

BPRA Committee Reports and Updates for the October 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 was presented at the Board Meeting on September 14, 2021. kp

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

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

Cookie and Claire are coordinating BlocktoberFest. Dave has made arrangements to have access to the bathrooms at Bel Pre Elementary School. Jointly sponsored by the Civic Association.

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

The final movie of the year is "In the Heights" on Saturday, October 2. John Bogasky and his team of Civic Association volunteers will be running the movie.

c. Trunk or Treat -- Saturday, October 30

Elizabeth Kominski will be coordinating a 1 hour Trunk or Treat in the parking lot from 7 to 8 pm.

3) Neighborhood Dispute Resolution Committee (Chair TBD):

Nothing to report. kp

4) Finance Committee (Dave Pullen, Chair):

a. Bookkeeper (no change)

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 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.

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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). One homeowner has now paid in full, reducing to eight homeowners the total that are authorized for referral to SCHILD in October.

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. *Additional referrals to Schild are likely in October (see above).*

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

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)

The audit work is still in process and there is nothing to update since the September board meeting.

g. Finance Committee (Dave Pullen)

The Finance Committee met 9/7 and again 9/23 to prepare its recommended draft budget, which was transmitted to the Board by the September 28 deadline. Further, pursuant to Trustee vote at the 9/14 meeting, a bylaw amendment to change BPRA's fiscal year to coincide with the calendar year will be placed on the ballot for the Annual Meeting. The Committee is preparing an advocacy campaign to encourage members to support the amendment. Finally, November meetings with Governing Documents leadership are planned to develop any recommended changes to the Annual Dues Collection Policy they might mutually propose to the Board for application to the FY2023 Annual Assessment payment cycle.

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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 (September 2021):

1. 2917 Beaverwood Lane - HOA documents
2. 3225 Beret Lane - status of account
3. 3505 Beret Lane - HOA documents
4. 14020 Bethpage Lane - status of account
5. 3228 Birchtree Lane - HOA documents
6. 3228 Birchtree Lane - HOA contact information
7. 13832 Blair Stone Lane - status of account
8. 13832 Blair Stone Lane - certificate of insurance
9. 13900 Blair Stone Lane - status of account
10. 14109 Blazer Lane - HOA documents
11. 13812 Bonsal Lane - HOA documents
12. 13812 Bonsal Lane - status of account
13. 14005 Burning Bush Lane - status of account
14. 14113 Burning Bush Lane - pet covenants
15. 14113 Burning Bush Lane - HOA documents
16. 14113 Burning Bush Lane - Questions about the Articles of Incorporation, pending litigation, and other issues
17. 13308 Ewood Lane - HOA documents

b. Proposed amendments to the Plan of Organization (no change)

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 (no change)

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

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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 (no change)

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 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).

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- 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.
- 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 (no change)

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

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- 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 (updated)

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 October 1, 2021, the CCOC website indicates that authorization is still in effect and will remain in effect "until further notice."

g. Special Projects (no change)

- 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)

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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):

Nothing to update this month.

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 was submitted to the Board before the October Meeting.

An RFP for a Reserve Study will be written.

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

Cookie Stagnito will be contacting Louisa Hoar regarding the dedication of her commemorative tree adjacent to the pool.

First round of fall fertilizers were applied, grass seed was applied in poor quality areas including where tree stumps had been ground out. Additionally some pruning and weeding was completed. Note: a good amount of litter and trash throughout the pool grounds was left after the pool closed for the season.

Nothing new on the storm water management/rain gardens project.

9) Tennis & Pickleball Courts Committee (Dave Pullen, Chair): (no change since last report)

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 available and approved for use. 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.

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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 care of eSoft Planner and Pavilion Scheduling. kp

12) MapMaster Report (Paul Spelman):

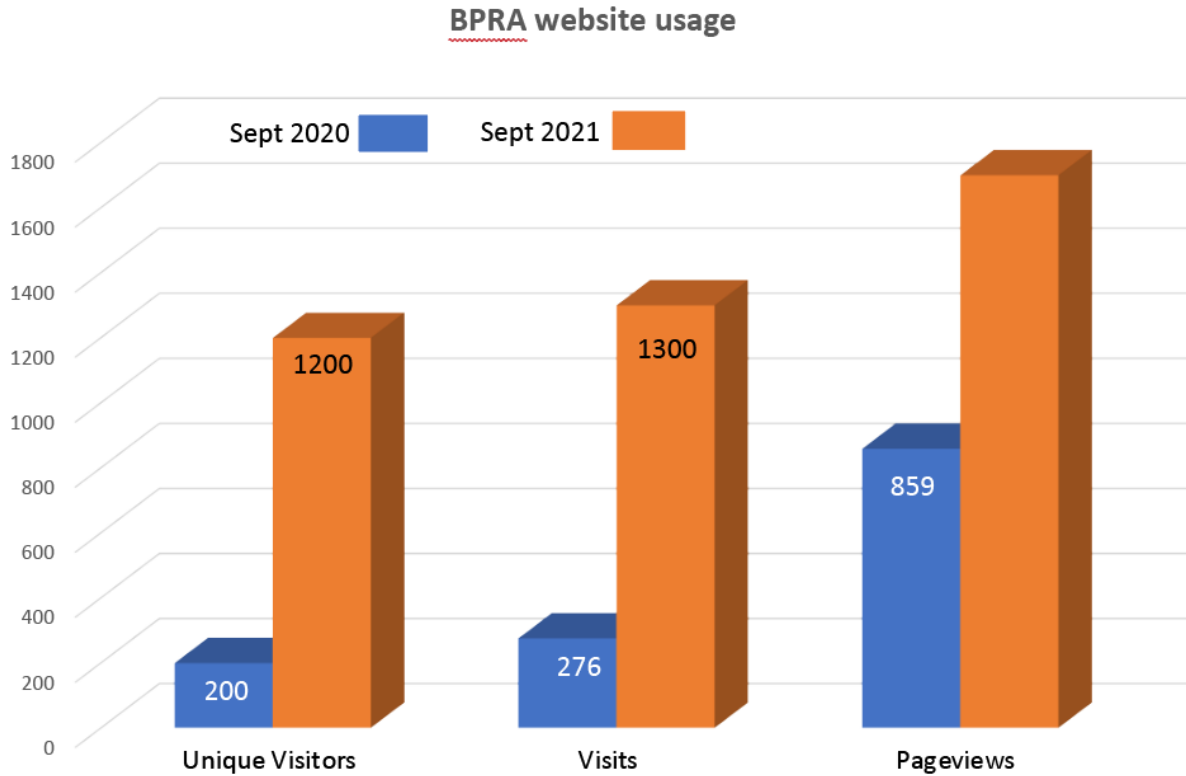
Working on adding overlay to the [community map](#) to show each of the “sections” of Strathmore Bel Pre.

13) New Member Recruitment Report (Coordinator TBD)

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

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14) Web Master Report (Billy Ruppert):



Visits by Device	Sept 2020	Sept 2021
Desktop	170	769
Mobile	101	155
Tablet	5	3