

**MBCA Board of Directors Meeting  
DRAFT Referendum Issues  
Updated July 2, 2011**



40 Referendum issues: **Items in purple reflect variations of the same section.**

1a. Officer and Director compensation.	Existing: 1.4.9 <u>Compensation or reimbursement of Directors and Officers</u> of the Association may be compensated for services in connection with these positions by proposing an amount annually (to be disbursed on a monthly basis) in the operational budget of the Association. Any such compensation approved will be accounted for by providing the compensated individual an IRS Form 1099.	Revised: 1.4.9 <u>Compensation or reimbursement of Directors and Officers</u> of the Association shall not be compensated for services in connection with these positions. They may be reimbursed for necessary expenses in connection with their service in accordance with policy established by the Board of Directors.	<i>Owner Comment: Let's give the owners the opportunity to decide whether to pay the officers and directors.</i>
1b. Authority to put the Association in debt.	Existing: 1.4.12.15 Borrow money, but in the event that any transaction would increase the total of all outstanding debt of the Association to an amount exceeding twenty-five percent (25%) of the current income derived from annual charges, it shall require approval of the General Membership by a referendum.	Revised: Delete in its entirety.	<i>Owners Comment: Delete Article 1.4.12.15 which gives a majority of 7 the power to put the association in debt of \$80,000. If we need that kind of money, just assess everyone \$50.</i>
1c. Authority to put the Association in debt.	Existing: 1.4.12.15 Borrow money, but in the event that any transaction would increase the total of all outstanding debt of the Association to an amount exceeding twenty-five percent (25%) of the current income derived from annual charges, it shall require approval of the General Membership by a referendum.	Revised: 1.4.12.15 Borrow money, but in the event that any transaction would increase the total of all outstanding debt of the Association to an amount exceeding five percent (5%) of the current income derived from annual charges, it shall require approval of the General Membership by a referendum.	<i>Compromise.</i>
1d. Change Capital Crime to a Felony.	Existing: <b>1.4.13.3</b> A Director or Officer will be automatically and immediately removed upon bringing suit against the Association, expressing intent to bring suit against the Association, or having a lien placed against their property, or upon being arrested and charged with a felony. The suspension procedures will not be implemented for these violations.	Revised: <b>1.4.13.3</b> A Director or Officer will be automatically and immediately removed upon bringing suit against the Association, expressing intent to bring suit against the Association, or having a lien placed against their property, or upon being arrested and charged with a felony. The suspension procedures will not be implemented for these violations.	<i>Owner comment: <b>NO NEED TO AMEND.</b> Whether it is a capital crime or a felony, both are malfeasance and the process of removal is already in place.</i>

<p>2. Remove: “After written notice is announced at a board meeting the resignation cannot be withdrawn.”</p>	<p>Existing: 1.4.14 RESIGNATION: A Director or Officer may resign at any time by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein. The acceptance of such resignation shall not be necessary to make it effective. Once announced at a Board Meeting, the resignation cannot be withdrawn. The replacement of the Director or Officer will follow the procedures outlined in the section on filling vacancies.</p>	<p>Revised: 1.4.14 RESIGNATION: A Director or Officer may resign at any time by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein. The acceptance of such resignation shall not be necessary to make it effective. The replacement of the Director or Officer will follow the procedures outlined in the section on filling vacancies.</p>	<p>Comment: This sentence should be removed - for example; the person resigning because of a work schedule conflict but before the effected date of resignation explains their work schedule was changed and now can attend meetings.</p> <p><b>Owner Comment: NO NEED TO AMEND. The reason for the change is weak at the most. If a board member can't make up their mind whether to stay on the board or not they shouldn't be on there anyway.</b></p>
<p>3. Give voting rights to unelected Secretary, Treasurer or Director</p>	<p>Existing: 1.4.15.3 Secretary: 1.4.15.3.2 In the event there is no one on the Board of Directors willing to fill the vacancy, a Secretary shall be appointed from the General Membership with the Board of Director's approval. Such appointment, by virtue of not having been elected by the General Membership, shall not have voting privileges at meetings but may make motions. The person appointed shall assume the office for the remainder of the unexpired term. 1.4.15.4 Treasurer: 1.4.15.4.2 In the event there is no one on the Board of Directors willing to fill the vacancy, a Treasurer shall be appointed from the General Membership with the Board of Director's approval. Such appointment, by virtue of not having been elected by the General Membership, shall not have voting privileges at meetings but may make motions. The person appointed shall assume the Office for the remainder of the unexpired term. 1.4.15.5 Director: 1.4.15.5.2 Second: If all unelected candidates decline, then the Board of Directors may use their discretion to either: 1.4.15.5.2.1 Appoint a member of the Association in good standing by majority of votes cast by the Directors to fill the unexpired</p>	<p>Revised: 1.4.15.3 Secretary: 1.4.15.3.2 In the event there is no one on the Board of Directors willing to fill the vacancy, a Secretary shall be appointed from the General Membership with the Board of Director's approval. The person appointed shall assume the office for the remainder of the unexpired term. 1.4.15.4 Treasurer: 1.4.15.4.2 In the event there is no one on the Board of Directors willing to fill the vacancy, a Treasurer shall be appointed from the General Membership with the Board of Director's approval. The person appointed shall assume the Office for the remainder of the unexpired term. 1.4.15.5 Director: 1.4.15.5.2 Second: If all unelected candidates decline, then the Board of Directors may use their discretion to either: 1.4.15.5.2.1 Appoint a member of the Association in good standing by majority of votes cast by the Directors to fill the unexpired term.</p>	<p>Comment: The person should have voting rights due to the responsibility of the position and we may not be able to attract qualified applicants if they are not allowed to vote.</p> <p><b>Comment: This is speculative that qualified applicants would not apply. The intent of the existing language is to prevent future Directors and Officers to shift the focus of the Board from that intended by the Owners. Allowing votes by those who the Board did not have an opportunity to consider undermines the votes of the Owners. Because the former Board-majority voted to seat only those unelected candidates known to vote with the majority and twice denied to seat an unelected candidate known to vote with the minority, the existing language is an attempt to maintain the sense of the Owners and not a partisan action by a future majority of the Board.</b></p> <p><b>Owner Comment: NO NEED TO AMEND. Agree with comment in yellow. Board members should not</b></p>

	<p>term; however, by virtue of not having received votes of the General Membership to represent the General Membership, the position will not have voting rights, however, the position may make and second motions (consistent with any other requirements of these Bylaws); or MBCA Operational and Procedures Manual (SECTION 1: Bylaws) Page 12 of 28</p>		<p><i>be able to vote if not elected by the owners.</i></p>
<p>4. Change the Order of Business for General Membership Meetings so that the election of Directors and Officers is the first order of business before guest speakers and reports.</p>	<p>Existing: 1.5.5.5 Order of Business The order of business at all regularly scheduled meetings of the General Memberships shall be as follows: 1.5.5.5.1 Roll call. 1.5.5.5.2 Proof of notice of meeting or waiver of notice. 1.5.5.5.3 Reading of minutes of preceding General Membership meeting. 1.5.5.5.4 Election of Directors and Officers. (August General Membership Meeting only.) 1.5.5.5.5 Reports of officers, if any. 1.5.5.5.6 Reports of committees, if any. 1.5.5.5.7 Old business. 1.5.5.5.8 New business. (Including submission of petitions.) 1.5.5.5.9 Adjournment</p>	<p>Revised: 1.5.5.5 Order of Business The order of business at all regularly scheduled meetings of the General Memberships shall be as follows: 1.5.5.5.1 Roll call. 1.5.5.5.2 Proof of notice of meeting or waiver of notice. 1.5.5.5.3: Election of Directors and Officers (August General Membership Meeting only.) 1.5.5.5.4: Guest Speaker (if any) 1.5.5.5.5: Reading of minutes of preceding General Membership meeting. 1.5.5.5.5 Reports of officers, if any. 1.5.5.5.6 Reports of committees, if any. 1.5.5.5.7 Old business. 1.5.5.5.8 New business. (Including submission of petitions.) 1.5.5.5.9 Adjournment</p>	<p>Comment: The main focus of the August General Membership Meeting is the election. All that follows the collection of ballots is time when the Teller Committee can be counting ballots so that the results can be announced and the meeting adjourned, if timing is appropriate. If there are few referendum items, the results of those votes can be counted while reports are continuing and can also be announced before the meeting adjourns.</p> <p><b>Owner Comment: NO NEED TO AMEND.</b> <i>The only proposed change is to move the reading of the minutes to after the election of the officers. The reading is always waived so, at most, this is a five minute exercise.</i></p>
<p>5. Clarify authority to call a Special Meeting of the Board of Directors.</p>	<p>Existing: 1.5.6.2.2 Special meetings of the Board of Directors may be called by the Vice President or Secretary in like manner and on like notice with the written request of at least one director.</p>	<p>Revised: 1.5.6.2.2 Special meetings of the Board of Directors may be called by the Vice President, Secretary, or Treasurer in like manner and on like notice with the written request of at least one director.</p>	<p>Comment: This section should be removed completely or add Treasurer. Only the President or the majority of the BOD should call for a special meeting if necessary as in the previous section.</p> <p><b>Owner Comment: NO NEED TO AMEND.</b> <i>Gives an officer and a board member the opportunity to call a special meeting with their concerns. This allows for more general input to the board.</i></p>

<p>6. Clarify and establish criteria to call a Special Meeting of the Board of Directors.</p>	<p>Existing: 1.5.6.2.2 Special meetings of the Board of Directors may be called by the Vice President or Secretary in like manner and on like notice with the written request of at least one director.</p>	<p>Revised: 1.5.6.2.2 Special meetings of the Board of Directors may be called by the Vice President and Secretary or Vice President and Treasurer in like manner and on like notice with the written request of at least one director.</p>	<p>Comment: The intent of the Bylaws Committee was to recommend that the VP can call for a special meeting with the agreement of at least one other officer and one director.</p> <p><i>Owner Comment: NO NEED TO AMEND. Gives an officer and a board member the opportunity to call a special meeting with their concerns. This allows for more general input to the board.</i></p>
<p>7. Create the Nominating Committee as a Special Committee at the first Board meeting after the August General Membership meeting, with the Chairman having the authority to select members.</p>	<p>Existing: 1.6.5.3.1.1 At the Board of Directors Meeting four months before the Annual August Meeting of Membership (normally the Board of Directors Meeting on the second Saturday in April) the President shall appoint one Director to serve as Chairman and another Director to serve as Co-chairman of a Nominating Committee.</p>	<p>Revised: 1.6.5.3.1.1 At the Board of Directors Meeting following the Annual August Meeting of the General Membership the President shall appoint one Director to serve as Chairman, who is not eligible for re-election the following August, of a Nominating Committee. The Committee members selected by the Chairman must not be eligible for re-election the following August.</p>	<p>Comment: The longer term for the Chairman increases the possibility of the community knowing who the Chairman is. The Chairman can select their members, like other Chairmen, but they cannot select an Officer or Director who would be eligible for re-election (whether they declare or not).</p> <p><i>Owner Comment: NO NEED TO AMEND. The reason for the change is to give the community an increased opportunity to know who the chairman is. Not really necessary. Four months is plenty of time. Also, the board has voted to allow members in good standing to be committee chairman. To keep things uniform the same should apply here. Not just a director as chairman.</i></p>
<p>8. Clarify the process of declaring to run for an Officer or Director position by notifying just one person. Delete: “the President, or Secretary” and add the word “Chairman” after “Nominating Committee.”</p>	<p>Existing: 1.6.5.3.1.5 Candidates must declare their candidacy for an Officer position or Board position to the Nominating Committee, the President, or Secretary no later than the first Friday of the month of June. Failure to declare will result in a candidate’s name not being written in on the election ballot. This does not preclude the candidate from being a write-in candidate or nominated from the floor.</p>	<p>Revised: 1.6.5.3.1.5 Candidates must declare their candidacy for an Officer position or Board position to the Nominating Committee Chairman no later than the first Friday of the month of June. Failure to declare will result in a candidate’s name not being written in on the election ballot. This does not preclude the candidate from being a write-in candidate or nominated from the floor.</p>	<p>Comment: This will ensure that no declarant is overlooked.</p> <p><i>Owner Comment: Probably a good idea, but could wait until April 2012 to vote on.</i></p>

<p>9. Change the deadline date to declare candidacy 60 days before the August General Membership Meeting.</p>	<p>Existing: 1.6.5.3.1.5 Candidates must declare their candidacy for an Officer position or Board position to the Nominating Committee, the President, or Secretary no later than the first Friday of the month of June. Failure to declare will result in a candidate’s name not being written in on the election ballot. This does not preclude the candidate from being a write-in candidate or nominated from the floor.</p>	<p>Revised: 1.6.5.3.1.5 Candidates must declare their candidacy for an Officer position or Board position to the Nominating Committee, the President, or Secretary no later than the third Saturday of the month of June. Failure to declare will result in a candidate’s name not being written in on the election ballot. This does not preclude the candidate from being a write-in candidate or nominated from the floor.</p>	<p>Comment: This would give candidates more time to file.</p> <p><i>Owner Comment: NO NEED TO AMEND. Extending the time is something that came up at the June board meeting with a lame excuse why it should be extended. If you go to the third week in June, then the report to the board will be the second week in July, which is a little late. If I’m thinking of running for the board in 2012. I know now that the filing date is the first Friday in June, which is 10 months away. Why do I need another two weeks?</i></p>
<p>10. Combine the two recommendations – that candidates declare to the Nominating Committee Chairman, and that the deadline to declare is the third Saturday in June.</p>	<p>Existing: 1.6.5.3.1.5 Candidates must declare their candidacy for an Officer position or Board position to the Nominating Committee, the President, or Secretary no later than the first Friday of the month of June. Failure to declare will result in a candidate’s name not being written in on the election ballot. This does not preclude the candidate from being a write-in candidate or nominated from the floor.</p>	<p>Revised: 1.6.5.3.1.5 Candidates must declare their candidacy for an Officer position or Board position to the Nominating Committee Chairman no later than the third Saturday of the month of June. Failure to declare will result in a candidate’s name not being written in on the election ballot. This does not preclude the candidate from being a write-in candidate or nominated from the floor.</p>	<p>Comment: This would ensure that no declarant is overlooked and candidates have more time to declare.</p> <p><i>Owner Comment: NO NEED TO AMEND. Extending the time is something that came up at the June board meeting with a lame excuse why it should be extended. If you go to the third week in June, then the report to the board will be the second week in July, which is a little late. If I’m thinking of running for the board in 2012. I know now that the filing date is the first Friday in June, which is 10 months away. Why do I need another two weeks?</i></p>
<p>11. Remove the section establishing a “vote by” deadline. And renumber accordingly.</p>	<p>Existing: 1.7.2.1 All who wish to vote must do so before 11am on the day of the Annual August General Membership meeting.</p>	<p>Revised: Deleted.</p>	<p>Comment: 1.7.2.7 establishes that the voting is closed after nominations are closed from the floor and the Teller Chairman announces “Last Call!” to collect votes.</p> <p><i>Owner Comment: Article 1.7.2.1 should be deleted as the subject is</i></p>

			<i>covered by article 1.7.2.7. This can wait till the April 2012 meeting, if necessary.</i>
12. Change time to vote to be set by chairman of nominating committee. Meeting may run over 11:00 am	Existing: 1.7.2 Voting procedure 1.7.2.1 All who wish to vote must do so before 11am on the day of the Annual August General Membership meeting.	Revised: 1.7.2 Voting procedure 1.7.2.1 All who wish to vote must do so before the time set by the Chairman of the Nominating Committee on the day of the Annual August General Membership meeting.	Comment: Meeting may run over 11:00 am.  <i>Owner Comment: Article 1.7.2.1 should be deleted as the subject is covered by article 1.7.2.7. This can wait till the April 2012 meeting, if necessary.</i>
13. Change voting process to reflect the one-property-one-vote-one-ballot (for each property).	Existing: 1.7.2.6 Owner’s owning more than one property may have one vote per property and must note the number of votes being cast. Owners of multiple properties must identify themselves (print and signature) and list the address of each property, which will be verified to validate their eligibility to have multiple votes.	Existing: 1.7.2.6 Owner’s owning more than one property will receive separate ballots for each property. Each ballot must be returned in the envelope provided. Owners of multiple properties who return more than one ballot in an envelope, those ballots will not be counted.	Comment: This facilitates the counting of ballots without the need to cross reference multiple owner properties (because some multiple property owners have registered them in names other than their own). The extra postage cost is insignificant.  NOTE: Acceptance of this change will also, for consistency, delete the last section of 1.7.2.2 regarding multiple property owners.  <i>Owner Comment: Needs to be changed but could wait until April 2012.</i>
13b. Establish a list of items the Association funds cannot be used for.	Existing: None.	Add: 1.8.1.1.8: Association dues shall not be used for any recreational, instructional, or entertainment activities of its owners.	Comment: Proposed by an Owner.  Comment: The basis for this recommendation is possibly to avoid future debates and arguments regarding social-type lessons and instructions such as water aerobics instruction.
13c.	Existing: 1.8.1.1.1 The cost of all operating expenses of the Association, including charges by the Association for facilities and services furnished by it; and	Revise: 1.8.1.1.1 The cost of all operating expenses of the Association, including charges to the Association for operating its facilities and servicing its properties (but not for any services such as instructional [such as tennis or swimming lessons] or social activities [such as hobby or special interest clubs]	Comment: Rather than an additional item, recommend revising the existing section with more of a definition of the intent of “services” in the original.  A compromise.

<p>14. Remove subsection 1.10.1.2.4, regarding “wolf dogs,” in its entirety. Dogs resulting from the mating of dogs and any member of the wolf family will be allowed in Montego Bay.</p>	<p>Existing: 1.10.1.2.4 No Owner shall keep any “wolf dogs” (i.e., the dog resulting from the mating of dogs and any member of the wolf family) or other similar dogs or animals which may be offensive or constitute a nuisance. The Board of Directors or the Architectural Committee shall have the authority, after hearing, to determine whether a particular pet is a nuisance or a source of annoyance to other Members, and such determination shall be conclusive.</p>	<p>unless approved by the General Membership); and</p> <p>Revised: Deleted in its entirety.</p>	<p>Rationale: If the City outlaws them, or other dangerous pets, then Montego Bay will have to follow suit.</p> <p><i>Owner Comment: Should be done as it was voted on at the April general meeting.</i></p> <p>Comment: There was discussion of this item at the general meeting, but there was no vote. This recommendation is in response to the sense of the Owners at the general meeting.</p>
<p>15. Requested change: New or used building material if stored on a lot must be removed within 30 Days?</p>	<p>Existing: <b>There is nothing in the Manual regarding this.</b></p>	<p>Revised: <b>There is nothing to revise.</b></p>	<p>Comment: Example: Construction projects such as a shed or deck being built on your property should have a 30 day allowance for construction.</p> <p><i>Owner Comment: NO NEED TO ADDRESS NOW. Should be addressed in the restriction document.</i></p> <p>Comment: There is nothing to address. Why create a new restriction when there is no need to do so?</p>
<p>16. Last sentence should be removed regarding vehicles under cover.</p>	<p>Existing: 1.10.1.4 Shall not keep upon the Property or upon the public or private streets adjacent to the Property or the streets of Montego Bay any junk vehicle, truck (as defined by the Maryland Department of Motor Vehicles and/or by common usage and practice except for light pick-up trucks of three-quarter (3/4) ton capacity or less used for non-commercial purposes), unlicensed or inoperable motor vehicle or trailer (which shall include, without limitation, any vehicle which would not pass applicable state inspection criteria). And, except for bona fide emergencies, shall not</p>	<p>Revised: 1.10.1.4 Shall not keep upon the Property or upon the public or private streets adjacent to the Property or the streets of Montego Bay any junk vehicle, truck (as defined by the Maryland Department of Motor Vehicles and/or by common usage and practice except for light pick-up trucks of three-quarter (3/4) ton capacity or less used for non-commercial purposes), unlicensed or inoperable motor vehicle or trailer (which shall include, without limitation, any vehicle which would not pass applicable state inspection criteria). And, except for bona fide emergencies, shall</p>	<p>Comment: 1.) As per Ocean City zoning and Ocean City Police Dept. they do not enter onto property to ensure vehicles under cover have valid license plates attached. 2.) If last sentence of section stays: Entering someone’s property and it is alleged by the owner that the cover or vehicle is damaged Association could be held liable. 3.) Or obtain in writing from the attorney that we are not liable if we enter or damage property.</p>

	<p>repair or perform extraordinary maintenance of automobiles or other vehicles on the Owner’s property or streets of Montego Bay. An Officer of the Association is authorized to enter onto a property to ensure vehicles under cover have valid license plates attached.</p>	<p>not repair or perform extraordinary maintenance of automobiles or other vehicles on the Owner’s property or streets of Montego Bay.</p>	<p><b>NOTE:</b> Only Montego Bay can enforce compliance with additional requirements to city code. Just as the Association can enter onto property to remedy violations, as allowed in the Restrictions, the Association can enter onto someone’s property to ensure the lot resident is complying. The intent of the Bylaws Committee was to ensure “project car” repairs are not next door to another Owner.</p> <p><i>Owner Comment: NO NEED TO AMEND. Agree with comment in yellow. This has already been debated in the board meeting when considering the new bylaws and the board should waste no more time debating it again. The association must have the right to insure that the community is not junked up.</i></p>
<p>17. Revise sub section 1.10.1.11 to insert “outside” to clarify that items not intended for outdoor use cannot be stored outside.</p>	<p>Existing: Lawn furniture visible from the sidewalk in the front of the Lot shall be maintained in a neat and attractive manner. Furniture or appliances not intended for external use are prohibited from being stored and, if in use outdoors, must be removed within 48 hours.</p>	<p>Revised: Lawn furniture visible from the sidewalk in the front of the Lot shall be maintained in a neat and attractive manner. Furniture or appliances not intended for external use are prohibited from being stored outside and, if in use outdoors, must be removed within 48 hours.</p>	<p>Comment: The intent of the Bylaws Committee was to avoid having appliances, hot water heaters, interior furniture, etc., stored for extended periods of time, prevent the impression that Montego Bay may have low property values, etc.</p> <p><i>Owner Comment: Should be done as it was voted on at the April general meeting.</i></p> <p>Comment: This was not discussed at the general meeting. The location of trash cans was discussed.</p>
<p>18. Replace subsection 1.10.1.13 to clarify that screening screened porches need to be maintained.</p>	<p>Existing: 1.10.1.13 Bed sheets, plastic sheets, newspapers, or other similar window treatments shall not be hung or placed in or on any portion of an enclosed porch where, generally, wire mesh screen is used.</p>	<p>Revised: 1.10.1.13 Porches enclosed only with wire mesh screens may not be covered with bed sheets, plastic sheets, newspapers, or other similar screening materials. Roll down screens, shades, blinds, or curtains (or</p>	<p>Comment: The intent is to have screened in porches (not screens in windows) maintained.</p> <p><i>Owner Comment: NO NEED TO</i></p>

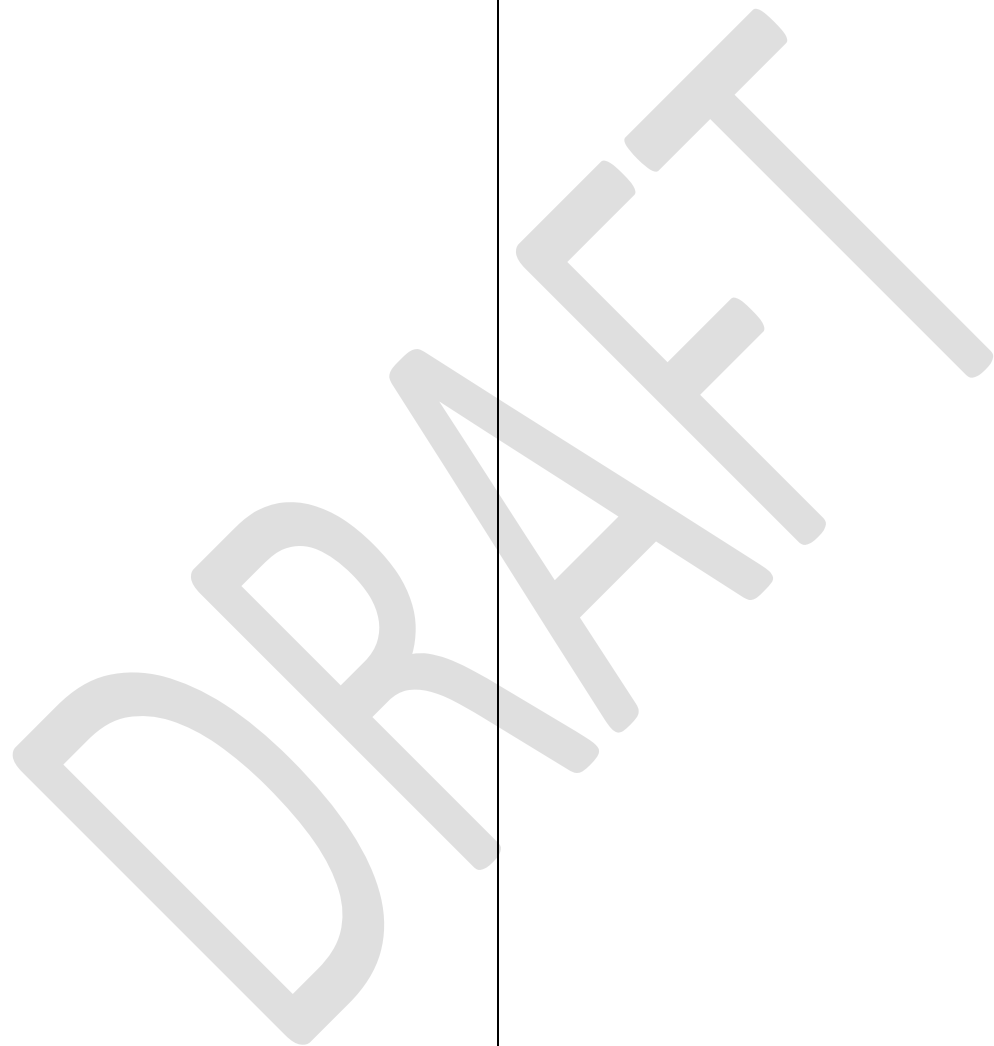
		<p>similar) in good repair are acceptable for screening. Porches enclosed with windows may be screened with window treatments similar to any interior window treatment.</p>	<p><b>AMEND.</b> <i>Should be left alone and the appropriate committee can take care of any situations that need attention. No need to define what the owner can put up.</i></p> <p>Comment: The sense of the Board is that unless there is something in writing, that the Association is powerless to establish a standard. Section 1.10.3.1 is general enough to include a lot of the individual examples of 1.10.1 but to avoid continual debate over interpretation, this article was approved by the Board (and debated) and the revision is to address the interpretation issue once and for all.</p>
<p><b>19.</b> Remove subsection 1.10.1.13</p>	<p>Existing (above)</p>	<p>Revised: Delete in its entirety.</p>	<p>Comment: If there is still debate and confusion over the intent, just delete the whole thing. Violations will then be in the eye of the elected beholder and one of the covenants should cover it.</p> <p><b>Owner Comment:</b> <i>See #18, above.</i></p>
<p>20. Remove section to repair or restore.</p>	<p>Existing: 1.10.3.2 In the event an Owner of any Lot in the Property shall fail to maintain the Lot and the improvements situated thereon, after receiving written notification by the Association and given a reasonable time to resolve the violation, the Association or its agent shall have the right to enter upon said Lot to repair, maintain and restore the Lot and any improvements erected thereon.</p>	<p>Revised: Delete in its entirety (including subsections).</p>	<p>Comment: Entering someone’s property to “repair or restore” the Association could be held liable if alleged damaged is done. Or obtain in writing from the attorney that we are not liable if we enter property.</p> <p><b>NOTE:</b> <u>Such a change contradicts</u> the existing Declaration of Restrictions for Montego Bay on file at Snow Hill since 1992, Section 4 (General Prohibitions and Requirements) Item J: <b>In the event the owner of any lot fails to maintain the home, structures, bulkhead, dock, grass, shrubbery or living fence in the</b></p>

manner required herein, **MBCA shall have the right, through its agents and employees, to enter upon such lot and repair, maintain, or restore** the lot, home, structures, bulkhead, and dock, and trim the grass, shrubbery or living fence at the expense of the lot owner. MBCA shall charge the lot owner the reasonable cost incurred by MBCA plus ten percent (10%) administrative charge, and said charges shall become an assessment against the lot and it may become a lien as further provided herein.

**The Bylaws cannot change the Declaration of Restrictions.**

The attorney has already approved the Declaration of Restrictions as valid and, therefore, the liability issue is moot. Only if the Association were negligent would there be any liability.

*Owner Comment: **NO NEED TO AMEND** - Since this item is covered in the restriction document there was no need to include it in the bylaws. If deleted it still is in force in the restriction document. To amend will clutter up the ballot. Also the restriction document states that when an owner buys in MBCA they agree to the articles in the restriction document and therefore give the association the right to enter their property. This issue is very common in all HOAs. Again the association must have the authority to enforce its restrictions. Also this issue was debated in a board meeting and does*



<p>21. Change the focus of subsection 1.11.2.7 to placing issues on a referendum and NOT to place an issue in the Notice of the annual meeting.</p>	<p>Existing: Petitions to include an issue in the notice of the annual meeting of the members must be filed not later than sixty (60) days prior to the date of the annual meeting.</p>	<p>Revised: Petitions to include an issue on a referendum ballot must have the appropriate number of signatures and filed not later than sixty (60) days before the date of the upcoming General Membership Meeting; otherwise, the issue will be on the referendum ballot for the following General Membership Meeting.</p>	<p><i>not need to be debated again.</i></p> <p>Comment: Depending on when a petition is received, the issue will be on the referendum on the upcoming ballot or the following ballot – it remains valid even though the “60-day” window is missed for the upcoming meeting but it is well ahead of the 60-day deadline for the following meeting.</p> <p><i>Owner Comment: NO NEED TO AMEND. Does not need to be changed. It already says 60 days before the meeting, so it’s a given that the 60 days can be before any meeting.</i></p> <p>Comment: The intent is not to change the 60-day requirement; the change is to clarify the process to get something on a referendum ballot and NOT getting something on the Notice of the Meeting.</p>
<p>22. Remove from subsection 1.11.2.8.1 the word “not” so that asking the Board to do something doesn’t always take a petition.</p>	<p>Existing: To request action by the Board of Directors not requiring a referendum or to have an issue included in the notice of the annual meeting of the members, a petition requires signatures representing at least one hundred (100) votes that can be cast.</p>	<p>Revised: To request action by the Board of Directors requiring a referendum or to have an issue included on a referendum ballot, a petition requires signatures representing at least one hundred (100) votes that can be cast.</p>	<p>Comment: This also refocuses the section to getting things included on a referendum ballot – for action – than to have something included in the Notice of the Meeting. Owner agenda items can always be submitted to the Association.</p> <p><i>Owner Comment: NO NEED TO AMEND. Leaving out the word “not” totally changes the meaning of the article. To petition to get a referendum on the ballot requires signatures of 10% of the total votes available. This change is in disagreement with that article. Should be left alone.</i></p> <p>Comment: The revised intent is to</p>

			<p>remove requirement to get something put on the Notice of Meeting – just to get something on a referendum.</p>
<p>23. Standardize the number of signatures required for petitions.</p>	<p>Existing: 1.11.2.8.1 To request action by the Board of Directors not requiring a referendum or to have an issue included in the notice of the annual meeting of the members, a petition requires signatures representing at least one hundred (100) votes that can be cast. 1.11.2.8.2 For issues for referendum under Article IV, Section 4.4 (removal of a Director or Officer), or for amendments to the Bylaws under Article XII, a petition requires signatures representing at least ten percent (10%) of the maximum number of votes that can be cast. 1.11.2.8.3 To call a special meeting of members under Article V, Section 5.5 (Special Meetings) a petition requires signatures representing at least fifteen percent (15%) of the maximum number of votes that can be cast.</p>	<p>Revised: 1.11.2.8.1 To request action by the Board of Directors not requiring a referendum or to have an issue included in the notice of the annual meeting of the members, a petition requires signatures representing at least one hundred (100) votes that can be cast. 1.11.2.8.2 For issues for referendum under Article IV, Section 4.4 (removal of a Director or Officer), or for amendments to the Bylaws under Article XII, a petition requires signatures representing at least one hundred (100) votes that can be cast. 1.11.2.8.3 To call a special meeting of members under Article V, Section 5.5 (Special Meetings) a petition requires signatures representing at least one hundred (100) votes that can be cast.</p>	<p>Comment: Numbers should be consistent in the three (3) sections, 100, 10% or 15% The different numbers could be confusing to our members.</p> <p><b>Owner Comment: NO NEED TO AMEND.</b> <i>We owners are getting tired of being insulted by certain members of the board. For someone to think we can't understand numbers is ridiculous. Please do not consider this change. We can read.</i></p>
<p>24. In addition to Owners placing items on a referendum ballot by petition, they should also be able to place them by majority vote of the Owners at General Membership Meetings.</p>	<p>Existing: None</p>	<p>Add: 1.11.2.8.4: No petition is required to place an item on a referendum if at the preceding General Membership Meeting a motion is made and passed by the Owners to have such an item included in a referendum ballot with a deadline of the next General Membership Meeting.</p>	<p>Comment: At the General Meeting in April it became apparent that the Owner's wished to decide things that call for all owners to have a chance to vote on it; therefore, this addresses that situation. It's only fair.</p> <p><b>Owner Comment: SHOULD NOT ADD.</b> <i>Opening up a can of worms. This would allow a small group of owners to put a bunch of pet projects on the ballot. Owners can bring to the Board requests for referendums, but the board should decide if they go on the ballot. We need to keep some control. The petition process is in place if the Board does not agree to the referendum.</i></p>

			<p>Comment: This addition allows all owners to make the determination to approve or deny pet projects. Removes the Board as a decisional target.</p>
<p>25. Revise, to avoid a conflict with 1.11.2.9.6, remove 1.11.2.9.1 (to replace later, see below) and revise 1.11.2.9.6 by</p>	<p>Existing: Any proposal presented in a referendum requires a majority affirmative vote of the total votes cast in order to become effective.</p>	<p>Revised: Any proposal presented in a referendum requires a majority affirmative vote of the total votes cast in order to become effective; provided, however, that if a higher percentage vote required to pass shall be specifically expressed herein, that higher percentage shall control in that instance.</p>	<p>Comment: Adding: “provided, however, that if a higher percentage vote required to “pass” shall be specifically expressed herein, that higher percentage shall control in that instance.” Simplifies things and less verbiage.</p> <p><i>Owner Comment: Need to do.</i></p>
<p>26. Delete 1.11.2.9.3 and 1.11.2.9.3.1 and 1.11.2.9.3.2 and 1.11.2.9.3.3 and renumber 1.11.2.9.3.4 as 1.11.2.9.3</p>	<p>Existing: 1.11.2.9.3.1 Within thirty (30) days after the adoption by the Directors of any action which is, in the opinion of the Owners, subject to a Referendum, a petition requesting that any such action be either repealed or submitted to a vote of the General Membership. 1.11.2.9.3.2 The petition must be signed by not less than twenty-five percent (25%) of the total votes of the Membership of the Association or signed by a majority of the Directors. The petition is then filed with the Secretary of the Association. 1.11.2.9.3.3 The Secretary shall thereafter within thirty (30) days send out notice of the referendum ballot that will be issued to all Members within 30 days of the next General Membership meeting, in accordance with election procedures outlined in Article VII. 1.11.2.9.3.4 The Board of Directors may propose action that requires approval of the General Membership by a referendum or a referendum may be initiated by a petition. Where differing from the provisions of this Section, the provisions of Article IV, Section 4.4, govern a referendum to remove a Director.</p>	<p>Revised: 1.11.2.9.3 The Board of Directors may propose action that requires approval of the General Membership by a referendum or a referendum may be initiated by a petition. Where differing from the provisions of this Section, the provisions of Article IV, Section 4.4, govern a referendum to remove a Director.</p>	<p>Comment: The sections on petitions covers petitions for any reason, including 1.11.2.9.3</p> <p><i>Owner Comment: This is a confusing thing. No other thought other than: is this change really necessary.</i></p> <p>Comment: The change is to remove the previous confusion/conflict. The change allows the Board to place items on a referendum by vote of the Board – and not by petition. This means – if a group of owners make a presentation to the Board to place an item on a referendum ballot and, by majority vote of the Board, the item can be put on the ballot without requiring the Owners to go through the petition process. If the Board does not agree, then the Owners can go through the petition process. It gives the Owners two ways to get something on a referendum ballot – by convincing the Board to put it on the ballot and, failing that, go the petition route.</p>

<p>27. Replace subsection 1.11.2.9.1 (which was transferred) with language that established that there will only be two referendum ballots a year.</p>		<p>New: 1.11.2.9.1 Referendum ballots will be issued only twice a year, with a return date of the date of a General Membership Meeting. A referendum ballot will be issued along with the election ballot mailing for the August General Membership Meeting. A referendum ballot will be issued along with the annual assessment and the April General Membership Meeting notification.</p>	<p>Comment: The original 1.11.2.9.1 was transferred/revised under 1.11.2.9.6  This reflects the sense of the Board at the May meeting regarding postage and unnecessary postage. And addresses the issue of reducing the cost of a lot of mail outs.  <i>Owner Comment: Think already covered elsewhere.</i></p>
<p>28. Revise 1.11.2.9.4.1 to further define the methods of notification. And to reduce the mailing costs to the Association.</p>	<p>Existing: Notice of the hearing shall be provided to the members at least fifteen (15) days prior to the hearing by mail or in a publication distributed by the Association to the members.</p>	<p>Revised: Notice of the hearing shall be provided to the members at least fifteen (15) days before the hearing by e-mail, posted to the website, and posted on the external office bulletin board. Notice by postal mail will only be with the approval of 2/3 of the Directors and Officers.</p>	<p>Comment: This addresses the issue of reducing the cost of a lot of mail outs. This is 2/3 of the Directors and Officers – it is not 2/3 of the Directors and Officers present.  <i>Owner Comment: CANNOT CHANGE. The HOA act says that ALL owners shall be notified of any open meeting of the general membership. HOA act says you must get permission from owners to be notified electronically. This means an e-mail needs to go out with the owner responding back to MBCA that electronic notification is ok.</i>  <i>Comment: Valid owner comment. However, this refers to notification of a hearing and not a General Membership Meeting.</i></p>
<p>29. Revise 1.11.2.9.5.2 to the same language as the revised 1.11.2.9.4.1.</p>	<p>Existing: Same as above.</p>	<p>Revised: Same as above.</p>	<p>Comment: Same as above.  <i>Owner Comment: CANNOT CHANGE. The HOA act says that ALL owners shall be notified of any open meeting of the general membership. HOA act says you must get permission from owners to</i></p>

			<p><i>be notified electronically. This means an e-mail needs to go out with the owner responding back to MBCA that electronic notification is ok.</i></p> <p><b>Comment:</b> Valid owner comment. However, this refers to notification of a hearing and not a General Membership Meeting.</p>
<p>30. Revise 1.11.2.9.5.3 to align it to having only referendum ballots twice a year.</p>	<p>Existing: Referendum ballots shall be distributed to all members eligible to vote not later than thirty (30) days following the hearing.</p>	<p>Revised: Referendum ballots shall be distributed to all members eligible to vote not later than thirty (30) days before the next General membership Meeting</p>	<p><b>Comment:</b> This addresses the issue of reducing the cost of a lot of mail outs and the number of times referendum ballots have to be printed and mailed out.</p> <p><i>Owner Comment: Needs to change. Except if the hearing concerns the removal of a director it cannot wait until the next general meeting.</i></p> <p><b>Comment:</b> The next version for a revision may address the concern.</p>
<p>30b. Revise 1.11.2.9.5.3 to align it to having only referendum ballots twice a year.</p>	<p>Existing: Referendum ballots shall be distributed to all members eligible to vote not later than thirty (30) days following the hearing.</p>	<p>Revised: Referendum ballots shall be distributed to all members eligible to vote not later than thirty (30) days before the next General membership Meeting, unless a different distribution deadline is specifically expressed herein.</p>	<p><b>Comment:</b> This addresses the issue of reducing the cost of a lot of mail outs and the number of times referendum ballots have to be printed and mailed out.</p> <p><i>Owner Comment: Needs to change. Except if the hearing concerns the removal of a director it cannot wait until the next general meeting.</i></p>
<p>31. Add definition of Domicile as 1.22.2.10.6 and renumber following definitions accordingly.</p>	<p>Existing: None</p>	<p>Add: 1.22.2.10.6: "Domicile" as used by Montego Bay is (1) A persons principal residence as recorded in the tax records of the State of Maryland, and (2) A persons place of voting as evidenced by a voter registration card.</p>	<p><b>Comment:</b> The intent of such a definition is to ensure that the candidate does live in Montego Bay as evidenced by documentation as well as their annual routine a majority of the time.</p> <p><i>Owner Comment: As pointed out in a previous letter the Maryland Court of</i></p>

			<p><i>Appeals defined domicile as the place of voting and place of principle residence. If this issue was taken to court the result would be exactly what the Court of Appeals has already decided.</i></p>
<p>32. Add another qualifying element and remove the term ‘domiciled.’</p>	<p>Existing: 1.11.2.10.6: “<i>Full-Time Resident</i>” as used herein means being domiciled in Montego Bay.</p>	<p>Revised: 1.11.2.10.6: “<i>Full-Time Resident</i>” as used herein refers to owner’s primary residence being Montego Bay, as evidenced by the annual routine a majority of the time.</p>	<p>Comment: An owner's annual routine a majority of the time is evidenced by his/her availability and accessibility to meet the needs of the association.</p> <p><i>Owner Comment: An owner’s annual routine a majority of the time is evidenced by availability and accessibility to meet the needs of the association. Now we can debate the definition of availability and accessibility instead of the definition of domicile. With today’s means of communication a person can be available and accessible from anywhere in the world. It’s not necessary to be present physically anymore.</i></p> <p><i>If item 32 is approved it opens up the officer positions to all owners. The only decision that can go out to the owners is either officers have to be full time residents per the Maryland tax records and voting card or all owners can be officers.</i></p> <p><i>Bylaws are in place to affect all 1523 owners. To put vague and undefined terms in them to benefit a small group or individual is not proper or for the good of the Association.</i></p> <p><i>As pointed out in a previous letter the Maryland Court of Appeals defined domicile as the place of voting and place of principle residence. If this issue was taken to court the result would be exactly</i></p>

<p>33. Add clarification of “Full-Time Resident.”</p>	<p>Existing: 1.11.2.10.6: “Full-Time Resident” as used herein means being domiciled in Montego Bay.</p>	<p>Revised: 1.11.2.10.6: “Full-Time Resident” as used herein refers to owner’s primary residence being Montego Bay, as evidenced by the annual routine a majority of the time, and as evidenced by the tax records of the State of Maryland.</p>	<p><i>what the Court of Appeals has already decided.</i></p> <p>Comment: An owner’s annual routine and documentation in the State of Maryland tax records that their primary residence is Montego Bay, ensures the intent of the Owners that Officers actually do reside in the community, and are available and accessible., and reflects the individual’s ethics and integrity to represent the Owners.</p> <p><i>Owner Comment: As pointed out in a previous letter the Maryland Court of Appeals defined domicile as the place of voting and place of principle residence. If this issue was taken to court the result would be exactly what the Court of Appeals has already decided.</i></p>
<p>34. Remove the last sentence of the definition.</p>	<p>Existing: 1.11.2.10.14 “Resident of the community” refers to full-time and part-time Owners who live in their Montego Bay property. Living in one’s Montego Bay property is a qualification for running for elected office with the Association.</p>	<p>Revised: 1.11.2.10.14 “Resident of the community” refers to full-time and part-time Owners who live in their Montego Bay property.</p>	<p>Comment: This last sentence should be removed as this contradicts with IV 1.4.1 (Must be a lot owner to run for office)</p> <p><i>Owner Comment: The statement to be eliminated is there for a purpose. It eliminates a builder who owns a lot to build a spec house from being on the board. That’s the way it should be.</i></p>