussions should be in Executive session. There is no way to prove that landscape proposals cost as much or that the work is done. The Board should come clean and follow the law. Legal counsel should put in writing its advice.

Topics: Executive Session vs Open Session

Board Response: The following items can be discussed in Executive Session in accordance with Civil Code 4935: Litigation, Formation of Contracts, Disciplinary Hearings, Personnel Issues, and Payment Plans.

8. Susan Timmer, Finance Committee member and former Chair, Homeowner: Wishes to join Will Vizzard in his comments. She wishes there was more information available on why the recall is not a good thing for the community. It speaks poorly of the feeling of community. She doesn't understand the arguments, they seem personal and petty, dressed up in a garb of officialdom. It's something that a group of people have against Christina and they have made a federal case out of it which is ending up costing the community a fair amount not just in terms of money that will have to be paid but also in terms of a feeling of community. She objects to the recall.

Topics: Recall Effort

Board Response: Thank you for your comments. The Nepenthe attorney finds no violation of the Bylaws in the charges made in the petition. There is evidence that Members at Large have signed documents on previous Boards.

9. **Joan Barrett, Outreach Committee Secretary**, Homeowner: She is sad at what has happened in this community. The Community is not benefiting from the divisiveness. Someone must be getting something out of it. Christina works her ass off. Saying this not as a friend, just a homeowner. Nothing Christina has done is self-serving or wrong.
Topics: Recall Effort

Board Response: Thank you for your comments. The Member at Large, is the fifth member of the Board and is a voting member of the Board. She fulfills duties as assigned by the President or by the Board.

10. **Gerry Gelfand, Outreach Committee member**, Homeowner: She also supports the comments critical of the recall effort. The Board is volunteers, not employees. They put in many hours doing what they do and they deserve support.
Topics: Recall Effort

Board Response: Thank you for your comments. We acknowledge that all directors are volunteers. The costs and benefits of their decisions for the Association are shared equally by them.

11. **John Baker, former Board member and former Finance Committee member**, Homeowner: With all the chatter going on in the community, his experience on several Boards has been that it takes a majority vote to pass. Is that true of the Nepenthe Board?
Topics: Vote Requirement to Pass

Board Response: 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.

12. **Bill Newbill, former ILS Committee member**, Homeowner: His long experience in insurance and discussions with others in the field tell him we should be keeping reports and claims down as the rate increases could be as high at 30%.
Topics: Insurance Rates

Board Response: The Board thanks you for this insight

13. Jerry Dunn, former ILS Committee member: The responses to his July correspondence about flood insurance were inaccurate. Why homeowners vote on keeping or canceling flood insurance?

Topics: Flood Insurance

Board Response: See comments in reply number 4 under CORRESPONDENCE below.

CORRESPONDENCE

1. Doris Beard Prout, Homeowner: Has requested multiple times the removal of two liquid amber trees. They are safety hazards as well as messy and creating cleanup issues on her patio. Would like the trees removed or for Nepenthe to clean the debris that falls into her areas.

Topics: Removal of trees

Board Response: As a designated urban forest, Nepenthe does not have full control of our trees. If a tree trunk is beyond 24 inches in circumference, the City of Sacramento makes the ultimate decision on any removals. The City will not issue permits for removal because a tree is messy. The tree must have a significant defect that poses a safety hazard that cannot be mitigated through pruning; causing damage to a home (sidewalks and paths do not qualify); diseased; or dying, in order for the tree to be considered for removal. The office will contact our arborist at Grove for his evaluation of the trees to see if they meet the criteria as set forth by the City.

2. John Baker, Leslie Arnal, Beverly Humphrey, Manny Tequida Homeowners: These tennis players are requesting a reservation system for clubhouse tennis court use based upon systems in place in Campus Commons.

Topics: Tennis Court Reservations

Board Response: This policy topic will be considered in September.

3. Amelie Gannon, Homeowner: Her gate facing University Ave continues to be inoperable despite repairs. She is requesting a new gate.

Topics: Gate Repair

Board Response: The office will request an evaluation and recommendation from our fence contractor.

4. Jerry Dunn, Homeowner: Feels his prior letter about flood insurance was misrepresented in the summary statement prepared for the July Homeowner Response. He wants a community-wide vote on retaining or ending the HOA-carried flood insurance. Feels the response from the Board was false and misleading.

Topics: Flood Insurance

Board Response: As we all know, Insurance is carried to cover unanticipated or unexpected happenings. The least expensive way to indemnify the Association against a loss due to flooding is to purchase insurance instead of increasing our reserves to cover potential loss. As such, the Board has decided to continue to carry flood insurance.

6. **Carol Duke**, Homeowner: When will the Board begin to give homeowners notice of landscape changes? The markings are too small for homeowners to determine which plantings are to be removed.

Topics: Siding Shrub Removal

Board Response: When the damage impact of close shrub plantings was recognized in Phase 1 of the siding project, the Board began identifying and marking plants that had or would cause siding damage as well as plantings that inhibited worker access. The first removals were done without much notice to the community. Since then, the marking of the plants has been done in advance of the siding work by placing paint marks on plants to be removed (previously white paint was used to identify the trees, however some homeowners felt it unsightly). Timing of the walks (which include 2 directors, the siding project manager, the landscape supervisor and the chair of Grounds) must provide sufficient time for the walk, proposal preparation, approval at monthly Board meetings and for worker scheduling before the expected date of the siding work. The beginning date and start point for Phase 2 siding was provided too late to give full notice and still meet the necessary deadlines. Future walks will be noticed in the association weekly emails as planned.