

BPRA Committee Reports and Updates for the February 2023 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 (Ted Bechtol, Chair):

Georgetown Aquatics 2023 Contract: Clark Baugher has provided a proposed cost for this season of \$92,900, which represents a 6.8% increase. The county still has to finalize its wage rate. He has pulled back from a previous estimate of a 7.8% increase. For Board discussion.

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

a. Spring Thing

Proposed date for Spring Thing is Saturday, May 6, with a rain date of Sunday, May 7. Scout Troop/Pack 763 is available that weekend to assist. Need Board approval for the dates.

b. Yard Sale

The Civic Association plans to hold the yard sale on June 3 (rain date June 4), and hope to have a dumpster in the parking lot for 2 weeks after the yard sale - courtesy of Paulette Ladas. Need Board approval for this event.

c. Summer Entertainment Series

Expect to continue for another summer with movies and live music. Schedule to be determined.

d. Summer Community Affairs Forum Series

The Civic Association is considering restarting the summer forums, which had been discontinued due to the pandemic.

3) Neighborhood Dispute Resolution Committee (Patrick Welteroth):

Nothing new to report.

4) Finance Committee (Dave Pullen, Chair):

a. Bookkeeper (no change since last report)

We continue pursuing/considering a relationship with Arrow Bookkeeping, a Silver Spring-based firm, to serve as BPRA Bookkeeper.

b. Assessment Collections

2022 Assessment payments have been received from 98.6% of the membership as of 12/31. Further, we have achieved resolution with 95 delinquent accounts so far. This still leaves 8 homeowners whose payments have not yet been received. Of the 8 outstanding, 7 owe the full

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amount plus penalties, interest, and collection costs (and now added, legal expense as these accounts were referred to SCHILD for collection); and one owes \$20.25. Per the BPRA Assessment Collections Policy, all accounts not paid in full by the end of September have been referred to SCHILD Law Group for collection. (Actual referral was completed 10/31 in an attempt to resolve as many accounts as possible without the necessity of referral.)

c. Overdue Collections/Schild Law Group (no change from previous report)

A total of 15 homeowners are now within SCHILD's scope of action on behalf of BPRA (3 who have a SCHILD-approved payment plan in place). One delinquent homeowner's account was scheduled for trial in Maryland District Court 10/24. The presiding judge that day encouraged the parties to attempt on-site mediation; that attempt did not produce a settlement agreement, but we agreed to provide the homeowner additional time to provide documents he claims to possess showing his account is paid in full. As of 12/31, the homeowner has not provided any documentation supporting his claim of payment, so SCHILD is applying to the Court to set a new trial date.

d. Assessment Assistance Committee (no change from previous report)

No claims are pending before the Committee.

e. Change in BPRA Fiscal Year and "Short Year" Tax Return (no change from last report)

Larry Vaught completed our "short year" tax return in April, and filed it electronically after review by the President and Treasurer. Now we are moving forward to file our "automatic approval" application to change our fiscal year to align with the calendar year.

f. 2022 Guest Pass Purchases (no further reports until 2023 pool season)

2022 gross receipts from guest passes came in at \$2,832. NOTE: this includes fees associated with several large "private parties" held at the Pavilion this year, and which are unlikely to repeat in 2023.

g. Insurance Claim Filed (no change)

Our insurance claim as a result of the 5/27 tree damage to the Pool Property, including fencing repair, yielded a payment to BPRA of \$6,950 (after deductible). Fence repair costs (\$950) are fully covered; tree removal cost is *under-paid* by approximately \$1200.

h. 2022 Year-end Budget Forecast

I expect to have an oral report on whether we met our year-end forecast, to aid in finalizing the 2023 Budget.

i. Audit Coordinator (Mark Foraker)

No updates since the October meeting.

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j. Finance Committee (Dave Pullen)

The 2023 budget was finalized/approved at the January meeting. The Committee will next review new, legislated, procedures that deprive an HOA member of his/her rights. This may affect how we assess late fees, etc. as well as our existing procedures for suspending members' access to the Pool Property, whether due to delinquent payments or "behavioral" issues ("breaking the rules" while on the Pool Property). This review will be closely coordinated with the Governing Documents Committee, as the Recreational Facilities Policy and the Assessment Collections Policy may be affected. (See additional details below)

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

a. HOA document requests (updated)

Requests for HOA documents, etc. handled by the Chair of the Governing Documents Committee (January 2023):

1. 2232 Deckman Lane - HOA documents
2. 2232 Deckman Lane - status of accounts
3. 13407 Norden Drive - rental covenants

b. Recreational Facilities Policy updates (no changes)

Items to be considered in the next update of the Recreational Facilities Policy:

- Revise § 216 (Summer Entertainment Series and Summer Community Affairs Forum Series) to implement the Board's April 5, 2022, decision that guest fees be waived for anyone while attending Summer Entertainment Series events. Possibly also include Summer Community Affairs Forum Series events.
- In § 606 (Attendance Limits) - replace "Fifty Plus Club" with "Over 60 Club"
- Section 607 (Guest List) uses the word "guest" two different ways. To avoid ambiguity, replace "expected guest list" with "expected attendees list".
- In § 609 (Fees) - replace "Fifty Plus Club" with "Over 60 Club"

c. Documents Retention Policy (no changes)

The Governing Documents Committee last worked on the Documents Retention Policy on July 29, 2021. 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 will resume work on drafting this policy when time permits.

d. Covenant enforcement (no changes)

The next big project for the Committee will be drafting the Land Use Covenant Enforcement Policy. 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?

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- 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
 - In the 2021 session of the State Legislature, the Legislature placed restrictions on the authority of HOAs to regulate:
 - Composting - Maryland Homeowners Association Act § 11B-111.9
 - Electric vehicle charging equipment – Maryland Homeowners Association Act § 11B-111.8
 - Low-impact landscaping - Maryland Real Property Code § 2-125
 - Portable basketball apparatus - Maryland Real Property Code § 2-124
 - Other county, state, and federal laws specifically limit HOAs authority to regulate:
 - Antennas - FCC Over-the-Air Reception Devices Rule (47 C.F.R. § 1.4000)
 - Clotheslines - Maryland Real Property Code § 14-130
 - Facilities for individuals with disabilities and group homes – Fair Housing Act (42 U.S.C. § 3601, et seq.); and Fair Housing Act Regulations (24 C.F.R. part 100)
 - Family day care homes and no-impact home-based businesses – Maryland Homeowners Association Act § 11B-111.1
 - Political signs - Maryland Homeowners Association Act § 11B-111.2
 - Roof materials - Montgomery County Fire Safety Code § 22-98
 - Solar panels and other renewable energy devices – Maryland Real Property Code § 2-119(b); and Montgomery County Code § 40-3A
 - U.S. flag - Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 nt., Pub. L. 109-243, 12 Stat. 572); and Maryland Real Property Code § 14-128
- 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?
 - General rules
 - Complaints concerning discrimination by race, color, religion, sex, etc.
 - Accessory dwelling unit licenses
 - Duplexes and other multi-family construction

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e. Opt-In Homes and Other New Memberships (no changes)

When time permits, the Committee will attempt to codify and update the policy that the Board adopted May 2, 2017, on how homes within Strathmore Bel Pre that are not currently within the BPRA can join the BPRA. Also, the committee will look at what the process should be for homes that are just outside of Strathmore Bel Pre, but want to join (e.g., the Layhill Village homes on Village Lane and Rippling Brook Drive; and the Georgian Forest homes on Verona Court).

f. Special Projects (updated)

- Continued identifying the section number for each street address within the BPRA – this month added:
 - Hathaway Drive (revised)

Initially, this is being used to update the “Streets within SBP” webpage.

Once all the homes in SBP have been 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):

Nothing to report. kp

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

No change since January 2023.

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

Kollins completed their final leaf removal in December and submitted the last Invoice for the season. This was reported in error in last month's Committee Reports. Grounds will be monitored periodically over the winter months for storm damage and any other issues needing attention.

9) Tennis & Pickleball Courts Committee (no change)

Senior Mid-Atlantic Asphalt Company representatives re-visited the BPRA tennis/pickleball courts to review apparent cracks, etc. and to discuss responsibility for, and remediation of, same and/or other repair failures on the courts. No written follow-up has yet been received. Remediation is now planned for Spring 2023. Members have reported decay of net straps on the pickleball courts. We will research best replacement options (costs) and seek funding for same in early 2023. Mid-Atlantic Asphalt Co. filed its invoice for renewal of our warranty coverage for 2023. This must be decided at the Board's January meeting. **Renewal is recommended.**

10) Administrative Assistant's Report:

This position is vacant. No report is being produced. kp

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

Jim Eaton is responsible for tennis/pickleball court key distribution.
Carmen Wong is Pavilion Scheduler. She has agreed to continue in 2023.
Karen Purdy has been taking care of eSoft Planner issues.

12) MapMaster Report (Paul Spelman):

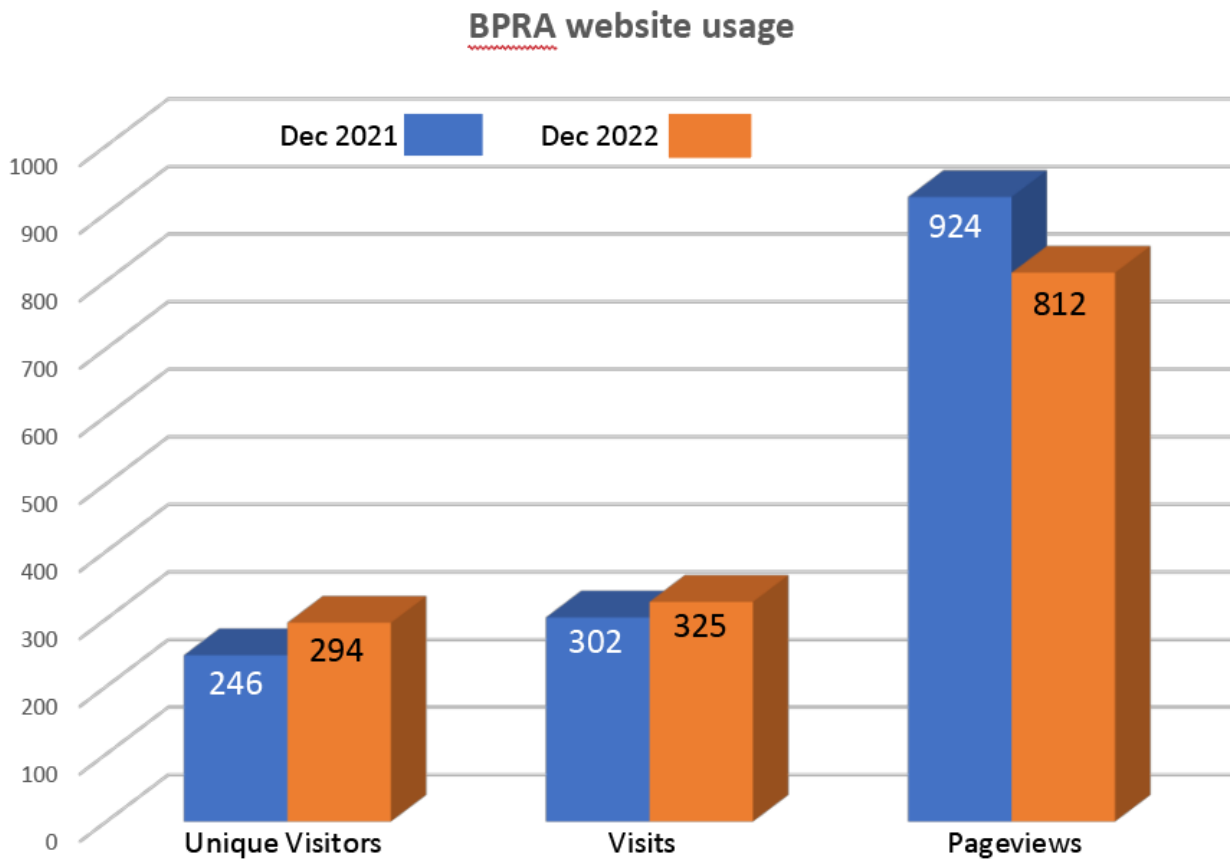
No change since January 2023.

13) New Member Recruitment Report

No change since January 2023.

BPRC Committee Reports and Updates for the February 2023 BPRC Board of Trustees Meeting

14) Web Master Report (Billy Ruppert):



| Visits by Device | Jan 2022 | Jan 2023 |
|------------------|----------|----------|
| Desktop | 248 | 214 |
| Mobile | 51 | 109 |
| Tablet | 3 | 2 |