

**Bel Pre Recreational Association (BPRA) Board of Trustees  
Minutes of Meeting of October 6, 2020**

**1) Call to Order and review of teleconference guidelines**

President Purdy called the meeting to order at 7:32 pm. The meeting was held by teleconference, with the teleconference participation guidelines in place.

**2) Roll Call**

Secretary Swan called the roll. Board members present were President Karen Purdy, Vice President Mark Foraker, Treasurer Dave Pullen, Secretary Chris Swan, Ted Bechtol, Steve Jennison, Billy Ruppert, and Larry Vaught. Board member Greg Miller was not present. BPRA members Elliot Chabot (Governing Documents Committee Chair) and Maria (Cookie) Stagnitto (Board candidate) were present. There was a quorum. Secretary Swan took the minutes.

**3) Approval of Agenda**

Swan moved that the agenda for the meeting be approved. The motion was seconded and approved, with Bechtol, Foraker, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

**4) Statements by Association Members**

BPRA members were invited to speak on any items. No statements from association members were made.

**5) Approval of Minutes**

Swan presented the minutes of the September 1 Board meeting. Bechtol moved that the Board approve the minutes. The motion was seconded and approved, with Bechtol, Foraker, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

**6) Reschedule end of season walkthrough to October 10, 10am**

Purdy reported that the September 26 property walk-through was not held because Pool Property Helpers Coordinator Joe Moeller was not available that day. Purdy moved that the property walk-through originally scheduled for Saturday, September 26 be moved to Saturday, October 10, at 10 am. The motion was seconded and approved, with Bechtol, Foraker, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

**7) Pool Management RFP**

Purdy requested that any Board member who has a family member who is currently a lifeguard at the pool or a Dolphins Swim Team coach or is reasonably likely to apply to become a lifeguard at the pool or a Dolphins coach between now and the 2023 season, should abstain from voting on the RFP, to prevent conflicts of interest.

The Board discussed at length the October 1<sup>st</sup> 11:31 am draft of the Pool Management Request for Proposals, including

- Using hourly rate versus flat rate for adding a extra hour to the daily pool schedule (§ 6)

- Striking extraneous language (§ 7(f))
- Adding requirement to record collected guest fees (§ 10)
- Standardizing language (§ 12(a))
- Specifying that contractor is responsible for safeguarding all keys and locks (new § 7.2)
- Eliminating reference to current operator (Attachment A, § 2(a))

Pullen moved that the RFP, as revised, be adopted. The motion was seconded, discussed further, and approved, with Bechtol, Foraker, Jennison, Pullen, Ruppert, Swan, and Vaught in favor, and none opposed. Purdy abstained.

Purdy requested that Chabot provide a list of bidders from the previous Pool Operations RFPs.

### **8) Five Year Plan**

Long Term Planning Committee Chair Purdy presented the draft Five Year Plan. The Board discussed the proposal at length. Pullen suggested that the estimate for the tennis courts be reduced from \$100,000 to \$75,000. Swan moved to approve the Five Year Plan, with Pullen's modification. The motion was seconded, discussed further, and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

### **9) FY22 Budget**

Finance Committee Chair Pullen presented the proposed FY22 Budget developed by the Finance Committee. The proposed budget anticipates a 7.9% increase in revenue and a 10.6% increase in expenses. The Board discussed the proposal. Pullen moved that \$850 be moved from the "Fees & Supplies" line item to the "Licenses and Fees" line item; and that the Board authorize the revised proposed budget to be included in the annual general membership meeting mailing. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

### **10) Audits: Fiscal Years ending February 2017, 2018, 2019, and 2020**

#### **a. Selection of Auditor**

Audit Coordinator Foraker reported that after reviewing 11 firms to audit the BPRA financial records, he recommends that the Board engage Chuck Rajca, a CPA and attorney with over 30 years experience auditing homeowner and civic associations. Mr. Rajca maintains offices in Aberdeen, MD and York, PA. Mr. Rajca is proposing to charge \$1,200 per audit for each of the four years that need auditing. He estimates that each audit will take approximately 3 weeks. The Board discussed the proposal. Pullen moved to authorize engaging Mr. Rajca to audit the BPRA financial records for the fiscal years 2017, 2018, 2019, and 2020. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed. Purdy and Swan will sign the engagement letter, as required by Article XIV, § 7 of the By-Laws.

#### **b. Selection of Internal Audit Coordinator**

Foraker presented the need to have a BPRA project manager to coordinate with the auditor. After discussion by the Board, Foraker agreed to fulfill that role, and Vaught and Pullen agreed to assist.

Foraker distributed a list of documents that the auditor will need covering March 1, 2016 to February 29, 2020.

## **11) Annual Meeting**

### **a. Meeting Format and Voting Procedures**

Purdy reported that the Emergency Response & Planning Committee is recommending that the Annual Meeting of the General Membership (and the Town Hall Meeting) be held using Zoom and that Board of Trustees election ballots be mailed to each BPRA member with the Annual Meeting notice. The outside of the ballot return envelope will have a document on it with a proxy for purposes of establishing a quorum.

Secretary Swan reported that, as of the deadline for nominating petitions specified in Article X, § 1 of the By-Laws, there are only 3 candidates running for the 3 seats.

Purdy reported that there will be a Zoom training session for all BPRA members on November 12. The phone number that was used for pool reservations this summer will serve as the technical support number for anyone having trouble accessing the Annual Meeting. John Bogasky will serve as Zoom administrator for the Civic Association and BPRA annual meetings. The Emergency Response & Planning Committee will meet tomorrow night (Wednesday, October 7) to review any implementation issues with rules that the Board adopts tonight.

Pullen moved that up to \$800 be authorized to mail the notice of the Annual Meeting and all the materials to be included with the notice. Pullen indicated that Mailings Unlimited would be the mailing house. The mailing is scheduled to be in the mail on October 13 and should arrive at each BPRA member's address on or about October 20. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

### **c. Plan of Organization/Election Rules**

Purdy presented the proposed elections rules drafted by the Emergency Response & Planning Committee (dated 9/18/20 and distributed before the Board meeting). The proposal would add a new § 12A to the BPRA Plan of Organization. The Board discussed the proposal. Pullen moved that the proposal be approved with the modification in subsection (h)(ix), that "want to Elections Committee" be replaced with "want the Elections Committee". The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed. (See Exhibit 1 of these minutes for the adopted proposal.)

### **d. Volunteers**

Purdy noted that if there are not enough quorum proxies received prior to the Annual Meeting to establish a quorum (72 households), then volunteers will be needed to keep track of how many households attend the meeting on Zoom who have not submitted attendance proxies. Bechtol and Ruppert volunteered.

Purdy also asked for 2 volunteers to serve as Tabulators on the Elections Committee. Bechtol and Ruppert volunteered. In accordance with § 12A(h)(vi) of the newly amended BPRA Plan of Organization, Purdy appointed Bechtol and Ruppert as the Tabulators.

## **12) Land Use Covenant Enforcement Policy**

Purdy reported that Chabot has prepared background information on the 2009 memo from the BPRA's legal counsel Tom Schild, on covenant enforcement. Purdy stressed that written advice of legal counsel is listed by the Maryland Homeowner's Association Act as one of the few items that the BPRA is not required to disclose – and should therefore be treated as confidential information by the members of the Board.

Purdy reported that she would like the Governing Documents Committee to draft a Land Use Covenants Enforcement Policy. The Board discussed the issue. Purdy wants to inform and invite the community to participate in the development of the policy. The policy would capture current BPRA practices and policies, along with their history and development. Foraker moved that the Governing Documents Committee be tasked with drafting a land use covenants enforcement policy. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed. The Governing Documents Committee will conclude its work on the Document Retention Policy before commencing work on the Land Use Covenants Enforcement Policy.

## **13) Response to Gordon Klang email**

The Board discussed talking points to respond to BPRA former Trustee Gordon Klang's email of August 2 concerning many topics. Based on the discussion, Purdy will prepare a response to Klang.

## **13A) Extension of Meeting**

Noting that it was almost 9:30, and the adopted agenda specified that 9:30 would be the end of the meeting, Purdy moved that the meeting be extended until all the items of the agenda were finished. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

## **14) Pool Entry/Gateway/Software System**

Purdy announced that she would like the Board to revisit Chris Jennison's 2017 proposal concerning software and electronic systems to control access to the pool. Swan urged that the Board move slowly. Purdy stated that there would be options for members of the community who do not use the internet or computers and a person will still be responsible for reviewing all pavilion reservation requests. Purdy asked Foraker to take the lead in researching the possible systems and software.

## **15) Budget & Finance**

### **a. Monthly financial statements**

Treasurer Pullen reported that Rita Vaught has done a great job getting the financial records back into QuickBooks. The records should be up-to-date through September by tomorrow (October 7). The Association is in a fine, strong financial position. As of the end of September, \$227,000 is in the bank

account. An expenditure of approximately \$11,000 was made today to Georgetown Aquatics for end of season work. Formal financial reports will resume by the next Board meeting

**b. Delinquent accounts**

Pullen referred the Board to the October Committee Reports and Updates document.

**c. Bookkeeper search**

Pullen reported that only one proposal has been received so far. He would like to get two more and have a bookkeeper hired before the Annual Meeting.

**d. IRS Notices**

L. Vaught reported that he has not yet received a response from the IRS to the BPRA's request for a waiver of penalties and interest for 2016 (\$338.85). Vaught does not expect to get a response for a year and plans to keep tracking the request.

**e. Other items**

Pullen reported that the BPRA's Maryland property tax will be filed in the next 10 days.

**16) Committee Reports and Administrative Assistant's Report**

**a. Questions about Reports**

No Board members had any questions about the reports distributed before the Board meeting.

**b. Grounds and Landscaping**

Grounds and Landscaping Coordinator Bechtol reported that he:

- would like up to \$500 to be authorized for fall turf maintenance (including grass seed and fertilizer);
- is still looking for an independent arborist to review the trees and landscaping; and
- followed up with the Stultz family about the tree work on the pool property behind their home and that they appear to be satisfied with the work.

Foraker moved that up to \$500 be authorized for fall turf maintenance (including grass seed and fertilizer). The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

**c. Entertainment and Recreation**

**i. October 24 drive-in movie**

Entertainment and Recreation Committee Chair Swan reported that the Civic Association Board is proposing to show Coco as a drive-in movie in the pool parking lot on Saturday, October 24 (with October 31 as the inclement weather day). Ruppert moved to approve use of the parking lot for a drive-in movie on October 24, with October 31 as the inclement weather date. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

**ii. Other**

Swan reported that the Montgomery County Commission on Common Ownership Communities is recommending that HOA's avoid trick or treat activities. Instead of this year's Trunk or Treat, Swan recommended that there be a pumpkin decorating contest to be jointly sponsored by BPRa, the Civic Association, and the Swim Team. The Civic Association has agreed to fund cash prizes. Chris Jennison has created a webpage to let the community vote on the pumpkins. Swan moved that the BPRa co-sponsor a pumpkin decorating contest with the Civic Association and the Swim Team. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

Swan asked for suggestions for categories for the contest.

### **17) Interim Bookkeeper**

President Purdy moved that the Board go into executive session pursuant to § 111(4)(vi) of the Maryland Homeowners' Association Act to consider the terms or conditions of a business transaction in the negotiation stage where the disclosure could adversely affect the economic interests of the Association. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

Vaught, Chabot, and Stagnitto left the meeting. The Board went into executive session at 9:55 pm.

\* \* \* \* \*

The Board resumed public session at 10:03 pm.

Foraker moved that Rita Vaught be approved to continue as interim bookkeeper through the end of December 2020 with a total not to exceed \$1,250. The motion was seconded. The Board was reminded that Rita Vaught is the wife of Board member Larry Vaught. At the end of discussion, the motion was approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, and Swan, in favor, and none opposed.

### **18) Other Business**

None.

### **19) Adjournment**

There being no further business, the meeting was adjourned at 10:05 pm. The next meeting/property walk-through is scheduled for Saturday, October 10, at 10 am, at the pool, with masks and social distancing. The next regular monthly Board meeting is scheduled for Tuesday, November 10, at 7:30 pm, by teleconference.

Respectfully submitted,

-- Chris Swan, Secretary

## Exhibit 1

### Adopted Amendment to BPRA Plan of Organization

Add a new § 12A:

#### § 12A. 2020 Elections.

- (a) **Scope, Authority, and Purpose.** This section of the BPRA Plan of Organization will govern the election of Trustees at the annual meeting during the 2020 COVID-19 pandemic. These rules are adopted in accordance with the COVID-19 emergency authority granted to the Association by the Montgomery County Commission on Common Ownership Communities (CCOC) in its directives of March 6 and April 2, 2020. By virtue of those CCOC directives, these rules supersede any conflicting rules contained in the governing documents of the Association. It is the intent of these rules to enable members to hear the candidates before voting and to provide for a consistent system of ballot distribution and voting.
- (b) **Statements by candidates.** Statements by candidates will be made at the annual meeting. After the President calls the annual meeting to order on November 19, the next order of business will be statements by the candidates running for a seat on the Board of Trustees. The candidates will be given an opportunity to speak in alphabetical order and each candidate will be given five minutes. Candidate profiles will be in *The Bugle*, which is delivered in paper, and also will be available on the StrathmoreBelPre.org website.
- (c) **Content of Ballots.** Ballots will list the candidates in alphabetical order and will not indicate which candidates are incumbents or otherwise suggest a preference among candidates.<sup>1</sup>
- (d) **Mailing of Ballots to Members.** One ballot will be mailed to the owner of each property in the Association (or their previously authorized designee), according to the records of the Association. Ballots will be mailed under the direction of the Treasurer as part of the mailing providing official notice of the annual meeting. The mailing will include an official addressed return envelope (addressed to 2232 Deckman Lane) which shall have (printed on the envelope) a form that the member is to sign, certifying that the member is authorized to submit the ballot for the property and to authorize the Association to count the property as being represented at the annual meeting for purposes of establishing a quorum. Each member should receive their ballot by October 19, 2020. If a member does not receive their ballot on or about October 19, 2020, the member may contact the Treasurer, before November 16, 2020, who is

---

<sup>1</sup> Montgomery County Code § 10B-17(b) provides that:

All election materials prepared with funds of the association:

- (1) must list candidates in alphabetical order; and
- (2) must not suggest a preference among candidates.

authorized to issue an appropriately marked replacement ballot and official return envelope.

**(e) Submitting Ballots by Members.** Each member of the Association who desires to vote in the election of Trustees shall mail or deliver their ballot in the official return envelope specified in subsection (d) to 2232 Deckman Lane. The outside of the envelope must indicate the address of the property within the Association that the ballot is being voted for.

**(f) Voting Deadline.**

**(i)** The deadline will be Friday, November 20, at 7:30 p.m. unless there is no quorum at the Thursday, November 19, annual meeting. If there is no quorum at the November 19 meeting, then the deadline will be Wednesday, December 2, at 7:30 pm. If there is not a quorum at either the November 19 meeting or at the December 2 general membership meeting, then none of the ballots will be valid, the three seats on the Board will be declared to be vacant, and the Board of Trustees will fill the vacancies according to the process set out in Article IX, § 3 of the By-Laws.<sup>2</sup>

**(ii)** Only ballots that are submitted by members in good standing (as defined in subsection (g)) and actually received at 2232 Deckman Lane no later than the deadline will be valid or counted. Ballots received at 2232 Deckman Lane after the deadline will not be counted, regardless of the date of mailing or of any postal or other markings on the envelope.

**(g) Good standing.** For purposes of these election rules, “good standing” has the meaning specified in §§ C(2) and D(6) of the BPRA Annual Dues Collection Policy.<sup>3</sup> Ballots submitted for a property where the owner is not in good standing for that property will not be counted.<sup>4</sup> Where an owner owns more than one property within

<sup>2</sup> By-Laws Article IX, § 3 provides that:

Vacancies in the Board of Trustees shall be filled by vote of a majority of the remaining Trustees, although such majority is less than a quorum. Trustees thus appointed shall serve until the next Annual Meeting, at which such vacancies shall be filled by election, pursuant to Article X, for the remainder of the unexpired term.

<sup>3</sup> BPRA Annual Dues Collection Policy § C(2) provides that:

. . . . Good standing means that the homeowner is current with prior assessment payments, and has no remaining unpaid, prior-year assessments, fees or interest.

Section D(6) of the Policy provides:

Standing with the Association – Where a payment plan has been agreed to by the homeowner and the Association, the homeowner will remain in good standing with the Association, subject to satisfactory performance of the payment plan. The homeowner will maintain the right to access and enjoy the privileges and benefits of the Association, subject to their satisfactory performance of the payment plan.

<sup>4</sup> By-Laws Article V, § 2 (as authorized by Covenant of March 13, 1968, Article IV, § 3(c)) provides that:

The rights of membership are subject to the payment of annual and special assessments levied by the Association. . . .



the Association, the owner is entitled to vote as many ballots as properties for which the owner is in good standing.<sup>5</sup>

**(h) Counting of the ballots.**

- (i) **Time of ballot counting.** Ballots will be counted at an Elections Committee meeting on Zoom. At the annual meeting on November 19, the President will announce when the ballots will be counted and how members of the Association may witness the opening and tabulating of the ballots.
- (ii) **Integrity of Ballots.** No return envelope received at 2232 Deckman Lane will be opened before the voting deadline specified in subsection (f),<sup>6</sup> nor shall any of the envelopes be opened before the counting of the ballots as specified in subsection (h)(vii).
- (iii) **Validity of Ballots.** Prior to that date and time specified in subsection (h)(vii), the Treasurer will examine the outside of each envelope and determine if
  - (A) the member is not in good standing for that property;
  - (B) more than one envelope has been submitted for the same property;
  - (C) the address of the property is not shown on the envelope; or
  - (D) the form on the envelope has not been signed.

The Treasurer shall separate the envelopes specified in clauses (A)-(D) from the remaining envelopes.

- (iv) **Late Ballots.** Any envelopes received after the deadline for voting will be kept separately from ballots received no later than the deadline for voting.
- (v) **Ballots with Address Problems.** If the Treasurer determines that the address of the property is not shown on the envelope, but is able to determine the address of the property based on other information on the envelope, then the Treasurer shall treat that envelope as if it properly indicated the address of the property.
- (vi) **Elections Committee and Official Observers.** The President shall appoint two members of the Association who shall be the Tabulators. The Treasurer and the two Tabulators shall constitute the Elections Committee. The Treasurer shall chair the Committee. Each candidate may designate one person to act as their Official Observer. The Official Observers shall not be members of the Election Committee.

---

<sup>5</sup> By-Laws Article X, § 2 and Covenant of March 13, 1968, Article III, § 2.

<sup>6</sup> Montgomery County Code § 10B-17(f) provides that:  
Until the time for voting closes, an association must not open or count election ballots.

- (vii) **Start of Elections Committee Meeting.** At the date and time designated by the President in subsection (h)(i), the members of the Elections Committee will meet virtually to tabulate the ballots. All members of the Association desiring to witness the meeting of the Elections Committee may do so<sup>7</sup> in accordance with the instructions provided by the President in accordance with subsection (h)(i). The Official Observers designated in subparagraph (h)(vi) shall also be entitled to witness the meeting of the Elections Committee and shall additionally have the rights granted to the Official Observers in subparagraph (h)(ix).
- (viii) **Certifications by Treasurer.** Once the Treasurer calls the meeting to order, identifies those present, and explains the process that will follow, the Treasurer will announce that the Treasurer
- (A) has not opened any of the envelopes;
  - (B) has reviewed the outside of the envelopes
  - (C) has divided the envelopes into 6 groups:
    - (1) envelopes received by the voting deadline where the member casting the ballot is in good standing for the property, the address of the property is indicated, the form on the envelope has been signed, and no more than one envelope has been submitted for the property;
    - (2) envelopes received by the voting deadline where the member casting the ballot is not in good standing for the property;
    - (3) envelopes received by the voting deadline where the member casting the ballot is in good standing, but the address of the property is not indicated;
    - (4) envelopes received by the voting deadline where the member casting the ballot is in good standing, the address of the property is indicated, but the form on the envelope has not been signed.

---

<sup>7</sup> Maryland Homeowners' Association Act § 111 (Maryland Real Property Code § 11B-111) guarantees members of the Association the right to witness meetings of the Association's committees. The only exceptions permitted are portions of meetings for:

- (i) Discussion of matters pertaining to employees and personnel;
- (ii) Protection of the privacy or reputation of individuals in matters not related to the homeowners association's business;
- (iii) Consultation with legal counsel on legal matters;
- (iv) Consultation with staff personnel, consultants, attorneys, board members, or other persons in connection with pending or potential litigation or other legal matters;
- (v) Investigative proceedings concerning possible or actual criminal misconduct;
- (vi) Consideration of the terms or conditions of a business transaction in the negotiation stage if the disclosure could adversely affect the economic interests of the homeowners association;
- (vii) Compliance with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure; or
- (viii) Discussion of individual owner assessment accounts.

(5) envelopes received by the voting deadline where the member casting the ballot is in good standing and the address of the property is indicated, the form on the envelope has been signed, but more than one envelope has been received for the property; and

(6) envelopes received after the voting deadline.

(ix) **Envelope Examination by Elections Committee.** After completing the actions specified in subsection (h)(viii), the Treasurer will ask each of the members of the Elections Committee and each of the Official Observers if that certification is sufficient or whether they want the Elections Committee to inspect the outside of each envelope.

(A) If any of the members of the Elections Committee or any of the Official Observers request that the outside of each envelope be examined, then the Elections Committee will review the outside of each envelope in such a manner that the Official Observers and the members of the Association witnessing the meeting of the Elections Committee can see the relevant portion of each envelope.

(1) On any ballot where either a member of the Elections Committee or one of the Official Observers request a vote, the Elections Committee will vote on whether to accept or reject the envelope.

(2) After eliminating any ballot rejected by the Elections Committee, any ballot described in subsection (h)(viii)(C)(2)-(viii)(C)(5) shall be referred to as a “provisional ballot envelope” and any ballot described in subsection (h)(viii)(C)(1) shall be referred to as an “uncontested envelope”.

(B) If none of the members of the Elections Committee and none of the Official Observers request that the outside of each envelope be examined, then the Treasurer’s division of the ballots into the six groups will be treated as approved by the Elections Committee.

(x) **Counting the votes from the uncontested envelopes.** After completing the envelope examination by the Elections Committee, the Treasurer shall open one uncontested envelope at a time and

(A) If the ballot in the envelope contains votes for more than three candidates, then:

(1) the Treasurer shall announce that it is an invalid ballot for that reason;

(2) the Treasurer shall read the names of the candidates for whom votes were attempted to be cast; and

(3) the ballot shall not be counted.

(B) If the ballot in the envelope contains more than one vote for the same candidate, the Treasurer shall announce that only one of those votes will count for that candidate, since cumulative voting is not permitted.<sup>8</sup> The Treasurer shall read the names of the votes properly cast on that ballot, each of the other members of the Elections Committee will record the votes.

(C) If the envelope contains more than one ballot and the number of ballots is less than or equal to the number of properties within the BPRa for which the voter is in good standing, then the Treasurer shall announce the number of ballots contained in the envelope and the number of properties within the Association for which the voter is in good standing. The Treasurer shall then read the names of the votes properly cast from the first ballot, then announce the votes properly cast from the second ballot, and so on. Each of the votes shall be recorded by the other members of the Elections Committee.

(D) If the ballot in the envelope does not have any of the conditions specified in subsection (h)(x)(A)-(C), then the Treasurer shall read the names of the votes cast on that ballot, and each of the other members of the Elections Committee will record the votes.

(xi) **Preliminary announcements of votes.** After completing the counting of the votes from the uncontested envelopes, the Treasurer shall announce

- The number of provisional ballot envelopes that have not yet been counted;
- the number of votes cast so far for the candidate who is currently in third place;
- the number of votes cast so far for the candidate who is in fourth place; and
- whether the number of unopened provisional ballots is less than the difference between the difference between the number of votes cast so far for the third and fourth place candidates.

If the difference between the number of votes cast so far for the third and fourth place candidates is greater than the number of unopened provisional ballots, then the unopened provisional ballot envelopes will not be counted and the Treasurer shall

---

<sup>8</sup> By-Laws Article X, § 2 (3<sup>rd</sup> sentence) provides that:  
There shall be no cumulative voting.

- announce that even if all of the remaining unopened provisional ballots were for the 4<sup>th</sup> place candidate and none of them were for the 3<sup>rd</sup> place candidate, they would not change who was elected;
  - announce that the candidates receiving the three highest vote totals are elected;
  - and announce the total votes received by each candidate, reading the list in descending order from the candidate who received the largest vote total to the candidate who received the lowest vote total.
- (xii) **Reviewing Provisional Ballot envelopes.** If the difference between the number of votes cast so far for the third and fourth place candidates is less than the number of unopened provisional ballots, the Elections Committee will review each provisional ballot envelope without opening the envelope. The Committee will make a determination on each envelope as to whether or not the ballot should be counted. Once all the ballot have been reviewed, the envelopes that the Elections Committee determined should be counted, will be opened and then counted using the process set out in subsection (h)(x). Once the last ballot has been counted, the Treasurer shall announce the totals cast for each candidate.
- (xiii) **Posting of election results.** Within 48 hours of the announcement of counting of the ballots, the results shall be posted on the grounds of the pool property and on the StrathmoreBelPre.org website.
- (xiv) **Ties.** The Association’s By-Laws<sup>9</sup> provide that “In the event of a tie vote, the tie shall be broken by lottery, as provided for by rules and regulations to be promulgated by the Board.” In the event of a tie, the winner will be chosen by coin toss.

---

<sup>9</sup> By-Laws Article X, § 2.