

**Bel Pre Recreational Association
Plan of Organization**

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Part 1. General

§ 100. Purpose of the Association.

The primary purpose of the Bel Pre Recreational Association is to operate and maintain the community's swimming pool and other recreational facilities located at 13920 Bethpage Lane.¹
(Adopted November 2, 2021.)

§ 101. Nature of the Association.

The BPRAs has multiple natures. It is:

- a legal entity with quasi-governmental authority (particularly the power to tax);²
- a homeowners' association under the Maryland Homeowners Association Act and the Montgomery County Common Ownership Communities Ordinance;³
- a membership-governed organization;⁴
- a 501(c)(7) organization;⁵ and
- a non-stock corporation.⁶

(Adopted November 2, 2021.)

¹ Article IV, § 2(b) of the Pool and Assessment Covenants (recorded March 20, 1968, in the Montgomery County Land Records at Liber 3721, Folios 339, 343) provides that:

In order to preserve and enhance the property values and amenities of the Community, the Common Areas and all facilities now or hereafter built or installed thereon shall at all times be maintained in good repair and condition and shall be operated in accordance with high standards. Further, it shall be an express affirmative obligation of the Association to keep the swimming pool, and facilities appurtenant thereto, open, adequately staffed and operating during those months and during such hours as outdoor swimming pools are normally in operation in this locality.

² Section 10B-1 of the Montgomery County Code provides that:

The Council finds that there is often unequal bargaining power between governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing projects. Owners and residents in these common ownership communities are in effect citizens of quasi-governments, which provide services in lieu of government services, levy assessments, and otherwise have a significant impact on the lives and property of owners and residents.

Owners and residents in common ownership communities require the protection of democratic governance. In furtherance of this goal, the Council finds a need to regulate elections, budget adoption, enforcement procedures, and resolution of disputes with adequate due process protections

³ Maryland Code, Real Property Article, chapter 11B, and Montgomery County Code, title 10B.

⁴ Article 13 of the BPRAs Articles of Incorporation provides that "The business and conduct of this corporation shall be regulated, subject to the will of the membership, by a Board of Directors"

⁵ Section 501 of the Internal Revenue Code defines 501(c)(7) organizations as "Clubs organized for pleasure, recreation, and other non-profitable purposes, substantially all of the activities of which are for such purposes and no part of the net earnings of which inures to the benefit of any private shareholder."

⁶ Article 3(C) of the BPRAs Articles of Incorporation provides that "The corporation shall be authorized to exercise all of the powers, rights and privileges granted to non-stock corporations by the General Laws of Maryland now and hereafter in force, for the accomplishment of the objects enumerated herein."

§ 110. Committees of the Association.

(a) **Committees List.** The following are the Committees of the Association:

- (1) Assessment Assistance Committee
- (2) Entertainment and Recreation Committee
- (3) Finance Committee
- (4) Governing Documents Committee
- (5) Long Term Planning Committee
- (6) Neighborhood Dispute Resolution Committee
- (7) Nominating Committee
- (8) Pool and Recreational Facilities Committee
- (9) Tennis and Pickleball Courts Committee

(b) **Purpose.**

(1) Committees provide an important opportunity for members of the BPRA to participate in a meaningful way in the development of community policies. Committees also often serve as a stepping stone for community members to gauge their interest in becoming Board members.

(2) Generally, the purpose of each committee is to advise and develop proposals for the Board of Trustees and to act on projects or tasks within the committee's areas of responsibility.

(3) Except as otherwise specifically provided for in the By-Laws, it is the prerogative of the Board to decide whether a matter should be referred to a committee for review and study before the Board takes final action on the matter. Nonetheless, except where the Board determines that a matter is an emergency or otherwise time-sensitive, the Plan of Organization recommends that new policies, and changes in policies and other important matters be reviewed by a committee before the Board takes final action.⁷

(c) **Membership.**

(1) Any member of the Association (or resident of the Strathmore Bel Pre Recreational Association) who indicates a genuine interest in serving on a specific committee will be appointed a full member of the committee by the committee's chair.

(2) A genuine interest is shown through communication with the committee chair regarding participation and committee membership. If a member of the Association indicates on the BPRA annual assessment forms (or any BPRA software system) that the member is interested in serving on a specific committee, then the chair of

⁷ Prior to the amendment of November 2, 2021, this subsection read:

Generally, the purpose of each committee is to advise and develop proposals for the Board of Trustees about matters within the committee's areas of responsibilities. Issues should normally be reviewed by a committee before the Board takes final action.

that committee will contact the member to determine if the member has a genuine interest in serving.

(3) The membership for the Nominating Committee, the Elections Committee, and the Assessment Assistance Committee is defined in the rules pertaining to those committees, and is an exception to this rule.

(d) **Ex Officio Membership.** The President will be an ex officio⁸ member of each committee, except the Nominating Committee.

(e) **Recruitment.** The chair of each committee will be responsible for recruiting members to serve on their committee.

(f) **Size.** Committees may be any size, though committee chairs are strongly encouraged to have at least 3 members on each committee.

(g) **Subcommittees.** Committees may form such subcommittees as they desire.

(h) Eligibility and Terms

(1) Any person who is a resident or homeowner in the Strathmore Bel Pre Recreational Association is eligible to serve as a committee chair or committee member.

(2) Except as otherwise provided in the By-Laws, or in § 110(c)(3) of this Plan⁹ :

(i) The term of office of all committee members and committee chairs in the Association will expire at the end of the January meeting of the Board of Trustees; and

(ii) Committee chairs will be appointed by the President, with the approval of the Board of Trustees.

(i) Notice of Meetings

(1) A properly called meeting¹⁰ must have notice of the meeting published no less than 48 hours before the start of the meeting by each of the following methods:

⁸ The amendment of November 2, 2021 replaced “office” with “officio”.

⁹ The amendment of November 2, 2021 added “or in § 110(f) of this Plan”.

¹⁰ Section 11B-111 of the Maryland Homeowners Association Act provides that:

(1) Subject to the provisions of item (4) of this section, all meetings of the homeowners association, including meetings of the board of directors or other governing body of the homeowners association or a committee of the homeowners association, shall be open to all members of the homeowners association or their agents;

(2) All members of the homeowners association shall be given reasonable notice of all regularly scheduled open meetings of the homeowners association;

(3) . . .

- (i) by e-mail to each member of the committee; and
 - (ii) on the Association's website.
- (2) In an effort to reach as many Association members as possible, committee chairs are encouraged to announce meetings at least a week before the meeting, when feasible, and to also announce meetings
- (i) by e-mail to each of the members of the Association who have provided the Association with an e-mail address and have authorized such communications;
 - (ii) on the community listserv;
 - (iii) on the Strathmore Bel Pre Dolphins Google Group;
 - (iv) the bulletin board at the pool; and
 - (v) on any other official or unofficial community communication method.
- (j) **Meeting Frequency.** Committees that have matters pending before them generally will meet at least monthly.

(4) A meeting of the board of directors or other governing body of the homeowners association or a committee of the homeowners association may be held in closed session only for the following purposes:

- (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 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;
 - (viii) Discussion of individual owner assessment accounts; and
- (5) If a meeting is held in closed session under item (4) of this section:
- (i) An action may not be taken and a matter may not be discussed if it is not permitted by item (4) of this section; and
 - (ii) A statement of the time, place, and purpose of a closed meeting, the record of the vote of each board or committee member by which the meeting was closed, and the authority under this section for closing a meeting shall be included in the minutes of the next meeting of the board of directors or the committee of the homeowners association.

In *Ramsay v. Bel Pre Recreation Association* (CCOC case no. 369-0, May 18, 1998, p. 17), the Montgomery County Commission on Common Ownership Communities ruled that there must be at least 48 hours notice of meetings to meet the state law requirement.

- (k) **Quorum.** All the members present at a properly called committee meeting will constitute the quorum for that meeting.
- (l) **[reserved]**
- (m) **Committee Actions.** The Chair of a committee shall not report an action, proposal, amendment, or remedy as emanating from the committee, unless the committee – at a properly called and convened meeting – has approved that specific action, proposal, amendment, or remedy.
- (n) **Committee Reports and Reporting.** Committees that have met between meetings of the Board, are expected to provide an update to the Board at its next meeting, either by written or verbal report.
- (o) **Minority views and reports.** If one or more members of a committee (who participated in the discussion) disagree with the decision(s) made at a committee meeting, those member(s) may (1) file a written minority report with the BPRC Board or (2) may present their views to the BPRC Board of Trustees at the next Board meeting. The written or verbal report will set out the minority’s views and recommendations.¹¹
- (p) **Budget Implications.** If the chair of any committee believes that the committee’s current or proposed work/projects will incur substantial BPRC costs in the next and/or subsequent fiscal years, the Chair of that committee shall advise the Chair of the Finance Committee of those projected costs, prior to the Finance Committee meeting to prepare the Association’s proposed annual budget.

(Adopted January 23, 2014 as § 1. In subsection (a), the (1) Pool and Recreational Facilities Committee and the Long Term Planning Committee were added March 1, 2016 and the Assessments Assistance Committee was added June 2, 2020. The amendment of November 2, 2021 renumbered the section as § 110; added all the subsection headings, reordered the list of committees in subsection (a), added the Tennis and Pickleball Courts Committee to subsection (a), and added subsections (c), (e) to (i), (k) to (m), (o), and (p); amended subsection (b); renumbered subsection (c) as (j); renumbered subsection (d) as (n) and amended the subsection; and renumbered subsection (e) as (d).)

¹¹ The amendment of November 2, 2021 added “, either by written . . . minority’s recommendation”.

§ 115. Eligibility and Terms of Office for Officers and Officials of the Association¹²

- (a) Except as otherwise provided in the By-Laws,¹³ any person who is a resident or homeowner in the Strathmore Bel Pre Recreational Association is eligible to serve as an official of the Association.
- (b) There shall be no limit on the number of times that a person may be re-appointed to a position, except that no BPRa member may serve as Treasurer for more than six consecutive years.¹⁴
- (c) Except as otherwise provided in the By-Laws,¹⁵ the term of office of all officials of the Association will expire at the end of the January meeting of the Board of Trustees.
- (d) Except as otherwise provided in the By-Law or in § 110(c) of this Plan, all officials of the Association will be appointed by the President, with the approval of the Board of Trustees.
- (e) For purposes of this section, “officials of the association” does not include the President, Vice President, Secretary, Treasurer, committee chairs, or committee members.

(Adopted January 23, 2014 as § 8. Section was renumbered as § 115, and generally revised November 2, 2021.)

§ 120. Meetings – Virtual.

As authorized by § 11B-113.6 of the Maryland Homeowners Association Act,¹⁶ the Board of Trustees and the committees of the Association may hold meetings by telephone conference, video conference, or similar electronic means.

¹² As originally adopted January 23, 2014, the section read:

- (a) Any person who is a resident or homeowner in the Strathmore Bel Pre community is eligible to serve as a committee chairman, committee member, or official of the Association.
- (b) There shall be no limit on the number of times that a person may be re-appointed to a position.
- (c) Except as otherwise provided in the By-Laws:
 - (1) The term of office of all positions in the Association will expire at the end of the January meeting of the Board of Trustees; and
 - (2) All positions in the Association will be appointed by the President, with the approval of the Board of Trustees.

¹³ For instance, Article XIV, § 1 of the BPRa By-Laws requires that the President and Vice President must be Board members and the Secretary and the Treasurer need not be Board members, but must be members of the Association.

¹⁴ The amendment of November 2, 2021 added “, except that no . . . consecutive years”.

¹⁵ Article XIV, § 2 of the BPRa By-Laws specifies that the officers of the Association are to be elected within 30 days of the annual meeting and are to serve until the election of their successors.

¹⁶ **Authorization; equipment requirements; notice of meeting**

(Adopted April 5, 2022)

Part 2. Committees

§ 202. Assessment Assistance Committee.

The Assessment Assistance Committee will:

- (a) consist of the Treasurer and two Board members (not including the Treasurer) appointed by the President, with the approval of the Board;
- (b) carry out those duties specifically delegated to it by the BPRA's Annual Dues Collection Policy;

-
- (a)(1) Notwithstanding language contained in the governing documents of the homeowners association, the governing body may authorize meetings of the homeowners association, the governing body, or a committee of the homeowners association to be conducted or attended by telephone conference, video conference, or similar electronic means.
 - (2) If a meeting is conducted by telephone conference, video conference, or similar electronic means, the equipment or system used must permit any lot owner, board member, or committee member in attendance to hear and be heard by all others participating in the meeting.
 - (3) A link or instructions on how to access the meeting by telephone conference, video conference, or similar electronic means shall be included in the notice of the meeting.
 - (4) No specific authorization from lot owners shall be required to hold a meeting electronically.

Present for quorum and voting purposes

- (b) Any lot owner, board member, or committee member attending a meeting by telephone conference, video conference, or similar electronic means shall be deemed present for quorum and voting purposes.

Voting; ballots

- (c)(1)(i) Any matter requiring a vote of the homeowners association may be set by the governing body for a vote at the meeting, and a ballot may be delivered to members with notice of the meeting.
- (ii) Only those lot owners present during the telephone conference, video conference, or similar electronic meeting shall be authorized to vote a ballot in accordance with this subsection.
- (iii) Lot owners who are not present at the meeting may:
 - 1. Vote by proxy in accordance with the requirements of the governing documents and by this title; and
 - 2. Be considered present for quorum purposes through their proxy.
- (2)(i) The governing body may set a reasonable deadline for return of a ballot to the homeowners association, including return by electronic transmission.
- (ii) The deadline for return of the ballot shall be not later than 24 hours after the conclusion of the meeting.

Nominations from floor at meeting not required

- (d) Notwithstanding language contained in the governing documents of the homeowners association, nominations from the floor at the meeting are not required if at least one candidate has been nominated to fill each open position in the governing body,

Validity of meeting

- (e) The inability of a lot owner to join a meeting due to technical difficulties with the lot owner's telephone, computer, or other electronic device does not invalidate the meeting or any action taken at the meeting.

(c) provide the Board with a regular report on the decisions of the Committee. Reports shall be transmitted in such a manner to preclude a reasonable person from deducing the identify(ies) of any requestors; and

(d) advise the Board on proposed changes to the payment relief provisions of the Annual Dues Collection Policy.

(Adopted June 2, 2020 as § 7b. Renumbered as § 202 November 2, 2021.)

§ 203. Entertainment and Recreation Committee.

The Entertainment and Recreation Committee will be a joint committee between the Bel Pre Recreational Association and the Strathmore Bel Pre Civic Association. The Committee will plan, promote, and conduct entertainment and recreational programs, events, and activities for the Strathmore Bel Pre¹⁷ community, with a particular emphasis on programs, events, and activities at the Recreational Association's Bethpage Lane property.

(Adopted January 23, 2014 as § 3. Renumbered as § 203 November 2, 2021.)

§ 204. Finance Committee.

(a) The Finance Committee will prepare an annual proposed budget for consideration by the Board of Trustees. The Committee will also advise the Board on any rules, contracts, or implementation dealing with:

- (1) Assessments, debt collection, and liens
- (2) Commercial Liability (or similar) Insurance for the Association, including Directors and Officers coverage for its volunteers, when acting in their official capacities on Association business or related matters¹⁸
- (3) Bookkeeping¹⁹ and financial records
- (4) financial transparency.

(b) Prior to the Finance Committee meeting to prepare the proposed annual budget, the Chair of the Finance Committee will request that each committee chair and coordinator advise the Chair of the Finance Committee regarding substantial projected costs associated with any work or projects that their committee is likely to recommend, for the upcoming and/or subsequent years.

¹⁷ The amendment of November 2, 2021 added "Strathmore Bel Pre".

¹⁸ Prior to the amendment of November 2, 2021, subsection (b) read "Insurance for the Association and its officials".

¹⁹ Amendment of November 2, 2021 replaced "Book keeping" with "Bookkeeping".

(Adopted January 23, 2014 as § 5. The amendment of November 2, 2021 renumbered as § 204, renumbered the subsections, amended subsections (a)(2) and (a)(3) and added subsection (b).)

§ 205. Governing Documents Committee.

- (a) The Governing Documents Committee will advise the Board of Trustees of any conflicts between (1) proposed or adopted Board actions and (2) State and County laws, or the Covenants and By-Laws of the BPRA.
- (b) The Governing Documents Committee will advise the Board of Trustees on proposed changes to the Association's:
 - (1) By-Laws
 - (2) Plan of Organization
 - (3) Articles of Incorporation
 - (4) Covenants
 - (5) Geographic boundaries
 - (6) Conflicts of Interest Policy
 - (7) Documents Retention Policy
 - (8) Other issues or policies referred to it by the Board.
- (c) Before making a recommendation to the Board of Trustees that directly impacts an area of responsibility of one of the other committees or coordinators, the Governing Documents Committee first will collegially consult with the Chair of that committee or the coordinator.

(Adopted January 23, 2014 as § 6. Renumbered November 2, 2021 as § 205, and generally revised. ²⁰)

§ 206. Long Term Planning Committee.

The Long Term²¹ Planning Committee will:

- (a) annually prepare and deliver²² a proposed 5-year plan for consideration by the Board of Trustees; and
- (b) develop (or oversee the development of) a Reserve Study at least once every 5 years. The Reserve Study shall include estimates of the remaining useful lives and the

²⁰ The section originally read:

- (a) The Governing Documents Committee will advise the Board of Trustees on proposed changes to the Association's:
 - (1) By-Laws
 - (2) Plan of Organization
 - (3) Articles of Incorporation
 - (4) Covenants
 - (5) Geographic boundaries

(b) Before making a recommendation to the Board of Trustees that directly impacts on an area of responsibility of one of the other committees, the Governing Documents Committee will first consult with the chairman of that committee.

²¹ "Long Range" was replaced by "Long Term" November 2, 2021.

²² The November 2, 2021 amendment added "and deliver".

replacement costs of the major facilities within the Recreational Association's Bethpage Lane property.

(Adopted March 1, 2016 as § 7A. Renumbered as § 206 and amended November 2, 2021.)

§ 207. Neighborhood Dispute Resolution Committee.

The Neighborhood Dispute Resolution Committee is envisioned as²³ a joint committee between the Bel Pre Recreational Association and the Strathmore Bel Pre Civic Association. The Committee will assist members of the Strathmore Bel Pre²⁴ community who have disputes with other members of the community to resolve those disputes.

(Adopted January 23, 2014 as § 4. Renumbered as § 207 and amended November 2, 2021.)

§ 208. Nominating Committee.

The Nominating Committee will carry out those duties specifically delegated to it by the Association's By-Laws.²⁵ Additionally, the Nominating Committee will advise the Board of Trustees on proposed changes to the Association's nomination and election rules and will (except as otherwise provided in § 405)²⁶ administer the annual elections of Trustees.

(Adopted January 23, 2014 as § 7. Renumbered as § 208 and amended November 2, 2021.)

§ 209. Pool and Recreational Facilities Committee.

(a) The Pool and Recreational Facilities Committee will advise the Board on the facilities owned by the Association at 13920 Bethpage Lane, including the ongoing²⁷ maintenance; renovations; improvements; usage; contracts related to; and rules of use for the:

- Pool
- Bathhouse
- Pavilion
- Volleyball courts
- Basketball court
- Play areas (including the pirate ship and the swing sets)
- Snack bar
- Shed
- Parking lot

²³ The November 2, 2021 amendment replaced "will be" with "is envisioned as".

²⁴ The November 2, 2021 amendment added "Strathmore Bel Pre".

²⁵ Article X, § 1 of the By-Laws, provides that:

Nominations for the office of Trustee shall be made by a Nominating Committee appointed by the President. The Nominating Committee shall make every reasonable effort to present at least twice as many nominees as there are vacancies to be filled by election. There shall be adequate notice of these nominees to the membership at least sixty (60) calendar days prior to the notice of the Annual Meeting. Additional nominations may also be made by petition of at least five (5) members and accepted in writing by the Secretary at least forty-five (45) calendar days prior to the meeting at which the election is held. There shall be official notice of all nominees to the membership at the same time as the notice of the Annual Meeting. No nominations may be made from the floor.

²⁶ The parenthetical phrase was added November 2, 2021.

²⁷ The amendment of November 2, 2021 added "ongoing".

- Security and fencing
- Hours of operation
- Fees and access policies²⁸

(b) When authorized by the Board of Trustees, the Committee will implement the decisions of the Board related to the items set out in subsection (a).²⁹

(c) Coordinate maintenance planning with the Long Term Planning Committee.

(Adopted March 1, 2016 as § 2. The amendment of November 2, 2021 renumbered the section as § 209, amended subsection (a), and added subsection (c).)

§ 210. Tennis and Pickleball Courts Committee.

The Tennis and Pickleball Courts Committee will advise the Board on the condition, maintenance, and use of the tennis and pickleball courts owned by the Association at 13920 Bethpage Lane.

(Adopted November 2, 2021.)

²⁸ The November 2, 2021 amendment replaced “Bath house” with “Bathhouse”, deleted “Tennis courts” from the bulleted list, replaced “Volley ball” with “Volleyball”, replaced “Pirate Ship” with “pirate ship”, and deleted “Lawns, shrubs, trees, and landscaping” from the bulleted list.

²⁹ The November 2, 2021 amendment replaced “§ 2(a)” with “subsection (a)”.

Part 3. Officers and Officials

§ 310. Assistance to the Secretary

The Association's By-Laws provide that the Secretary³⁰ "keep and maintain all records of the Association"³¹ If the Secretary asks any Trustee or other official of the Association to provide the Secretary with a copy of a record of the Association under the official's control or possession, the official will provide such copy within 15 business days of the request.

(Adopted January 23, 2014 as § 9. Renumbered as § 310 and amended November 2, 2021.)

§ 320. Assistance to the Treasurer

The Association's By-Laws provide that the Treasurer is to "directly or by delegation keep all accounting and financial records and records of all financial transactions of the Association."³² If the Treasurer asks any Trustee or other official of the Association to provide the Treasurer with a copy of an³³ accounting or financial record or a record of a financial transaction of the Association under the official's control or possession, the official will provide such copy within 15 business days of the request.

(Adopted January 23, 2014 as § 10. Renumbered as § 320 and amended November 2, 2021.)

§ 321. Additional Duties of the Treasurer.

In addition to the duties set out in the governing documents of the Association, the Treasurer shall:

- (a) Unless the Board of Trustees provides otherwise, oversee the distribution of the annual assessment letter, which shall be written by the President.³⁴
 - (i) Such letter may be sent by electronic mail to any member of the Association who has authorized the Association - in writing - to send the assessment letter by electronic mail, provided that all of the requirements of § 113.1 of the Maryland Homeowners Association Act³⁵ have been met.³⁶

³⁰ The November 2, 2021 amendment replaced "Secretary is" with "Secretary".

³¹ By-Laws Article XIV, § 7.

³² By-Laws Article XIV, § 8.

³³ The November 2, 2021 amendment replaced "a an" with "an".

³⁴ Until the amendment of November 2, 2021, the first sentence of subsection (a) read:

Unless the Board of Trustees provides otherwise, oversee the distribution of the annual assessment letter, which shall be written by the President and shall include the annual notification required by § 10B-7A of the Montgomery County Code

³⁵ The March 1, 2016 amendment added "Act".

³⁶ See § 113.1 of the Maryland Homeowners Association Act (Md. Real Property Code § 11B-113.1), above.

- (ii) For members who have not authorized the Association - in writing - to send the assessment letter by electronic mail, the assessment letter will be sent: (1) either by first class mail or (2) hand delivered.³⁷
- (b) Oversee the distribution of overdue notices to any member of the Association who is not current with their assessments or any other charges due to the Association.
- (c) Maintain a list of the homeowners of all the properties within the Association.
- (d) Provide to any homeowner, prospective³⁸ buyer, or real estate professional a copy of a certificate indicating whether all assessments on their property have been paid.³⁹
- (e) Cause to be placed and/or removed⁴⁰ liens on properties as necessary to collect overdue assessments, subject to any rules adopted by the Board of Trustees.
- (f) Pay the annual Montgomery County Common Ownership Communities registration fee and submit any related forms required by the Commission on Common Ownership Communities.⁴¹
- (g) By June 1 of each year (or at such other time as may be provided by law), pay the annual Montgomery County Hazardous Material permitting fee administered by the Office of Emergency Management and Homeland Security (or its successors) and submit any related forms required by the Office.⁴²
- (h) Submit all forms and payments necessary to meet the Association's tax obligations. The Treasurer, however, shall not take any actions that may result in a change of the Association's tax status, without first receiving the approval of the Board of Trustees.

³⁷ The November 2, 2021 amendment replaced "will either be sent by first class mail or will be" with "will be sent (1) either by first class mail or (2)".

³⁸ The November 2, 2021 amendment replaced "perspective" with "prospective".

³⁹ Article XII, § 2(f) of the BPR By-Laws provides that:

It shall be the duty of the Board of Trustees: . . .

- (a) To issue, or to cause an appropriate officer to issue, upon demand by any Owner a certificate setting forth whether his assessment has been paid. Such certificate shall be conclusive evidence of the assessment therein state to have been paid.

⁴⁰ The November 2, 2021 amendment replaced "Place and remove" with "Cause to be placed and/or removed".

⁴¹ Section 10B-7(a) of the Montgomery County Code provides that:

- (1) Each common ownership community must register with the Commission annually, and identify its elected leadership and managing agents, on a form provided by the Commission.
- (2) Failure to register, or making a false statement on a registration form, is a class A violation and also makes the community ineligible to file a dispute under Article 2.
- (3) The governing body of a homeowners' association, the council of unit owners of a condominium, and the board of directors of a cooperative housing corporation are responsible for compliance with this subsection, including the payment of any registration fee.

⁴² As of July 24, 2012, the Hazardous Materials Use Permit process has been governed by Montgomery County Executive Regulation 3-12AM. A link to the regulation is available on <http://montgomerycountymd.gov/oemhs/hazmat/index.html>.

- (i) Serve as the primary point of contact between the Association and the auditor, designated by the Board of Trustees, pursuant to Article XII, § 2(d) of the ByLaws.⁴³
- (j) Ensure that the guest fees are picked up from the pool on a daily basis, on those days that the pool is open to guests.
- (k) Coordinate distribution of season passes with the Pool Pass Coordinator.⁴⁴
- (l) Certify in writing that the Association has delivered the annual notices called for in §§ 321(a), 330(e), and 330(f) of the Plan of Organization, as authorized by the lot owner and recorded in the Association's records.⁴⁵
- (m) At least twice per week, pick up and distribute the mail that is delivered to the Association's post office box.
- (n) Submit room reservation requests, in a timely fashion, to the Montgomery County Office for Community Use of Public Facilities (CUPF) for any authorized Association meeting or activity that will be held in a public school or other public facility available through CUPF.⁴⁶
- (o) Unless the Board of Trustees decides otherwise, serve as the primary point of contact with the Association's solid waste removal contractor.

(Adopted September 30, 2015 as § 14. Subsection (a)(i) was amended March 1, 2016. Renumbered as § 321, subsections (a) and (k) were amended, and subsections (l) to (o) were added November 2, 2021.)

§ 325. Assistant Treasurer

[Repealed]⁴⁷

(Adopted February 2, 2016 as § 15. Renumbered as § 325 and repealed November 2, 2021.)

⁴³ Article XII, § 2(d) of the BPR By-Laws provides that:

It shall be the duty of the Board of Trustees: . . .

- (a) To provide an accounting of the financial records of the Association for each fiscal year. The accounting shall be made by a Certified Public Accountant, selected by the Board of Trustees. The report of the accounting shall be disseminated to the membership by mail or by publication.

⁴⁴ Prior to November 2, 2021, subsection (k) read:

- (k) Provide the Season Pass Coordinator with
 - (i) mailing labels for all paid-up members, to facilitate mailing the passes; and
 - (ii) current information on who is paid-up.

⁴⁵ Section 113.1(a)(3) of the Maryland Homeowners Association Act requires that for a notice by e-mail to be valid, "An officer or agent of the homeowners association certifies in writing that the homeowners association has provided notice of a meeting or delivered material or information as authorized by the lot owner."

⁴⁶ Prior to November 2, 2021, the subsection read:

Submit room reservation forms to the Montgomery County Office for Community Use of Public Facilities for any Board of Trustees or general membership meeting that will be held in a public school.

⁴⁷ This section originally read:

§ 330. Administrative Assistant.

The Administrative Assistant shall:

- (a) Provide the Board of Trustees each month with an activity report to include a list of the upcoming dates mandated by statute, contract, or the Association's governing documents.
- (b) [transferred to § 321(m)]
- (c) [transferred to § 321(n)]
- (d) Concerning the Board member training requirement mandated by Montgomery County Code § 10B-17(h):⁴⁸
 - (i) maintain a list indicating - for each Board member - the deadline for that Board member to complete the training and when the Board member completed the training;
 - (ii) retain a copy of the certificate of completion from each Board member who has completed their training;

Under the direction of the Treasurer, the Assistant Treasurer shall:

- (a) electronically record payments received by the Association;
- (b) during each day that the post office has normal business hours in February (and at such other times as the Treasurer designates) pick up assessment payments that were received at the Association's post office box; and
- (c) perform such bookkeeping and other duties as may be delegated by the Treasurer.

⁴⁸ Montgomery County Code § 10B-17(h) to (k) provides that, effective January 1, 2016:

- (h) A member of the governing body of a common ownership community must successfully complete the educational curriculum developed by the Commission or a similar educational curriculum administered by another organization that is approved by the Commission within 90 days after being elected or appointed to the governing body for the first time. The governing body must:
 - (1) certify that each member has successfully completed this training to the Commission;
 - (2) retain a copy of the certificate of completion for inspection by members of the association for the duration of the governing body member's service; and
 - (3) report to the Commission no later than December 31 of each year membership data required by the Commission, including
 - (A) the name and address of each member of the board;
 - (B) the date each member completed the required training;
 - (C) the number of vacancies on the board; and
 - (D) the length of time each vacancy existed.
- (a) A failure to satisfy the training requirement in subsection (h) does not:
 - (1) remove the member from the governing body; or
 - (2) invalidate a vote made by the member.
- (b) The Commission may exercise its authority under Section 10B-19(a) to ensure compliance with the training required by Subsection (h).
- (c) A hearing panel or a hearing examiner may consider a board member's failure to complete the training required by Subsection (h), if relevant in deciding a dispute under Section 10B-13.

The effective date provision associated with Montgomery County Code § 10B-17(h) to (k) provides that:

Each member of the governing body of a common ownership community who was appointed or elected before this law takes effect must successfully complete the training requirements contained in Section 1 within 90 days after being elected for a new term of office that begins after this law takes effect.

- (iii) provide a copy of the list and the certificates to the Webmaster for publication on the Association's website;
 - (iv) report to the Board once a month on each Board member's compliance with the County requirement; and
 - (v) submit to the Montgomery County Commission on Common Ownership Communities the report required by Montgomery County Code § 10B-17(h)(3).⁴⁹
- (e) If requested to do so by the Secretary, assist with (or oversee the distribution of) the notice of the annual meeting notice or the notice of any special general membership meeting.⁵⁰
- (i) The President is responsible for writing the notices.
 - (ii) The notices may be sent by electronic mail to any member of the Association who has authorized the Association - in writing - to send the assessment letter by electronic mail, provided that all of the requirements of § 113.1 of the Maryland Homeowners Association Act⁵¹ have been met.⁵²
 - (iii) For members who have not authorized the Association - in writing - to send the notices by electronic mail, the notices will either be sent by first class mail or will be hand delivered.

⁴⁹ See footnote 47, above.

⁵⁰ Article VIII, § 3 of the BPR By-Laws provides that:

Written notice of any meeting of the membership shall be given by the Secretary to all persons who have become members of the Association at least five (5) calendar days prior to the date on which such notice is given, and whose membership is then in effect. Written notice of the Annual Meeting shall be given at least thirty (30) calendar days prior thereto. Written notice of any special meeting shall be given at least fifteen (15) calendar days thereto. Notice of the Annual meeting and for any meeting for business specified in Sections 4 and 5 of Article V of the Declaration shall be sent to each member by first class mail, to the address appearing on the records of the Association.

⁵¹ The March 1, 2016 amendment added "Act".

⁵² Section 113.1 of the Maryland Homeowners Association Act (Md. Real Property Code § 11B-113.1) provides that:

(a) In general. -- Notwithstanding language contained in the governing documents of a homeowners association, the homeowners association may provide notice of a meeting or deliver information to a lot owner by electronic transmission if:

- (1) The board of directors or other governing body of the homeowners association gives the homeowners association the authority to provide notice of a meeting or deliver information by electronic transmission;
- (2) The lot owner gives the homeowners association prior written authorization to provide notice of a meeting or deliver information by electronic transmission; and
- (3) An officer or agent of the homeowners association certifies in writing that the homeowners association has provided notice of a meeting or delivered material or information as authorized by the lot owner.

(b) Ineffective notice. -- Notice or delivery by electronic transmission shall be considered ineffective if:

- (1) The homeowners association is unable to deliver two consecutive notices; and
- (2) The inability to deliver the electronic transmission becomes known to the person responsible for sending the electronic transmission.

(c) Ineffective notice -- Effect. -- The inadvertent failure to deliver notice by electronic transmission does not invalidate any meeting or other action.

- (iv) The notice of the annual meeting shall include the annual notification required by § 10B-7A of the Montgomery County Code.⁵³
- (a) if requested to do so by the Nominating Committee, assist with (or oversee the distribution of) the 60-day notice from the Nominating Committee called for in Article X, § 1 of the ByLaws.⁵⁴ The rules set out in § 13(e)(ii) and (iii) of this Plan of Organization will govern the use of electronic mail, first class mail, and hand delivery for the Nominating Committee's notice.
- (b) Maintain a list of the properties that are not currently within the Association, but that the general membership has permitted to join the Association in accordance with Article II, § 2(c) of the Covenant of March 13, 1968 (recorded in the Montgomery County Land Records on March 20, 1968, in Liber 3721, Folios 339 to 351).⁵⁵

⁵³ Section 10B-7A of the Montgomery County Code provides that:

The governing body of a community association must, at least annually, distribute information in a form reasonably calculated to notify all owners about the availability of dispute resolution, education, and other services to owners and residents of common ownership communities through the Office [of Consumer Protection] and the Commission [on Common Ownership Communities]. The governing body may satisfy this requirement by including with any annual notice or other mailing to all members of the community association any written materials developed by the Office to describe the Commission's services.

⁵⁴ Article x, § 1 of the By-Laws, provides that:

Nominations for the office of Trustee shall be made by a Nominating Committee appointed by the President. The Nominating Committee shall make every reasonable effort to present at least twice as many nominees as there are vacancies to be filled by election. There shall be adequate notice of these nominees to the membership at least sixty (60) calendar days prior to the notice of the Annual Meeting. Additional nominations may also be made by petition of at least five (5) members and accepted in writing by the Secretary at least forty-five (45) calendar days prior to the meeting at which the election is held. There shall be official notice of all nominees to the membership at the same time as the notice of the Annual Meeting. No nominations may be made from the floor.

⁵⁵ Article II, § 2(c) of the Covenant of March 13, 1968 provides that:

Upon approval in writing of the Association pursuant to a vote of its Members in its Articles of Incorporation, the Owner of any property who desires to add to the scheme of this Declaration and to subject it to the jurisdiction of the Association, may file of record a Supplemental Declaration of Covenants and Restrictions as described in subsection (a) hereof.

Section 2(a) of the Covenant provides that:

The Developer, its successors and assigns, shall have the right to bring within the scheme of this Declaration additional properties in future stages of the development, provided that such additions are substantially in accord with the preliminary plats of Strathmore at Bel Pre, Sections 6 through 10, and Sections 13 through 20, submitted for review under various dates to the Maryland National Capital Park & Planning Commission. Such subdivision plats shall not bind the Developer, its successors and assigns to make the proposed additions or to adhere to such plats in any subsequent development of the land shown thereon.

The additions authorized under this and the succeeding subsection shall be made by filing of record a Supplemental Declaration with respect to the additional property which shall extend the scheme of the Declaration to such property. Such Supplemental Declaration may contain such complementary additions and modifications of the Covenants and Restrictions contained in this Declaration as may be necessary to reflect the different character, if any, of the added properties and as are not inconsistent with the scheme of this Declaration. In no event, however, shall such Supplemental Declaration revoke, modify or add to the covenants established by this Declaration with the Existing Property.

- (c) Maintain a list of all rental properties within the Association;^{56 57}
- (d) At the request of the Montgomery County Department of Housing and Community Affairs - and after consulting with the President - provide the Department with a list of rental properties within the Association.⁵⁸
- (e) If requested by the Treasurer, assist with the compilation of information needed for the annual audit.
- (f) [transferred to § 321(o)]⁵⁹
- (g) At the request of the Season Pass Coordinator, assist the coordinator.
- (h) Refer all requests for homeowner association documents to the Chair of the Governing Documents Committee or person otherwise designated by the President, with the approval of the Board of Trustees.⁶⁰
- (i) Refer to the Treasurer all requests for certification of whether assessment payments on their property are up to date.
- (j) Assist the President, at the President's request.

(Adopted September 30, 2015 as § 13. The March 1, 2016 amendment modified subsections (e)(ii), (h), and (k) and added a footnote to subsection (i). The January 7, 2020 amendment replaced the text of subsection (m). The November 2, 2021 amendment renumbered as § 330, transferred subsections (b) and (c) to § 321, and added subsection (e)(iv).)

⁵⁶ Montgomery County Code § 29-51(g), which provides that:

Each landlord of a rental dwelling unit in a community must report to the governing body of the community the rental status of each unit owned by the landlord. Any status change must be reported to the governing body, or its delegated agent, within 10 days after the change.

Article VI, § 1 of the BPR By-Laws provides that:

Any member may share his right of use and enjoyment in the Common Areas with the members of his family who reside in his household upon the Properties or alternatively, transfer those rights to any of his tenants who reside upon the Properties. Such member shall notify the Secretary of the Association in writing of the name of any such person and of the relationship of the member to such person.

⁵⁷ Prior to the adoption of the March 1, 2016 amendment, subsection (h) read:

Maintain a list of all properties where:

- (i) the Owner has transferred their right to use the pool and other common facilities to a renter, or
- (ii) the postal address of the Owner is not the same as the postal address for the property.

⁵⁸ Montgomery County Code § 29-51(h) provides that:

The governing body of a common ownership community must file with the Department [of Housing and Community Affairs] information provided by the landlord identifying each dwelling unit in the community that is rented by the owner to another person. The information must identify the unit and the name and address of the landlord to the extent that the landlord provides this information.

⁵⁹ When originally adopted September 30, 2015, subsection (k) read:

Unless the Board of Trustees decides otherwise, serve as the primary point of contact with the Associations solid waste removal contractor.

The March 1, 2016 amendment replaced "Associations" with "Association's".

⁶⁰ Prior to the January 7, 2020 amendment, subsection (m) read "Refer all requests for homeowner association documents to the President."

§ 340. Grounds and Landscaping Coordinator.

The Grounds and Landscaping Coordinator shall

- (a) advise the Board on the condition and maintenance of the lawns, shrubs, trees, and landscaping on the property owned by the Association at 13920 Bethpage Lane and (unless the Board shall provide otherwise) oversee any contracts approved by the Board concerning the lawns, shrubs, trees, and landscaping; and
- (b) prior to the Finance Committee's meeting to prepare the proposed annual budget, advise the Chair of the Finance Committee on the projected costs associated with the lawns, shrubs, trees, and landscaping.

(Adopted November 2, 2021.)

§ 345. New Member Recruitment Coordinator.

The New Member Recruitment Coordinator shall:

- (a) Periodically reach out to the owners of the Strathmore Bel Pre opt-in homes and advise them of the process to join the Association;
- (b) Serve as the primary point of contact between the Association and opt-in home owners interested in joining the Association; and
- (c) File in the Montgomery County Land Records any Declarations adding new homes to the Association.

(Adopted November 2, 2021.)

§ 350. Pavilion Coordinator.

The responsibilities of the Pavilion Coordinator and the method by which the Pavilion Coordinator is appointed are specified in the Recreational Facilities Policy.⁶¹

(Adopted January 23, 2014 as § 11. Renumbered as § 350 and amended November 2, 2021.)

§ 355. Pool Pass Coordinator.

The Pool Pass Coordinator shall:

- (a) Ensure that pool passes are distributed to each household that has requested them in accordance with the Recreational Facilities Policy.
- (b) Perform such other duties as are assigned to the Coordinator under the Recreational Facilities Policy.

(Adopted November 2, 2021.)

⁶¹ Before the November 2, 2021 amendment, the section read:

The first sentence of the Pavilion Rules (adopted by the Board of Trustees, May 19, 2008) provides that:

One member of the Bel Pre Recreational Association (BPRA) Board of Trustees will assume the role of Pavilion coordinator.

That sentence is hereby amended to read:

The Board of Trustees of the Bel Pre Recreational Association (BPRA) will appoint the Pavilion Coordinator.

§ 360. Tennis and Pickleball Courts Key Distributor.

The Tennis and Pickleball Courts Key distributor shall administer the rules for distributing the keys to the tennis and pickleball courts set out in § 403 of the BPRA Recreational Facilities Policy.

(Adopted November 2, 2021.)

Part 4. Elections

§ 401. Elections.

(a) **Purpose.** The purpose of these rules is to encourage members to hear the candidates before voting and to provide for a consistent system of ballot distribution and voting.

(b) **Statements by candidates.** After the President calls the annual meeting to order, 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 may speak for up to⁶² five minutes.

(c) **Ballots.** Ballots will list the candidates in alphabetical order and will not indicate which candidates are incumbents or otherwise suggest a preference among candidates.⁶³ The ballot shall prominently display the **recommendation that the member not cast their ballot until after all of the candidates have addressed the membership.**⁶⁴

(d) Membership list.

- (i) The Association's By-Laws provide that the Secretary is [to] "keep a record of all members" of the Association.⁶⁵ No later than ten days before the annual meeting, the Treasurer⁶⁶ will provide the Secretary with a list of the owner(s) of each property (i.e., "lot") within the Association. The list will be in alphabetical order by street (and within each street in numerical order by street address number). The list will also indicate if there is an unpaid assessment for the property.
- (ii) If the ownership of a property changes⁶⁷ after the Treasurer⁶⁸ provides the list to the Secretary, then the Treasurer⁶⁹ will promptly notify the Secretary.

(e) Check-in table.

- (i) Each member of the Association must come to the check-in table to receive their ballot. The check-in table will be operated by the three check-in judges appointed by the Nominating Committee. No one is to sit at the check-in table

⁶² The amendment of November 2, 2021, replaced "will be given" with "may speak for up to".

⁶³ 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.

⁶⁴ The amendment of November 2, 2021, added "The ballot shall . . . **the membership.**"

⁶⁵ By-Laws Article XIV, § 7.

⁶⁶ The amendment of September 30, 2015, replaced "Administrative Assistant" with "Treasurer".

⁶⁷ The amendment of March 1, 2016, added "changes".

⁶⁸ The amendment of September 30, 2015, replaced "Administrative Assistant" with "Treasurer".

⁶⁹ The amendment of April 5, 2106, replaced "Administrative Assistant" with "Treasurer".

except the three check-in judges and the member(s)⁷⁰ of the Association checking in. Each candidate may designate one person to watch the operation of the check-in table, but these watchers may not interfere with the operation of the table.

- (ii) Copies of the results of the Association's candidate questionnaire from the current issue of *the Bugle* will be available at the check-in table.
- (iii) Each member of the Association who comes to the check-in table to receive a ballot, must provide the check-in judges with their address, name, and any other information requested by the check-in judges deemed necessary to establish that member's right to receive a ballot.⁷¹
- (iv) If the member of the Association seeking a ballot is on the membership list as having no unpaid assessments and is the owner of a property for which a ballot has not yet been issued, then the check-in judges will each initial the back of a blank ballot and present it to the Association member.⁷²
- (v) Check-in and ballot distribution will start 45 minutes before the start of the meeting.
- (vi) Questions about the check-in rules will be resolved by a majority of the check-in judges. If a majority of the check-in judges cannot come to an agreement, the President will resolve the question, unless the President is a candidate for election at the time, in which case the highest ranking officer *not* standing for election will resolve the question.⁷³

(f) Ballot box table.

- (i) Each member of the Association must bring their ballot to the check-in table to cast their vote. The check-in table will be operated by the three ballot box judges appointed by the Nominating Committee. No one is to sit at the ballot box table except the three ballot box judges and the member(s)⁷⁴ of the Association casting their ballot. Each candidate may designate one person to watch the operation of the ballot box table, but these watchers may not interfere with the operation of the table.
- (ii) Before the first ballot is put in the ballot box, the three ballot box judges will inspect the ballot box to ensure that it is empty and shall show the empty ballot box to any watcher designated by a candidate according to subsection (f)(i), above.

⁷⁰ The amendment of November 2, 2021, replaced "member" with "member(s)" in the third sentence.

⁷¹ The amendment of November 2, 2021, added "deemed necessary to establish that member's right to receive a ballot".

⁷² The amendment of November 2, 2021, deleted "One of the check-in judges will recommend that the member not cast their vote until after all of the candidates have spoken."

⁷³ The amendment of November 2, 2021, added " , unless the President . . . resolve the question".

⁷⁴ The amendment of November 2, 2021, replaced "member" with "member(s)".

- (iii) Before a ballot is placed in the ballot box, the ballot box judges will inspect the back of the ballot to verify that it has been initialed by the three check-in judges.
- (iv) To encourage Association members to wait to cast their ballot until after each of the candidates have spoken, the check-in table and the ballot box table will be in different parts of the room, to the extent practical.
- (v) no ballots will be accepted until the start of the meeting.⁷⁵
- (vi) Questions about balloting or counting ballots will be resolved by a majority of the ballot box judges. If a majority of the ballot box judges cannot come to an agreement, the President will resolve the question, unless the President is a candidate for election at the time, in which case the highest ranking officer *not* standing for election will resolve the question.⁷⁶

(g) **Deadline for voting.** Once the last candidate has made their statement, the President will announce that balloting will close in ten minutes. Anyone with a ballot who was on line at the ballot box table at the end of the ten minute period may⁷⁷ still vote.

(h) Counting of the ballots.

- (i) Once balloting has closed, the ballot box judges will count the ballots.⁷⁸ The watchers designated by the candidates in subsection (f)(i), above, may observe the counting, but may not interfere in the process. The watchers may not touch any ballot, the ballot box, or the ballot box table. Once the counting has been completed, the ballot box judges will notify the President of the result. The President will announce the results to the membership present at the annual meeting.
- (ii) As provided in the Association's governing documents:
 - (A) only one ballot may be cast for each property,⁷⁹
 - (B) each ballot can cast as many votes as there are seats to be filled,⁸⁰
 - (C) cumulative voting is not permitted (i.e., casting more than one vote for the same person),⁸¹ and

⁷⁵ Subsection (f)(v) originally read "Beginning with 2015, no ballots will be accepted until the start of the meeting."

The September 30, 2015, amendment (which can be cited as the "Keating Amendment") replaced the subsection with "No ballots will be accepted until the last candidate has made their statement."

The November 1, 2016, amendment restored the original rule, effective with the 2017 annual meeting.

⁷⁶ The amendment of November 2, 2021, added ", unless the President . . . resolve the question".

⁷⁷ The amendment of November 2, 2021, replaced "my" with "may".

⁷⁸ Montgomery County Code § 10B-17(f) provides that:

Until the time for voting closes, an association must not open or count election ballots.

⁷⁹ Covenant of March 13, 1968, Article III, § 2.

⁸⁰ By-Laws Article X, § 2.

⁸¹ By-Laws Article X, § 2.

(D) proxy voting is not permitted.⁸²

(iii) The Association's By-Laws⁸³ 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.

(i) **Quorum.** If the annual meeting fails to have a quorum, balloting will begin again at the reconvened meeting⁸⁴ and ballots cast at the original annual meeting will not be counted.

(Adopted October 27, 2014 as § 12. Subsections (d) and (f)(v) were amended September 30, 2015. Subsection (d)(ii) was amended (and footnotes were added to subsections (c) and (h)(i)) March 1, 2016. Subsection (f)(v) was amended again November 1, 2016. Renumbered as § 401 and subsections (b), (c), (e)(i), (e)(iii), (e)(iv), (e)(vi), (f)(i), (f)(vi), and (g) were amended November 2, 2021.)

§ 405. COVID Era Elections.⁸⁵

(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 COVID-19 pandemic. These rules are adopted in accordance with the COVID-19⁸⁶ 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, including §§ 208 and 401 of this Plan.⁸⁷ 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 order⁸⁸, 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 may speak for up to⁸⁹ 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.⁹⁰

⁸² By-Laws Article VIII, § 6.

⁸³ By-Laws Article X, § 2.

⁸⁴ By-Laws Article VIII, § 5.

⁸⁵ Prior to November 2, 2021, the heading read: **2020 Elections.**

⁸⁶ The April 5, 2022 amendment replaced "the 2020 COVID-19" with "the COVID-19".

⁸⁷ The amendment of November 2, 2021, added "including §§ 208 and 401 of this Plan".

⁸⁸ The amendment of November 2, 2021 deleted "on November 19".

⁸⁹ The amendment of November 2, 2021, replaced "will be given" with "may speak for up to".

⁹⁰ Montgomery County Code § 10B-17(b) provides that:

(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 the address specified in the annual meeting notice⁹¹) which shall have (printed on the envelope) a form that the member must 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 1 month before the Annual Meeting. If a member does not receive their ballot on or about 1 month before the Annual Meeting, the member may contact the Treasurer, before 3 days before the Annual Meeting, who is authorized to issue an appropriately marked replacement ballot and official return envelope.⁹²

(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 the address specified in the annual meeting notice. The outside of the envelope must indicate the address of the property within the Association that the ballot is being voted for and the attestation that the sender is authorized to file the ballot on behalf of the property.

(f) Voting Deadline.

(i) The deadline will be the day after the Annual Meeting, at 7:30 p.m. unless there is no quorum at the Annual Meeting. If there is no quorum at the Annual Meeting, then the deadline will be 24 hours after the first Wednesday of December, at 7:30 pm. If there is not a quorum at either the Annual Meeting or at the first Wednesday of December general membership meeting, then none of the ballots will be valid, the seats on the Board that are the subject of the ballot⁹³ will be declared to be

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.

⁹¹ The November 2, 2021 amendment replaced “2232 Deckman Lane” with “the address specified in the annual meeting notice” in subsections (d), (e), (f)(ii), and (h)(ii).

⁹² The amendment of November 2, 2021 replaced “is to” with “must”; both occurrences of “October 19, 2020” with “1 month before the Annual Meeting”; and “November 16, 2020” with “3 days before the Annual Meeting”.

⁹³ The amendment of April 5, 2022 replaced “three seats on the Board” with “seats on the Board that are the subject of the ballot”.

vacant, and the Board of Trustees will fill the vacancies according to the process set out in Article IX, § 3 of the By-Laws.^{94, 95}

- (ii) Only ballots that are submitted by members in good standing (as defined in subsection (g)) and actually received at the address specified in the annual meeting notice no later than the deadline will be valid or counted. Ballots received at the address specified in the annual meeting notice 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.⁹⁶ Ballots submitted for a property where the owner is not in good standing for that property will not be counted.⁹⁷ Where an owner owns more than one property within the Association, the owner is entitled to vote as many ballots as properties for which the owner is in good standing.⁹⁸

(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 (or at the reconvened annual meeting) where a quorum is established⁹⁹, 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 the address specified in the annual meeting notice will be opened before the voting deadline specified in

⁹⁴ 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.

⁹⁵ The amendment of November 2, 2021 replaced “Thursday, November 19, annual meeting” with “Annual Meeting”; “November 19 meeting” with “Annual Meeting”; “Friday, November 20” with “the day after the Annual Meeting”; “Wednesday December 2” with “24 hours after the first Wednesday of December”; and “December 2 general” with “first Wednesday of December general”.

⁹⁶ 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.

⁹⁷ By-Laws Article V, § 2 (as authorized by the 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. . .

⁹⁸ By-Laws Article X, § 2 and Covenant of March 13, 1968, Article III, § 2.

⁹⁹ The November 2, 2021 amendment replaced “on November 19” with “(or at the reconvened annual meeting) where a quorum is established”.

subsection (f),¹⁰⁰ 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.

(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 so¹⁰¹ 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

¹⁰⁰ Montgomery County Code § 10B-17(f) provides that:

Until the time for voting closes, an association must not open or count election ballots.

¹⁰¹ 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.

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 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.

(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 candidates than trustee positions being elected,¹⁰² 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.¹⁰³ 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 BPR 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 ask each Tabulator to report

¹⁰² The amendment of April 5, 2022 replaced “than three candidates” with “candidates than trustee positions being elected”.

¹⁰³ By-Laws Article X, § 2 (3rd sentence) provides that:

There shall be no cumulative voting.

their respective tallies for each candidate, and if in agreement, shall then¹⁰⁴ 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 the place equal to the number of seats on the Board of Trustees being filled (for instance, if 3 seats are being filled, then the candidate who received the third highest vote total);¹⁰⁵
- the number of votes cast so far for the candidate who is in the place equal to one more than the number of positions on the Board of Trustees being filled (for instance, if 3 seats are being filled, then the candidate who received the fourth highest vote total);¹⁰⁶ and
- whether the number of unopened provisional ballots is less than the difference between the number of votes cast so far for those two candidates.¹⁰⁷

If the difference between the number of votes cast so far for those two¹⁰⁸ candidates is greater than the number of unopened provisional ballots, then the unopened provisional ballot envelopes will not be counted and the Treasurer shall

- announce that even if all of the remaining unopened provisional ballots were for the candidate with the most votes that was not successful and none of them were for the candidate with the most votes that was not successful,¹⁰⁹ they would not change who was elected;
- announce that the candidates who¹¹⁰ 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.

If the Tabulators' counts differ from candidate to candidate, then the Treasurer will repeat the envelope-by-envelope count of each ballot as many times as

¹⁰⁴ The amendment of November 2, 2021, added “ask each Tabulator . . . agreement, shall then”.

¹⁰⁵ The amendment of April 5, 2022 replaced “third place” with “the place equal to the number of seats on the Board of Trustees being filled (for instance, if 3 seats are being filled, then the candidate who received the third highest vote total)”.

¹⁰⁶ The amendment of April 5, 2022 replaced “fourth place” with “the place equal to one more than the number of positions on the Board of Trustees being filled (for instance, if 3 seats are being filled, then the candidate who received the fourth highest vote total)”.

¹⁰⁷ The amendment of April 5, 2022 replaced “the third and fourth place” with “those two”.

¹⁰⁸ The amendment of April 5, 2022 replaced “the third and fourth place” with “those two”.

¹⁰⁹ The amendment of April 5, 2022 replaced “4th place candidate and none of them were for the 3rd place candidate” with “candidate with the most votes that was not successful and none of them were for the candidate with the most votes that was not successful”.

¹¹⁰ The amendment of April 5, 2022 replaced “receiving the three highest vote totals” with “who”.

necessary until the Tabulators' vote counts are identical before proceeding to the assessment and counting of provisional ballots.¹¹¹

- (xii) **Reviewing Provisional Ballot envelopes.** If the difference between the number of votes cast so far for the successful candidate who received the fewest votes and the unsuccessful candidate who received the most votes is less than the number of unopened provisional ballots, the Elections Committee will review each provisional ballot envelope without opening the envelope. (For instance, if 3 seats are being filled, the successful candidate who received the fewest vote would be the third place candidate, and the unsuccessful candidate who received the most votes would be the fourth place candidate.) 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.¹¹²
- (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-Laws¹¹³ 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.

(Adopted October 6, 2020 as § 12A. Renumbered as § 405, and the section heading and subsections (a), (b), (d), (e), (f)(ii), (h)(ii), and (h)(xi) were amended November 2, 2021. Subsections (a), (f)(i), (h)(x)(A), (h)(xi), and (h)(xii) were amended April 5, 2022.)

¹¹¹ The amendment of November 2, 2021, added "If the Tabulators' counts differ . . . provisional ballots."

¹¹² Prior to the April 5, 2022 amendment, subsection (h)(xii) read:

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.

¹¹³ By-Laws Article X, § 2.

Part 5. Budget and Finance

§ 510. Annual Assessments.

- (a) Between December 1 and January 29 of the following year,¹¹⁴ the Board should adopt a motion setting the amount of the annual assessment for each Lot for the upcoming fiscal year.
- (b) If the Board does not adopt a motion between December 1 and January 29 setting the amount of the annual assessment, but does (during that period of time) adopt an annual budget which indicates an amount for the assessment of each Lot, then that amount shall be the assessment for each Lot for the upcoming fiscal year.
- (c) If the Board adopts neither of the motions specified in subsections (a) or (b) of this section, then the amount of the annual assessment for each Lot for the upcoming fiscal year shall be the same as the annual assessment for the previous March 1.
- (d) To the extent practical, the annual assessment letter should be sent out to the Lot owners to arrive by January 28 of each year.¹¹⁵
- (e) Starting with the adoption of the motion setting the amount of the annual assessment due March 1, 2025, the Board should specify which U.S. Bureau of Labor Statistics Consumer Price Index is being applied to determine the maximum and basis of the annual assessment. If the Board does not designate a specific index, then the index shall be the U.S. City Average CPI for the most recent 12-month period available.¹¹⁶
- (f) Starting with the information from at least 2018, the BPRA website should include for each year, (i) the maximum and basis of the annual assessment and (ii) the actual annual assessment.

(Adopted March 7, 2017 as § 16. The amendment of November 2, 2021 renumbered as § 510, amended subsection (a) and (d), and added subsections (e) and (f).)

§ 515. Accounting and Bookkeeping Firms.

No firm engaged to provide services as an accountant or a bookkeeper may serve more than four consecutive years without undergoing a competitive process.

(Adopted November 2, 2021.)

¹¹⁴ The amendment of November 2, 2021, replaced “of each year” with “of the following year”.

¹¹⁵ The November 2, 2021 amendment replaced “on or about February 1” with “to arrive by January 28”

¹¹⁶ At the January 23, 2020, General Membership meeting, the General Membership approved a proposal that:
the maximum and basis of the annual assessment of the BPRA shall be as follows:

...

- For the assessments due and payable on March 1 of each year starting March 1, 2025: the maximum and basis amount for the previous year increased (or decreased, if the amount is negative) by the appropriate U.S. Bureau of Labor Statistics’ Consumer Price Index designated by the Board of Trustees.