

BPRA Committee Reports and Updates for the September 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):

The pool closed for the season on Monday, September 6, 2021, at 8pm. Georgetown Aquatics has started end of season clean up and close down work. kp

Joe, Ted & Karen walked the BPRA Facilities on Saturday, September 11, 2021. A report of the walk through and recommendations for work to be completed in the off season and in the next year will be presented at the Board Meeting on September 14, 2021. kp

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

BlocktoberFest -- October 10th, 3pm to 6pm

The Board should decide whether to go forward with this event at our September meeting. Claire and Cookie have agreed to work on it. I will help as I am available. The Boy Scouts will be responsible for the chairs, tables, and provide some fun entertainment.

Movies on the Parking Lot (aka Drive-In Movies)

John Bogasky plans to have 1 movie this fall, and would like permission to use the parking lot on Saturday October 2, with a rain date of October 9. The Board should discuss and decide this request at our September meeting. Guidance as to the number of attendees and number of guests would help John in his planning for the organization of the parking lot.

Trunk or Treat-- Saturday, October 30

Elizabeth Kominski would like to host a 1 hour Trunk or Treat and then a 1 hour masked dance for the kids. The Board should discuss and decide this request at our September meeting.

--Chris

3) Neighborhood Dispute Resolution Committee (Chair TBD):

Nothing to report. kp

4) Finance Committee (Dave Pullen, Chair):

a. Bookkeeper

Per my previous conversation with a friend who is a former Vice President of the MD Assoc. of Non-Profit Accountants, one candidate he endorses contacted me to explore a relationship. I

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will reach out to another potential candidate/firm regarding its possible interest. Any candidate clearing the initial conversation will then advance to a formal “interview” involving at least 3 community members. The goal remains to identify and retain a “permanent” firm or individual to fill our bookkeeping needs by the end of this calendar year.

b. 2021 Assessment Collections

Per the updated Collections Policy, Delinquency letters dated 9/1 were sent to 2 remaining homeowners who paid partial, but incomplete payments. Separate letters were sent to 9 homeowners who have not yet made any payment. (Does not include homes referred to SCHILD for prior-year arrearages). **Board members will be asked at the September meeting to authorize referral to SCHILD firm of any account that has made NO payment by September 30 or has an outstanding balance greater than \$60; and to “carryover” to 2022 any account with a remaining balance due of less than \$60 (if not paid before 2022 Assessment Notices are mailed).**

c. Overdue Collections/Schild Law Group (no change since last report)

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 July; and one homeowner continues on a SCHILD-negotiated payment plan. *No new referrals to Schild have been made in July.*

d. Assessment Assistance Committee

The one homeowner who applied for, and was granted, relief by the Assessment Assistance Committee has successfully completed the payment plan agreed to.

e. Roll-out of Electronic/on-line Pool Management Services (eSoft)

The StrathmoreBelPre.org pages associated with eSoft Planner will be revised in the fall to provide additional information about assessment payment and pool check in. kp

f. Audit Coordinator (Mark Foraker)

At the August Board meeting we discussed the proposal by Frank Hajek and Associates to take over as the auditor and the Board approved moving forward with that contract. The contract was signed in mid-August and work has begun. All requested documentation for FY 2017 has been submitted to the auditors and Mark is working on compiling the FY 2018 requested documents in conjunction with Dave Pullen. The auditors have confirmed receipt of the documents and no additional updates have been provided.

g. Finance Committee (Dave Pullen)

The Finance Committee met 9/7 for the first of two planned meetings to develop/prepare its draft budget for transmission to the Board by the September 28 deadline, and to consider other pending matters. At the 9/7 meeting, the Committee voted to

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- Recommend to the Board that it seek a Bylaw amendment authorizing a change in BPRA's fiscal year to coincide with the calendar year (the Assessment due date would remain unchanged). **At least six Board members must support advancing the Amendment to a membership vote at this year's Annual Meeting.** (If approved by the membership at that time, the transition would occur by preparing and filing a "short year" return as of December 21, 2021 together with formal application to the IRS to approve the "basis" change to a calendar year.)
- Recommend to the Board that effective with the FY 2023 Annual Assessment payment cycle, BPRA absorb (pay for) any/all "convenience" and "transaction" fees associated with online payment of the Assessment, And
- Agreed to meet collaboratively with Governing Documents leadership to consider any specific changes to the Annual Dues Collection Policy they might mutually recommend to the Board for application to the FY2023 Annual Assessment payment cycle.

The Committee also briefly discussed the new Maryland statute that requires HOA's to report/list reserve funds and planned expenditures in its annual budgets (and structural changes to the BPRA Budget Format related thereto) as communicated to homeowners. Additionally, the law requires HOA's to conduct a new reserve study at least every five years; and if its previous study was conducted before 2017, to conduct a new reserve study by no later than October 2022. **This means BPRA must fund a new Reserve Study in the FY23 budget.**

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

(Due to upcoming surgery, I will not be able to attend the September 14 Board meeting. This will be the first Board meeting that I've missed since September 2013! Your thoughts and good wishes appreciated. ❤️)

a. HOA document requests

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

1. 13709 Beauwick Court - status of account
2. 3017 Birchtree Lane - HOA documents; trash collection questions; window renovation rules
3. 13321 Hathaway Drive - what does the HOA fee cover?
4. 13414 Hathaway Drive - fence rules

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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. The Board reviewed the proposal at its July 6 meeting and referred the proposal back to the Committee. The Committee met on July 13 and, based on the Board's July 6 discussion and other recommendations by Board members, revised its recommendations. The revised recommendations were forwarded to the Board on July 26. The Board discussed the revised recommendations at its August 3 meeting. Further action was deferred to a later date.

c. Documents Retention Policy

The Governing Documents Committee met on Thursday, July 29 and resumed working on the Documents Retention Policy. The Committee has agreed on minimum retention dates for documents (by category) and come to at least preliminary agreement on how each type of document should be stored and in what format. The Committee plans to meet later in the year to continue working on this proposed 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

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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 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

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only be closed when they are in compliance with Maryland Homeowners Association Act § 11B-111.

- 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.
- Define “family” for purposes of the Conflict of Interest Policy.

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 September 13, 2021, the CCOC website indicates that authorization is still in effect and will remain in effect “until further notice.”

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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:
 - 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):

The welcome letter discussed at the previous meeting received input and has been completed. Cookie will make that available for reference. A list of items for the FY 2023 budget were submitted to Dave and included funds for an additional leaflet focused on BPRA Board service and signs to solicit BPRA Board candidates. Outreach to the community regarding committee and Board service is ongoing.

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

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

An updated 5 year plan will be submitted to the Board before the October Meeting.

An RFP for a Reserve Study will be written.

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

Two Tree Labels were received and one installed for Maury Potosky. A very successful dedication event was held sponsored by the Civic Association on Aug 25th with many members of the family and many community members in attendance. This was the first such event for the first memorial tree planting on the pool grounds.

Would like to request the Board approve \$500.00 for fertilizers and grass seed to be applied during this fall season.

Working with a civil engineer from Ballard Engineering to make an initial survey of site contours and grades, locate storm water drain features and related issues to develop a general framework of possibilities prior to any specific designs or costs estimates. This work would be no charge for this initial effort.

9) Tennis & Pickleball Courts Committee (Dave Pullen, Chair):

Mid-Atlantic Asphalt Company completed repair work on the courts, and final cost is slightly under signed contract value. After also charging relevant tree removal expense to the tennis court repair budget, approximately \$2,300 remains. The Board has approved expenditures not to exceed that amount for new signage and replacement equipment (two permanent benches, 1-2 new rollers, a broom, a new trash can for collecting waste (ball cans, etc.), and a new "display board" to be installed outside the entry gate for posting of relevant Recreational Facilities rules, tennis/pickleball rules of play, and announcements. On 9/4 the Committee held a successful "re-opening" event providing free instruction and organized play for community members. All five courts (3 tennis & 2 pickleball) were occupied from start-to-finish of the event.

10) Administrative Assistant's Report:

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

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

Jim Eaton is taking care of tennis/pickleball court key distribution.

Carmen Wong is the current Season Pass Coordinator.

Karen Purdy has been taking care of eSoft Planner issues.

We need volunteers to take of eSoft Planner and Pavilion Scheduling. kp

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12) MapMaster Report (Paul Spelman):

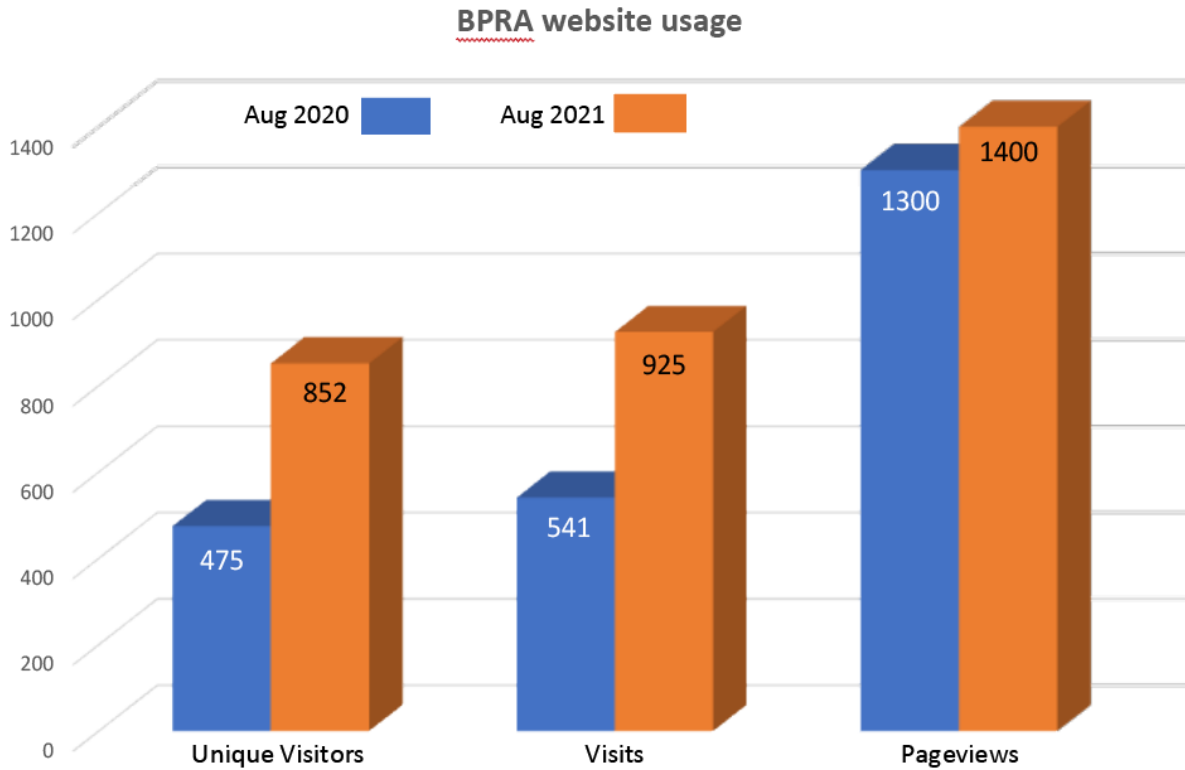
Working on adding overlay to the community map to show each of the “sections” of Strathmore Bel Pre.

13) New Member Recruitment Report (Coordinator TBD)

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

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14) Web Master Report (Billy Ruppert):



Visits by Device	Aug 2020	Aug 2021
Desktop	288	769
Mobile	239	155
Tablet	14	1