

## **BPRA Committee Reports and Updates for the July 2021 BPRA Board of Trustees Meeting**

*These updates are distributed to the BPRA Board prior to the monthly meetings and included with the minutes.*

### **1) Pool & Recreational Facilities Committee (Phil Kominski, Chair):**

Summer 2021 Rules were updated on 6/8/2021.

I've been to the pool several times and noticed that things are going pretty well.

However, while working the swim meets, I noticed that there is some cracked and broken areas in the cement around the holes where the ladders into the pool go. There has been a temporary fix in place with some metal adjustment pieces, but they are worn through the cement and it's kind of ineffective. Cement repair is needed at some point.

I have been checking out the repairs to the tennis court and have talked with the workers a few times. Progress moving forward.

There has been some upset texting about Ethan's demeanor towards a few of the kids in the neighborhood, on behalf of some of the Bel Pre Fathers, but nothing that I think we really need to address. I wasn't witness to what they were referring to, and I'm pretty certain he was just doing his job and some kids were probably bending the rules, or something.

Swim Team meets have gone over without a hitch! So far, so good.

### **2) Entertainment & Recreation Committee (Chris Swan, Chair):**

The Civic Association and Paulette Ladas would like to hold this year's Shred-It event at the pool parking lot on Saturday, September 25, in conjunction with the Yard Sale, from 10 am to 12 noon. The Shred-It Event will be held rain OR shine on September 25th. If it rains the Yard Sale will be held on Sunday, September 26th.

The Civic Association would like to host the rescheduled July 3 movie on July 17, on the pool grounds. The movie, Raya and the Last Dragon, was not shown on July 3, due to unexpected rain.

Disney Princess Party in Concert. Request by Simone Brown to use the parking lot or the grassy area of the pool to host a Disney Princesses Karaoke event for kids and families, open to all, and best for kids ages 4 and older. The event would be for an hour, and would be at 7 pm. The kids should have the option to sing and dance, but should be following CDC Guidelines. Ms Brown believes that the latest CDC guidelines says outdoor singing is safe with social distancing/vaccination.

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Ms. Brown would take reservations to maintain social distancing, and would suggest that attendees contribute \$10 per family. Ms. Brown would like to hold this event on a weekend evening in late July or August, at 7 pm, such as August 1, 8, 14, 15, or 22 at 7 pm.

Blocktober Fest 2021, most likely October 9, 2021. Claire and Cookie are working with me on this. The Boy Scouts will handle moving the chairs, tables, etc.

### **3) Neighborhood Dispute Resolution Committee (Chair TBD):**

Nothing to report. kp

### **4) Finance Committee (Dave Pullen, Chair):**

#### **a. Bookkeeper (no change since last report)**

I have conversed with a friend who is a former Vice President of the MD Assoc. of Non-Profit Accountants and he believes he can identify 2-3 firms/candidates suitable for our needs, which would allow us a representative sample from which to determine next steps.

#### **b. 2021 Assessment Collections**

Per the updated Collections Policy, Delinquency letters dated 6/15 were sent to 9 homeowners who paid partial, but incomplete payments. Separate letters were sent to 20 homeowners who have not yet made any payment. (Does not include homes referred to SCHILD for prior-year arrearages). As of 7/1, we have remaining: 16 homeowners who have made no payment; 6 homeowners who have made partial payments; and 11 properties referred to SCHILD (see following). Additionally, a settlement was reached with one current property owner regarding disputed payment related to 2019 Assessment.

#### **c. Overdue Collections/Schild Law Group (Dave Pullen): (no change)**

Authorizations to file suit have been signed and delivered back to Schild for 9 properties, per the Board's decisions at the April meeting. Additionally, one referral to Schild was closed in May; and one homeowner continues on a SCHILD-negotiated payment plan. *No new referrals to Schild have been made in June.*

#### **d. Assessment Assistance Committee (no change since last report)**

One application was received and decided. The homeowner paid \$125 when filing the application, with the balance to be paid on a schedule negotiated by Pullen and resulting in full payment (penalty waived; interest to be paid on outstanding balance) by August 31.

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### **e. Roll-out of Electronic/on-line Pool Management Services (eSoft) (no change)**

The online payment system went “off-line” on April 1st. Karen has managed the “onboarding” process with eSoft (the method by which eSoft will upload homeowner names and contact info into its program), which is the precursor to assisting homeowners to create an account in eSoft).

### **f. Audit Coordinator (Mark Foraker)**

A verbal update will be provided at the Board meeting.

### **f. Budget Planning (Dave Pullen) (No change since last Report)**

Nothing further expected until August-September timeframe for drafting next year’s budget.

## **5) Governing Documents Committee (Elliot Chabot, Chair):**

### **a. HOA document requests**

Requests for HOA documents, etc. handled by the Chair of the Governing Documents Committee (June 2021):

1. 13709 Beauwick Court - HOA documents
2. 13709 Beauwick Court - status of accounts
3. 2905 Beaverwood Lane - HOA documents
4. 2944 Beaverwood Lane - status of accounts
5. 2944 Beaverwood Lane - status of accounts
6. 3016 Beaverwood Lane - fence covenants
7. 3505 Beret Lane - status of accounts
8. 13705 Beret Place - HOA documents
9. 13705 Beret Place - status of accounts
10. 3017 Birchtree Lane - HOA documents
11. 2816 Blue Spruce Lane - HOA documents
12. 2816 Blue Spruce Lane - status of accounts
13. 14020 Breeze Hill Lane - HOA documents
14. 14020 Breeze Hill Lane - pet covenants
15. 13405 Briar Path Lane - child daycare covenants
16. 13405 Briar Path Lane - HOA documents
17. 13405 Briar Path Lane - HOA documents [different requestor]
18. 13405 Briar Path Lane - status of accounts
19. 13405 Briar Path Lane - fence covenants
20. 13913 Broomall Lane - status of accounts
21. 2330 Deckman Lane - how to join BPRA (opt-in property)
22. 13414 Hathaway Drive - HOA documents
23. 13500 Round Tree Court - HOA documents

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### **b. Proposed amendments to the Plan of Organization**

At its February 2, 2021, meeting, the Board tasked the Governing Documents Committee with conducting a review of the Plan of Organization and presenting the Board with its recommendations. The Committee met on February 16, February 25, March 25, April 21, and May 18 to discuss proposed changes to the Plan. The recommendations of the Committee were forwarded to the Board on May 25. At the Board's June 8 meeting, action on the proposed Plan was deferred to the Board's July 6 meeting.

### **c. Documents Retention Policy**

The Governing Documents Committee needs to finish drafting the Documents Retention Policy.

### **d. Conflict of Interest rules**

At the January 5, 2021, Board meeting, the Governing Documents Committee was assigned to develop a written policy on conflicts of interest. The BPRA's current rules dealing with conflicts of interest, bad faith, and similar topics are set out in:

- *Henry v. Guirand*, Maryland Court of Special Appeals case no. 2325, January 19, 2014;
- Maryland Corporations and Associations Code, §§ 2-405.1 and 2-419; and
- BPRA By-Laws, Article XII, § 3.

These rules, as implemented by the Board in recent years can be boiled down to:

- A member of the Board must abstain from voting on any proposal that would personally benefit the Board member or any member of the Board member's family. Likewise, a member of a committee must abstain from voting on any proposal that would personally benefit the committee member or any member of the committee member's family.
- A Board member should also refrain from advocating for any proposal that would personally benefit the Board member or any member of the Board member's family. Likewise, a committee member should refrain from advocating for any proposal that would personally benefit the committee member or any member of the committee member's family.
- When anyone has been authorized by the Board to spend BPRA funds (or to authorize the expenditure of BPRA funds), that person may not – without specific authorization from the Board – personally benefit from the expenditure (nor may members of their family).
- A Board member (or a committee member) who would benefit personally (or where a member of the person's family would benefit personally) from a

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proposal before the Board (or before any committee that the person is a member of) must disclose that to the Board (or committee) before action is taken by the Board (or committee) on the proposal. The disclosure should be included in the minutes of the meeting.

- A proposal that would benefit the entire community, but only incidentally benefits members of the Board or a committee (e.g., setting the date for the pool to open to the entire membership) is not a personal benefit to the Board or committee member (or their family).
- An appointment to a position that does not receive compensation is not a personal benefit to the person being appointed.
- Where the BPRA has a history of purchasing a service from a person who is not a Board member, the Association may purchase that service from a Board member (or a Board member's family), if the amount charged the BPRA is significantly less than the Association was previously paying. In that situation, the Board member must abstain from voting on the proposal, should not make the motion to accept the proposal, and should not participate in the Board's discussion except to answer questions from other Board members.

Other provisions to consider:

- Each member of the Board to annually sign a statement that they have read and understand the conflict of interest policy. [Suggested at the Board's January 5, 2021, meeting]
- If a Board member (or committee member) has initiated legal action against the BPRA, then that member may not attend closed meetings of the Board (or committee) where the legal action is being discussed, but they may attend open meetings. [The Montgomery County Commission on Common Ownership Communities in *McBeth v. Fountain Hills Community Association*, CCOC case no. 52-12, January 3, 2013, recognized that HOAs have this authority.] Meetings of the Board or of committees may only be closed when they are in compliance with Maryland Homeowners Association Act § 11B-111.
- **NEW** - If a Board member (or a member of their family) is compensated (other than reimbursement of out-of-pocket expenses) by an organization that has business before the Board, that Board member should abstain from voting on those items.
- **NEW** - Define "family" for purposes of the Conflict of Interest Policy.

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### **e. Covenant enforcement**

Once work is done on the Plan of Organization review, the Documents Retention Policy, and the Conflicts of Interest Policy, the Committee plans to focus on developing a written policy on covenant enforcement. Issues to be examined include:

- Pool and Assessments Covenants vs. Land Use Covenants
- Funding covenant enforcement
- Cost of enforcement litigation
- Fairness in use of BPRA resources
- What is the level of community support for expanded covenant enforcement?
- Is traditional HOA enforcement of land use covenants adversarial?
- What is the enforcement tradition in our community?
- How does BPRA's tax status impact covenant enforcement?
- Practicality of enforcement
- Property values and covenant enforcement
- Right of individual members to enforce by law suit
- Right of neighborhoods to amend the land use covenants
- Comparison of the Land Use Covenants in different Sections within Strathmore at Bel Pre and what is the overlap between the land use covenants and current county, state, and federal laws?
- Did Levitt & Sons intend that the BPRA enforce the Land Use Covenants?
- Who are the successors to Levitt & Sons?
- What should be BPRA's role in Land Use Covenant enforcement?
- How should the BPRA respond to individual requests for BPRA enforcement?

### **f. Meetings by Teleconference**

On March 6 and April 2, 2020, the Montgomery County Commission on Common Ownership Communities issued special authorization to homeowners' associations in Montgomery County to hold meetings electronically, because of the COVID-19 pandemic. As of July 3, 2021, the CCOC website indicates that authorization is still in effect and will remain in effect "until further notice."

### **g. Special Projects**

- Identifying the section number for each street address within the BPRA. Once this is done, the list can be used to greatly simplify the process of responding to HOA document package requests.
- History project - we now have a nearly complete set of copies of the minutes from:

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- September 19, 1966 (the first meeting of the Board of Directors) to January 22, 1976
- January 27, 1978 to April 30, 1986
- October 22, 1990 to December 6, 1993
- February 22, 1999 to December 20, 2004
- August 22, 2005 to the present (missing Board minutes for 8/2/16, 9/10/16, 3/18, 4/18 monthly meeting, and 4/18 property walk-through; and annual meetings for 2016-19)

Some of the copies of the minutes are missing attachments that are referenced in the main text of those minutes.

### **6) Nominating Committee Report (Mark Foraker, Chair):**

Outreach to the community regarding committee and Board service is ongoing. A committee meeting is scheduled and notice has been given for 7/08/2021 at 5:30 pm at the pool pavilion. The meeting has been posted in compliance with open meeting notice requirements. Several notices regarding Board service have been issued and others are planned including through eSoft. All community members that have expressed interest in Board service through surveys and through eSoft will receive an email from Mark this week.

### **7) Long Term Planning Committee (Karen Purdy, Chair):**

No meetings currently scheduled. Next steps: find an architect to discuss bathhouse concepts and options with.

### **8) Grounds and Landscaping Report (Ted Bechtol, Chair):**

Working with a tree label fabricator to generate a layout and pricing for the both Louisa Hoar and Maury Potosky.

Nothing new on the rain garden project from the County.

### **9) Tennis Courts Committee (Dave Pullen, Chair):**

Mid-Atlantic Asphalt Company has started work on the courts.

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### **10) Administrative Assistant's Report:**

The Administrative Assistant's Report was not produced for the April, May or June meetings. There were no changes from the March report. kp

### **11) Pavilion Scheduler/Pool Pass Coordinator/Tennis Court Keys Distributor – (TBD):**

Louisa Hoar has completed her end of season tasks and turned over materials to Karen Purdy. Tennis/Pickleball Court key distribution responsibilities and materials have been turned over to Jim Eaton. kp

### **12) MapMaster Report (Paul Spelman):**

Working on adding overlay to the community map to show each of the “sections” of Strathmore Bel Pre.

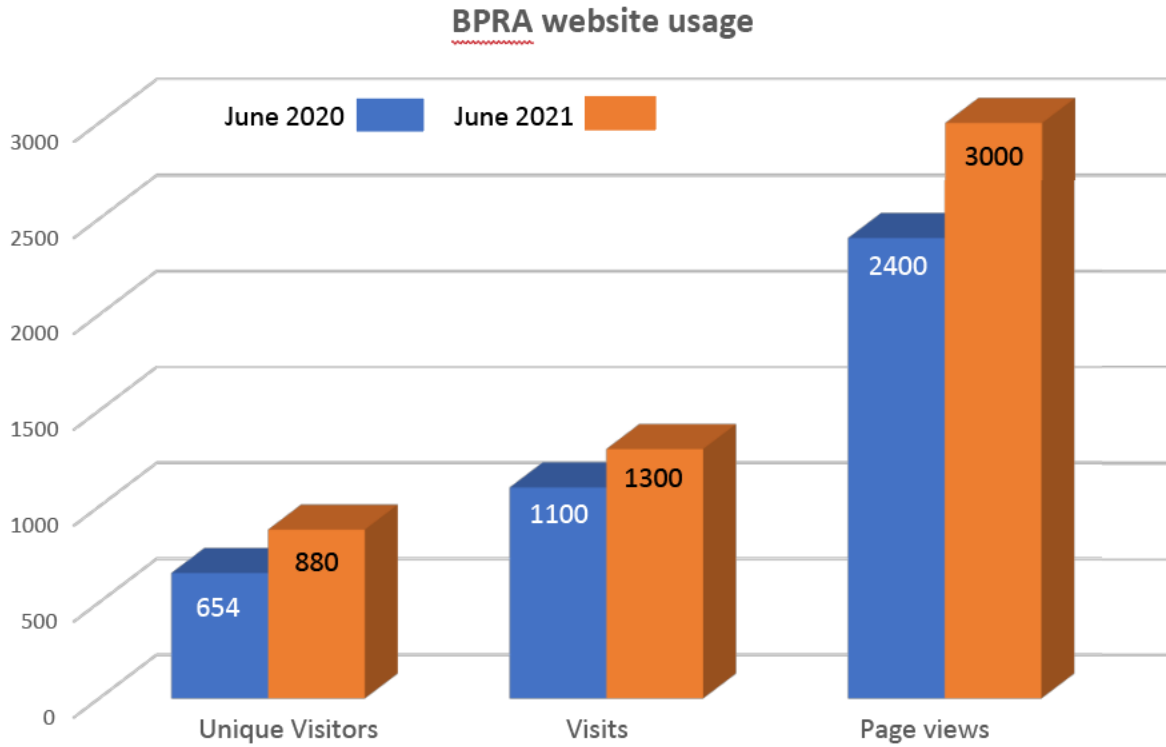
### **13) New Member Recruitment Report (Coordinator TBD)**

One owner completed paperwork for adding 13507 Rippling Brook as a BPRA member-household. dep

### **14) Web Master Report (Billy Ruppert):**



## BPRC Committee Reports and Updates for the July 2021 BPRC Board of Trustees Meeting



Visits by Device	June 2020	June 2021
Desktop	520	724
Mobile	517	72
Tablet	31	18