



Board of Directors

Administrative, Operations,

and

Procedures Manual

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SECTION I. INTRODUCTION

A. MBCA Mission Statement

To promote the common good and general welfare of the community of Montego Bay.

B. MBCA Vision Statement

MBCA is committed to promoting a vibrant community in which all residents and guests enjoy a quality of life second to none.

C. Manual Purpose

1. The 2011- 2013 Board of Directors drafted the initial publication of the Board of Director's Administrative, Operations, and Procedures Manual (hereinafter referred to as the Director's Manual or Manual) to define the procedures the Board will take to perform the duties and responsibilities required by the Montego Bay Civic Association (MBCA) Declaration of Restrictions, the Bylaws, and the Articles of Incorporation.¹
2. This manual serves as guidance and documentation for MBCA daily operations.

D. General Information

1. The policies contained herein incorporate procedures reflected in the following:
 - a. Previous minutes of the Board of Directors meetings,
 - b. Previous procedures and responsibilities outlined in the Bylaws and supporting manuals
 - c. Common practices and policies that have been implemented informally over time.
2. This Manual cannot replace or override any requirement or intent established by the MBCA Declaration or Bylaws or Articles of Incorporation.
3. This Manual cannot give the Board any additional authority that the Bylaws have not granted.
4. Nothing in these procedures or in this Manual in any way authorizes any Montego Bay Board Member to assume Town of Ocean City inspection responsibilities or to enforce Town of Ocean City codes – this function rests with the Town of Ocean City employees.

¹ ...”The MBCA Bylaws Article I establish the authority for the Board of Directors to publish a Manual: *“The Bylaws of the Montego Bay Civic Association, Inc. establish the powers, responsibilities, and functions of the Association...These Bylaws shall be the framework for the Board of Directors to establish reasonable procedures (further defined by the Board in an Operational, Administrative, and Procedures Manual) to carry out the responsibilities and functions entrusted to it by the Association*

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- a.** Any such misrepresentation may lead to removal.
 - b.** MBCA Board members have the authority to enforce codes that the Association has adopted as MBCA standards and procedures, but only within the authority granted by the Association.
- 5.** Changes to the procedures, responsibilities, or intent of the Manual are by a majority vote of the Board of all seats filled or by a sense of the Board as reflected in Board of Director meeting minutes (the President votes only in the event of a tie).
- 6.** Administrative and editorial changes for clarification or refinement of a committee's procedures by the majority of the committee members do not need approval of the Board.
- 7.** The Secretary maintains the Manual, notifies the Board of changes it may need to be aware of, and incorporates procedural or policy motions passed by the Board.
- 8.** The Secretary shall record all additions, amendments, and corrections on the Manual Change Log (Appendix 1) and distribute to the Board of Directors as needed.

SECTION II. HIERARCHY OF GOVERNING DOCUMENTS

A. Governing Documents Defined

1. Documents in place to control the operation of the Association along with the Common-Interest Development (CID) that the HOA was formed to manage.
2. A CID is a real property development where property owners share a common set of financial obligations, property, and easement rights established in a set of recorded restrictions commonly referred to as Covenants, Conditions, and Regulations (CC&Rs).
3. The hierarchy of MBCA governing documents contains eight (8) items and is in the order of precedent.²

B. Federal, State, and Local Laws

1. Maryland Real Property Code Annotated §11B: Short title – Maryland Homeowners Association Act (MHAA) (Appendix 11)
2. Town of Ocean City Code
3. MBCA Governing Documents parallel the law.

C. Declaration of Restrictions of the Montego Bay Residential Community

1. A legal document filed with the Circuit Court for Worcester County, MD - Clerk's Office and made a part of the official real estate records that run with the land that is part of the community and contain the covenants, conditions, and restrictions (commonly known as the CC&Rs).
2. *Run with the Land* – refers to the rights and covenants in a real estate deed that remain with the land regardless of ownership. When rights and covenants run with the land when the property changes hands.
3. The Declaration of Restrictions³ is the master of the documents and it (Appendix 11):
 - a. Establishes the association
 - b. Contains the use restrictions
 - c. Contains the maintenance requirements
 - d. Defines the common elements
4. These restrictions in whole or in part may be amended, rewritten, or have resolutions attached (and such changes recorded and registered) at any time with the vote of greater than 50 percent of the entire membership in good standing. This equates to 762 affirmative votes from the 1,523 members.

² Legal Opinion: MBCA Attorney Ellen Throop, August 10, 2018.

³ Effective Date – April 12, 2014. An amended Declaration was voted on and filed in 2016 but was rescinded due to procedural errors and the 2014 Declaration was reinstated July 18, 2020. The update was filed with the Clerk of the Court – July 13, 2018.

5. If the current Declaration is not changed, it renews automatically after 2024 and then for 10-year periods thereafter.

D. Plats

1. A [cadastral map](#)⁴, drawn to scale, showing the divisions of a piece of land.
2. A *cadastral map* shows the boundaries and ownership of land parcels, easements, and are recorded with the County Land Records.

E. [Montego Bay Articles of Incorporation 1969](#)⁵

1. Legal document that establishes the formation authority of the Montego Bay Civic Association, Inc. (Appendix12)
2. The document, also referred to as:
 - a. Certificate of Incorporation, or
 - b. Corporate Charter
 - c. Charter
3. Seventh Paragraph – Authorizes the Board of Directors with the power to develop Bylaws for the Corporation and to amend same by majority vote of the Board – Article XI of the 2012 Bylaw transfers the authority for amendment approval to the membership by a vote greater than 50% of the general membership eligible to vote, which equates to 762 votes affirmative votes from the 1,523 lot owners to amend the Bylaws.

F. [Bylaws of the Montego Bay Civic Association, April 21, 2012](#)⁶

1. Establish the powers, responsibilities, procedures, rules, and functions by which the Association can effectively govern itself (Appendix 13)
2. Amendments to the Bylaws:
 - a. The 2012 Bylaws Article XI Section 11.3: Approval of Amendments states, “Amendments to the Bylaws require approval by greater than fifty (50) percent of the General Membership eligible to vote.
 - b. The 1970 Articles of Incorporation Seventh Paragraph authorizes the Board of Directors with the power to develop Bylaws for the Corporation and to amend same by majority vote of the Board.

⁴ A cadastral map is a map that shows the boundaries and ownership of land parcels. Some cadastral maps show additional details, such as survey district names, unique identifying numbers for parcels, certificate of title numbers, positions of existing structures, section or lot numbers and their respective areas, adjoining and adjacent street names, selected boundary dimensions and references to prior maps. Wikipedia Website: <https://en.wikipedia.org/wiki/Cadastre#Map>

⁵ The MBCA Articles of Incorporation were filed with the Maryland State Department of Assessment and Taxation on August 14, 1969, and the Association was incorporated on January 12, 1970.

⁶ The effective date of the current MBCA Bylaws is April 21, 2012.

- c. To clarify the conflict between the two documents, the MBCA Attorney opined that the authority of the Board outlined in the Articles of Incorporation to amend the Bylaws transferred to the membership with the passing of the 2012 Bylaws (See Appendix 8).⁷

3. A summary of the MBCA eleven (11) Articles follows in Table 1.

Table 1. 2012 MBCA Bylaws Summary

Article Number	Bylaws Summary
Article I	General <ul style="list-style-type: none"> • Establish the powers, responsibilities, and functions of the Association. • Framework for the Board of Directors to establish reasonable procedures (further defined by the Board in an Operational, Administrative, and Procedures Manual) to carry out the responsibilities and functions entrusted to it by the Association.
Article II	Purpose <ul style="list-style-type: none"> • The Association has been formed to manage, maintain, and operate the common property of the Association and to maintain neighborhood standards for the Subdivision.
Article III	Membership <ul style="list-style-type: none"> • Members • Ownership Roster
Article IV	Directors and Officers <ul style="list-style-type: none"> • Make-up of the Board • Term limits • Officer a full-time resident • Removal – missing 4 meetings • Use of conference call for meetings • Director may not be MBCA employee • Duties of Directors and Officers • Removing a Director – Petition process • Vacancies on the Board – altered by a Board motion

⁷ The Board agreed to attach a note and copies of MBCA Attorney James Almand’s email dated October 7, 2019, and MBCA President Mary Jo Breslin’s email of October 10, 2019 (See Appendix 8) with the existing bylaws. The Board said, “In order to clarify that the Association members have the sole authority to approve amendments to the MBCA Bylaws, the emails from the MBCA President and Mr. James Almand, the Association’s attorney are hereby required to be attached to the existing and all future Bylaws of the Association” (Motion #2019.10.12.02).

Article Number	Bylaws Summary
Article V	<p>Meetings</p> <ul style="list-style-type: none"> • Meetings – open and closed • Notice of Meetings • Failure of Notice – failure to provide notice invalidates any outcomes or decisions • General Membership Meetings • Special General Membership Meetings • Board of Director Regular Meetings • Special Board Meetings
Article VI	<p>Committees</p> <ul style="list-style-type: none"> • Establishment • Committees – Executive, Standing, Special
Article VII	<p>Voting Procedures</p> <ul style="list-style-type: none"> • General information • Election Process • Outcome determined by majority of votes received • Referendum Votes – which must be a response to a yes or no question
Article VIII	<p>Dues and Fees</p> <ul style="list-style-type: none"> • Annual Homeowner Dues (References the Declaration) • Fees for non-payment (Declaration)
Article IX	<p>Finance</p> <ul style="list-style-type: none"> • Establishes the fiscal year • Financial Requirements – reserve and operational budget • Budget approved by the Board • Audit schedule • Rights of owners to comment on the budget • All expenditures are to be for the management and maintenance of Association property and amenities and not for activities associated with their use. • Insurance requirements – Indemnify Directors and Fidelity Insurance
Article X	<p>Miscellaneous</p> <ul style="list-style-type: none"> • Severability – if one part of the Bylaws is deemed invalid, it does not negate the rest of it. • Association Books and Records – storage and rights of

Article Number	Bylaws Summary
	<p>owners to review</p> <ul style="list-style-type: none"> • Petition Process • Distribution of Materials • Privacy Protection – protects personal information from public view
Article XI	<p>Amendments</p> <ul style="list-style-type: none"> • Proposal of Amendments – Board, petition, or vote at general membership meeting • Review of Amendments – legal sufficiency review by attorney • Approval of Amendments – greater than 50% of the general membership eligible to vote – more than half of 1,523 lot owners or minimum of 762 votes to pass an amendment.

G. Operating Rules and Regulations

1. For the MBCA, this is the Administrative, Operations, and Procedures Manual, which was approved by the Board on July 14, 2018, and edited from time to time on authority of the Board.
2. The authority to establish rules and regulations is found in the Bylaws, Article I, which states: *These Bylaws shall be the framework for the Board of Directors to establish reasonable procedures (further defined by the Board in an Operational, Administrative, and Procedures Manual) to carry out the responsibilities and functions entrusted to it by the Association.*
3. Content is derived from procedures/policies adopted in previous BOD meetings, previous procedures and responsibilities outlined in former Bylaws and supporting manuals, and the common practices and policies that have been implemented informally over time.
4. The Manual shall not replace or override any requirement or intent established by the Declaration of Restrictions, Bylaws, or Articles of Incorporation, nor add additional authority to the Board of Directors.
5. Nothing authorizes any Montego Bay Board Member to assume Town of Ocean City inspection responsibilities or to enforce Town of Ocean City codes
6. Changes are by a majority vote of the Board.

H. Board of Directors Resolutions

1. The most formal way, aside from modifying the recorded documents, that an association can enact procedures for governance is through a Board Resolution.

- 2.** An HOA board resolution includes:
 - a.** The source of the board's authority to create the resolution – (Bylaws).
 - b.** Enough detail for readers to understand the purpose and meaning of the resolution.

I. Approved Board Motions

- 1.** A motion is a proposal that the HOA Board of Directors acts or takes a position on a specific topic or issue affecting the Association.
- 2.** The motion is followed by discussion, debate, and a positive or negative vote by the Board.
- 3.** Motions are passed with a majority vote of the Board.

SECTION III. OFFICE PROCEDURES

A. Office Hours

1. The seasonal office hours of the MBCA principal office for customer and member services are established each year.
 - a. May – September: five (5) days per week, six (6) hours per day
 - b. September – May: four (4) days per week, four (4) hours per day
 - c. Saturdays: 8:30 a.m. to 12:30 p.m. each month when a Board meeting is held.
2. The President may designate additional office hours for the purpose of operational support needing uninterrupted time to complete other assignments.
3. During these additional hours, the office will not be open for customer or member services.

B. General Membership Meeting

1. The office shall close one (1) hour before the start of General Membership Meetings held off-site.
2. The office shall reopen within one (1) hour after the end of the General Membership Meeting.

C. Office Staffing

1. The office is staffed by the Office Manager.
 - a. The President sets the Office workday hours.
 - b. The Office Manager works directly for the President.
 - c. The Office Manager supports the other Directors as directed and established by the President.
2. In the event the employee is absent, the Vice President will ensure office coverage.
 - a. The President will make the determination to close the office.
 - b. No one providing office coverage in the absence of the Office Manager will be paid.
3. The Vice-President will maintain an Employee Manual and Position Description (Appendix 9) for MBCA staffing positions.⁸
4. A twenty-five (25) foot no smoking zone is established in the area outside the MBCA office and tennis courts.⁹

⁸ Employee Handbook and Position Descriptions adopted by the Board on May 5, 2022. Motion# 2022.05.14.08.

⁹ The Board established a 25 foot no smoking area outside the office and tennis courts. Motion #2022-05-14-09.

D. Office Records

1. The Office Manager's MBCA computer is the location for the official and up-to-date records, database, correspondence, member status and information, and is not to be exported for use outside of the office without the permission of the President.
2. Any changes to any of the records or databases exported must be imported back to the main MBCA computer to update the official record on a schedule approved by the President.

E. Confidentiality

1. The position of the Office Manager is one of confidentiality and custodian of sensitive information regarding Owners' privacy and management of the Association.
2. The Office Manager is responsible for ensuring resources (such as materials and office supplies and equipment) are used for official MBCA business.
3. Any breach of this trust or misuse of resources, at any time after discovery, may be cause for immediate dismissal by the President without the need for approval of the Board or any other Director.
4. In a situation where a Director had personal knowledge of the breach of trust, and did not notify the President, the issue shall be discussed at the next Board meeting for appropriate corrective action, which may include suspension and/or initiating the Director removal process.

F. Attendance at Committee Meetings

1. Association employees are not eligible to serve as a voting member of a committee or ad hoc advisory body.
2. Upon written authorization of the President, employees are eligible for compensatory time to attend committee meetings, if their expertise is required.
3. Overtime compensation shall not be authorized for employee attendance at committee meetings.

G. Office Manager Duties

1. Ensures electronic files, and/or computers are password protected and informs the President of the password. Additional sharing of the password is the responsibility of the President only.
2. Displays the office open sign in the window and hangs the American flag when the office is open for member services.
3. Orders office supplies and other items as authorized by the President.
4. Ensures all doors are locked and secured, lights and appliances are turned off, and the HVAC system is set as directed at the end of each workday.

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- 5.** Shall not leave the office with any keys other than the key to the building.
- 6.** Staffs the office on the day of scheduled Board of Directors meetings and shall arrive 30 minutes before the meeting start time.
- 7.** Staff and/or support the General Membership Meeting sign-in process as directed by the President.
- 8.** Edits the database to record Lot Owners who are not-in-good standing and those lots that have been cited for violation of community standards.
 - a.** The lot owner file is flagged with a future date to remind the President and, if directed, the Chairperson of the Architectural and Permit Review Committee, that a re-inspection is due.
- 9.** Activates and deactivates electronic membership cards as directed by the Board of Directors.
- 10.** Removes the flag on the property account once approval is given by the President.

SECTION IV. MEMBERSHIP

A. Voting by Members

1. If a residential lot is owned by one person, that person shall cast the vote.
2. If a residential lot is owned by more than one person, any one of the owners shall cast the vote.
3. If a residential lot is owned by a legal entity, any officer of the legal entity shall cast the vote.
4. Owner's will be listed as ineligible to vote if they have failed to pay the annual assessment, or outstanding fees, including any assessed interest or penalties legally levied by the Association.
5. An Owner may be suspended during any period in which the lot owner is in violation of the Declaration of Restrictions.
6. The voting rights of an owner may be suspended during any period the owner is in continuing violation of the Declarations of Restrictions after the existence of the violation has been declared by the Board of Directors.
7. Lot owners may correct all violations and show evidence to that fact before the voting deadline, including the day of the General Membership meeting, and will be allowed to attend the meeting and vote on issues that arise at the meeting.

B. Privileges of Membership/Electronic Membership Card

1. Members in good standing, members of their households, and guests may use the recreational amenities and common areas.
2. Membership Card:
 - a. Using the amenities require evidence of an electronic membership card.
 - b. The card will open the gates to the pools and tennis courts.
 - c. The membership cards are issued once, upon change of ownership by deed and/or real property records of the State of Maryland.
 - d. Membership cards are electronically renewed each year upon payment of the annual assessment and any outstanding fees that have been invoiced against the property.
 - e. Membership cards are deactivated when the owner is no longer in good standing.
 - f. To receive a membership card, the lot owner must come to the office and sign for the card.
 - g. In the event a lot owner cannot come to the office, they may designate a representative in writing with their signature, to pick up and sign for their card (their signature does not have to be notarized).

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- h.** A lost membership card, for any reason, will result in a non-refundable replacement fee as set by the Board of Directors and the original card will be deactivated.

SECTION V. DIRECTORS AND OFFICERS

A. Code of Conduct

1. The MBCA code of conduct applies to:
 - a. Board Officers
 - b. Board Directors
 - c. Committee Chairpersons
 - d. Volunteers
2. The purpose is to guide these individuals toward high standards of ethical behavior in the performance of MBCA business and to ensure that the community has confidence, faith, and respect for the Association's governing body.
3. As outlined in the code of conduct, those positions listed in paragraph A.1. shall:
 - a. Act within the boundaries of their authority as defined by the MBCA Governing Documents and all relevant Federal, State, and Local laws.
 - (a) Uphold their fiduciary duty to the lot owners to the highest extent while being fiscally prudent and responsible with MBCA funds.
 - b. Portray a professional and courteous demeanor, work within MBCA's framework, and refrain from unilateral action.
 - c. Serve the best interest of MBCA regardless of personal interest or gain.
 - d. Use sound judgement to make the best possible business decisions for the MBCA taking into consideration all available facts, circumstances, documentation, governing documents, state laws, federal laws, and resources.
 - e. Provide opportunities for lot owners to comment on decisions regarding the MBCA.
 - f. Perform duties without bias for or against any individual, ownership groups, or non-owner residents.
 - g. Treat colleagues, staff, other Directors, and residents with respect and dignity.
 - h. Hold confidential personal information about lot owners, residents, or employees that was obtained in the performance of Board business, duties, and files in complete confidence without disclosure to outside individuals.
 - i. Hold confidential competitive bidding proposals without disclosure until the contractor is selected and notified.
 - j. Disclose personal or professional relationships with any company or individual who has or is seeking a business relationship with MBCA.
 - k. Conduct open, fair, and well publicized elections.

1. Refuse any gifts, directly or indirectly, from suppliers or contractors.
- m. Refrain from interfering with an individual or contractor providing a service in Montego Bay other than on a Director's personal property.

B. Qualifications of Directors and Officers and Other Requirements

1. All Directors and Officers must be accessible to the Owners and Officers and other Board Members.
2. The Association will provide, upon request, an email address for use by the Officer or Board Member.
3. The Association will provide at least one computer for use of Officer or Board Members at the MBCA Office.
4. A lot owner shall not hold more than one office (President, Vice President, Secretary, Treasurer, or Director), unless serving in an acting capacity for a temporary time not to exceed three board meetings.
5. An Officer in an acting capacity shall not receive a salary, payments, or compensation in any form from the Association for their services.
6. No more than one member of a household or property ownership may hold more than one elected office (either Director or Officer) at a time.
7. The votes of Members of the Board shall be recorded and published in the minutes of a meeting.

C. Duties of the President

The President shall be the chief executive officer of the Association. The individual shall have all the general powers and duties that are usually vested in the office of president of a corporation, including, but not limited to, the following:

1. Presides over all Association General Membership, Board of Directors, Special, and Executive Committee meetings and establishes meeting agendas.
2. Manages and directs the business of the Association.
3. Signs, along with one Officer, promissory notes, checks, contracts, leases, mortgages, deeds, permit approvals; and other instruments approved by the Board of Directors.
4. May delegate, in writing, signature authority, other than for financial transactions, to another Director or Officer.
5. Hires and terminates employees, prepares job descriptions, proposes wages and benefits as part of the annual operational budget, and establishes and implements human resources policies, all with the approval of the Board of Directors.

6. The President of the Association shall provide all instructions and directions to Association employees concerning support of committee and ad hoc advisory body activities.
7. Authorizes, in an emergency to avoid further harm or deterioration to the Association, with the concurrence of one officer and the Chairperson of the Budget/Finance Committee or two officers, an expenditure up to \$5,000 for the emergency action (See Section IX.J.7).
 - a. The justification and the names of those approving the emergency expenditure will be made part of the minutes of the next Board Meeting.
 - b. The sense of the Board was that an emergency “skips the process” to take whatever action is necessary to address the emergency. The sense of the Board agreed that an emergency action is “stop the bleeding” and once that is accomplished, then the bidding process is applied to any follow-up repairs or action (MBCA Board Minutes, April 14, 2012).
 - c. An emergency action is not approval of a total project but only those actions to remove the cause of the emergency (MBCA Board Minutes, April 14, 2012).
8. Ensures orders, motions, decisions, and Resolutions of the Board, and the General Membership, are carried out.
9. Serves as a non-voting ex-officio member of all Committees.
10. Signs the Association annual income tax forms, either in writing or electronically, depending on how the tax forms are provided to the President.
11. In addition, ensures the annual income tax forms are mailed or electronically transmitted to the Internal Revenue Service and to the Maryland Secretary of the Treasurer.

D. Duties of the Vice President

The Vice President shall perform all duties ordinarily incident to the Office of Vice President of an Association including, but not limited to, the following.

1. Ensures all arrangements are made for General Membership Meetings including reserving the meeting location, room set-up and tear down, copies of materials, communication and microphone systems, check-in tables, location for ballot counting, etc.
2. Ensures the MBCA Office is staffed and open during the times outlined in this manual.
3. Maintain Employee Handbook and Staff Position Descriptions.¹⁰

¹⁰ Added the responsibility for maintaining the Employee Handbook and Staff Position Descriptions. Motion #2022.05.14.08.

4. Ensures a current inventory of MBCA property, with serial numbers and descriptions, and verify the listed items by sight at least twice a year.
5. Ensures the cleanliness of the Office and the family bathroom.
6. Serves as a non-voting ex-officio member of all Standing and Special Committees.
7. Performs inspections for resale packages and for violations to the Declaration of Restrictions.
8. Updates gate locks at pools and tennis courts as needed.
9. Performs additional duties as assigned by the President.

E. Duties of the Secretary

The Secretary shall perform all duties ordinarily incident to the Office of Secretary of an Association including, but not limited to, the following

1. Maintains the minutes of any meetings of the Membership, the Board of Directors, and the Executive Committee in the books provided for that purpose. The minutes of all meetings will also be electronically recorded and retained, until posted on the web or electronically stored in the Association office.
2. Ensures procedures for the adoption and publication of Board Resolutions and Motions are included in the Manual and make such records available on the Association website as a reference document for Association members.
3. Ensures all motions and referendums proffered during meetings are properly recorded on a Motion Tracking Log adopted by the Board of Directors (See Appendix 5)¹¹.
 - a. The log shall contain the following information:
 - (1) Unique tracking number containing the year, motion meeting date, and motion number. Example:
 - (a) Motion number one (1) made at the Monthly Board of Directors meeting on March 13, 2021, would be recorded as: 2021-03-13-01.
 - (b) Motion number three (3) made at the Monthly Board of Directors meeting on April 10, 2021, would be recorded as: 2021-04-10-03.
 - (2) Description of the motion.
 - (3) Member making the motion.
 - (4) Pass or fail vote.
 - (5) Follow-up action required.
 - (6) Follow-up action assigned to.
 - (7) Governing Document edited or created.
 - (8) Date assignment completed and or approved by the Board.

¹¹ Proposed and approved by the Board of Directors on November 14, 2020 (Motion #2020.11.14.04).

- b.** The Secretary shall file a copy monthly on the Microsoft Word One Drive and distribute an updated log to Board members as needed.
- 4.** Ensures the update and maintenance of the membership transfer books and electronic membership database in a timely manner.
- 5.** Oversees and takes responsibility of the website by authorizing content and ensuring content is updated and loaded promptly. Performs, or ensures that the duties of a Webmaster are completed.
- 6.** Performs, or ensures the performance of, such duties related to communication systems, information security, and information technology.
- 7.** Receives and ensures all requests from Owners for copies or access to documents of the Association receive a response in accordance with state law.
- 8.** Ensures this Manual is updated as directed by the Board of Directors.
- 9.** The Secretary shall not sign any documents of the Association outside of those normally associated with the Office of Secretary and will not sign on behalf of the President, Vice President, or Treasurer unless written authority from the President is specifically given.
- 10.** Performs additional duties as assigned by the President.

F. Duties of the Treasurer

The Treasurer shall be the chief financial officer of the Association and shall have all the general duties, including, but not limited to, the following:

- 1.** Ensures that full and accurate accounts of all receipts and disbursements are entered in books belonging to the Association. Reallocations of funds within the operational and reserve budgets require, at a minimum, a vote by the Board.
- 2.** Recommends, by signature, invoices to be paid after conducting due diligence that any questions regarding the invoice have been resolved and that W-9 information and certificate of insurance, if appropriate, are on file with the office. Recommendation of payment is submitted to the President. The Treasurer and President will co-sign payment checks and approve electronic payments. If the Treasurer is unavailable but has recommended payment, then the President and another Officer may sign the check or approve electronic payment.
- 3.** Deposits all monies and other valuable effects in the name, and to the credit, of the Association in such depositories (such as banks, trust companies, certificate of deposits) as may from time-to-time be designated by the Board of Directors.

4. Collects all annual assessments and maintain a record of each member's account with the Association. Ensure the update and maintenance of the electronic membership card database in a timely manner. Activating and deactivating keys according to payment of annual assessment and fines will be done by the Office Manager with Treasurer's information.
5. The Treasurer shall monitor budget development progress with the Chairperson of the Budget and Finances Committee and provide a progress report to the Board at each regular Board meeting.
6. Ensures the preparation of the annual tax forms of the Association and gives them to the President for signature. The Treasurer does not sign and submit the tax forms.
7. The Treasurer shall issue the IRS 1099 forms and ensure that the IRS W-9 information of all vendors that provide services is available before the start of any work or the authorization of payment of any invoice. The Treasurer will perform all verification actions and sign the invoice as authorized for payment before any other signature is applied. The President will authorize the payment by also signing the invoice. If the President is unavailable, the President will designate in writing (including e-mail) the other Officer authorized to sign off the invoice and the payment check. If the Treasurer is temporarily out of the area and unavailable to carry out their responsibilities, the Treasurer will notify the President in writing (including e-mail) and the President will authorize another Officer to sign for the Treasurer.
8. The Treasurer shall not sign any documents of the Association outside of those normally associated with the Office of Treasurer and will not sign on behalf of the President, Vice President, or Secretary unless written authority from the President is specifically given.
9. Conducts, in coordination with the Budget/Finance Committees, a review of all the Association's insurance policies the year before a certified audit is conducted, or whenever directed by the Board of Directors. Submit all insurance claims approved by the President or the Board of Directors.
10. Ensures the update and maintenance of the electronic membership card database in a timely manner.
11. Maintains a Contract Log of all vendor contracts executed by the MBCA.¹²
12. Performs additional duties as assigned by the President.

G. Duties of the Directors

The powers and duties of the Board of Directors shall include, but are not limited to, the following:

¹² Approved by the Board of Directors on January 14, 2023, Motion #2023.01.14.05

Administrative, Operations, and Procedures Manual

- 1.** Provide for the care, upkeep, and monitoring of Montego Bay and its facilities and common areas in a manner consistent with law and good management practices.
- 2.** Institute, by approval of two-thirds of the votes of the Directors, suits on behalf of the Association. Approval is not necessary for suits instituted for the collection of the Annual Assessment or other such fees due the Association.
- 3.** Ensure adequate insurance is procured and maintained to protect the Association, its employees, its personal and real properties, the Board of Directors, and officers. Premiums for such coverage shall be paid by the Association.
- 4.** Enforce such rules and regulations and such restrictions or requirements as outlined and established in the Bylaws and Declaration of Restrictions.
- 5.** Grant such licenses, and/or rights of way across Association property for sewer lines, water lines, electrical cables, telephone cables, storm drains, underground conduits and/or such other purposes related to the provision of public utilities to Montego Bay as may be considered necessary and appropriate.
- 6.** Adopt and publish rules and regulations governing the use of those parts of the Association property that are or will be owned by or are otherwise under control of the Association.
- 7.** Establish committees.
- 8.** The Board may not sell, mortgage, encumber, or donate any of the Association's real or personal property or assets if the cost of such property or asset exceeds 10% of the annual collections of the Association, unless approved by the majority of respondents of the General Membership.
- 9.** The Board may sell, mortgage, encumber, or donate any of the Association's real or personal property or assets if the cost of such property or asset is less than 10% of the annual collections of the Association, with the approval by the majority of Directors.
- 10.** Propose capital expenditures for the acquisition of new facilities, land, or other real or personal property or asset. Such proposals, if approved by the majority of Directors, will then be placed on a referendum ballot for approval by greater than 50% of the General Membership.
- 11.** Borrow money, but if any transaction would increase the total of all outstanding debt of the Association to an amount exceeding 15% of the current income derived from annual charges, it shall require approval by greater than 50% of the votes received from the General Membership eligible to vote.
- 12.** Approve a proposed operational and a proposed reserve budget for the ensuing year at least ninety (90) days prior to the beginning of the fiscal year and determine the amount of the annual charge to be levied against each member of the Association. Following the

review and comment period for Owners, make final adjustments and approve the final budgets.

- 13.** Consider a petition submitted under the authority granted by the Bylaws at a meeting of the Board within 60 days of the petition being filed.
- 14.** Establish additional duties of the Board of Directors by majority of all filled seats on the Board and with the vote of the President.

H. Order of Succession During a State of Emergency:

- 1.** In the event of a Federal or State of Emergency, pandemic, or natural disaster, if the President is unable to continue in the position of President the Order of Succession for filling the position of President shall be as follows:
 - a.** Vice President
 - b.** Secretary
 - c.** Treasurer
 - d.** Board of Directors Executive Committee Appointee
 - e.** Board of Director with the most amount of total experience; including, prior service in any position of the MBCA Board.
- 2.** In the event that succession is not accomplished by the Vice President filling the position of President of MBCA then the President position shall be filled in the Order of Succession delineated above until such time as the MBCA Board of Directors can convene a meeting and vote in a new President.

SECTION VI. MEETINGS

A. General Membership Meetings¹³

1. Participation: Before each General Membership Meeting; members in good standing will check in and receive a voting flyer. Owners of multiple properties will be issued a voting flyer with the number of votes that owner may cast.
 - a. The Treasurer shall provide to the Secretary 35-days before the General Membership Meeting a list of all Owners who have outstanding fees due to the Association and, therefore, are not members in good standing.
 - b. The Chairperson of the Architecture Committee shall provide to the Secretary 35-days before the General Membership Meeting a list of all Owners who are in violation of any provision in the Declaration of Restrictions, and therefore are not members in good standing.
 - c. The Secretary shall have prepared an alphabetical list of all members in good standing the week of the General Membership Meeting, entitled to attend the General Membership meeting and participate. The list will be provided to the sign-in coordinator the morning of the General Membership Meeting. Members will be given entrance to the meeting after their names have been checked against the alphabetical list. Members in good standing will receive a voting flyer and members not in good standing may attend but will not receive a voting flyer.
2. Order of Business: The order of business at all regularly scheduled meetings of the General Memberships may include, in no specific order, the following:
 - a. Roll call of Directors
 - b. Roll call of Committee Chairmen
 - c. Proof of notice of meeting or waiver of notice.
 - d. Approval of minutes of preceding General Membership meeting.
 - e. Election of Directors and Officers. (August General Membership Meeting only.)
 - f. Reports of officers, if any.
 - g. Reports of committees, if any.
 - h. Old business.
 - i. New business. (Including submission of petitions.)
 - j. Adjournment

¹³ See Bylaws Article V Section 5.4

B. Special General Membership Meeting¹⁴

1. Special meetings of the General Membership may be called for any third Saturday of a month, except during the months preceding or following the April and August regularly scheduled general membership meetings by:
 - a. A majority vote of the Board
 - b. Or by referendum petition by the general membership.
2. Such special meetings must be announced by mail at least 30 business days in advance.
 - a. If a special meeting involves a referendum ballot issue for the owners, then the meeting must be held at least 45 business days in advance.
 - b. Notice (and ballot) must be mailed out at least 30 business days in advance.
3. The presence, in person or by returned ballot, of members in good standing representing at least forty (40) separate Lot Owners (i.e. 40 votes) shall constitute a quorum for the transaction of business stated in the notice.

C. Board Meetings¹⁵

1. The regular meeting of the Board of Directors shall be held on the second Saturday of each month at 9:00 a.m. at the office of the Association, except as provided in C.2.
2. Board meeting are waived during the months of April and August.¹⁶
3. The schedule and location of regular Board meetings is established by the Board.
4. A majority of the filled seats on the Board of Directors shall be necessary to constitute a quorum for the transaction of business.
 - a. If a quorum of Directors is not present, the meeting can be conducted, but no business may be transacted, and no motions may be passed.
 - b. Those present may adjourn and reschedule the meeting before the next regularly scheduled meeting so a quorum is present.
5. Owners and their guests must sign-in to the meeting.
6. Invited guest speakers will be signed-in by the owner sponsoring their visit.
7. Officers and Board members attending will be notated by the roll call taken at the beginning and end of the meeting¹⁷ and listed in the minutes of the meeting.

¹⁴ See Bylaws Article V Section 5.5

¹⁵ See Bylaws Article V Section 5.6

¹⁶ Proposed and passed by the Board on December 14, 2019. Motion #2019.12.14.05

¹⁷ Proposed and passed by the Board on September 12, 2021. Motion #2021.09.11.02

8. Owners may speak on Board business with the permission of the President.
9. Owners may speak during the Good of the Association on any topic after being recognized by the President.

D. Special Board of Directors Meeting¹⁸

1. Special meetings of the Board may be called by the President or by a majority vote of the Board at least three days in advance.
2. A majority of the filled seats on the Board shall be necessary to constitute a quorum for the transaction of business stated in the notice.

E. Closed Meetings¹⁹

1. In accordance with the Maryland Homeowners Association Act (MHAA) §11B 111(4) and 111(5), the MBCA may hold closed meetings for the following purposes:
 - a. To discuss legal or personnel matters with an attorney.
 - b. To protect the privacy or reputation of individuals in matters unrelated to MBCA business.
 - c. To consult with staff, Board members, consultants and/or attorneys, in connection with pending or potential litigation.
 - d. To investigate alleged criminal misconduct.
 - e. To consider terms and/or conditions of business negotiations if disclosure could adversely affect the interests of the MBCA.
 - f. To discuss owner assessment accounts.
 - g. To ensure compliance with specific constitutional, statutory, or judicially imposed requirements protecting proceedings, or matters from public disclosure.
 - h. No action may be taken, and no matter may be discussed if it does not meet the criteria of section.
 - i. The minutes of any regular or special meetings in which a closed session was authorized shall be prepared on the Board of Directors Closed Meeting Checklist (See Appendix 3), filed appropriately, and include the following information:
 - (1) The time, purpose, and place of the closed meeting.
 - (2) Citation of the legal authority to go into closed session.
 - (3) The vote of each member on the motion to go into closed session.
 - (4) A summary of the closed session minutes shall be presented at the next board meeting for inclusion in that meeting's minutes.

¹⁸ See Bylaws Article V Section 5.7

¹⁹ See Bylaws Article V Section 5.1

F. Notice of Meeting

- 1.** The Secretary shall ensure a meeting notice is sent at least 30 days in advance of each annual or special General Membership meeting stating the purpose thereof as well as the date, time, and location of the meeting to each member at his/her primary address as it appears on the ownership roster of the Association.
- 2.** Service may also be accomplished by the delivery of such notice to the member in person or to an e-mail address provided by the member as outlined in the Bylaws Article III, Section. 3.2.
- 3.** No notice by mail to the General Membership is required for regular or special meetings of the Board or meetings of committees.

SECTION VII. COMMITTEES

A. General Information

1. Committee Establishment:
 - a. The Board of Directors shall establish committees as prescribed in the MBCA Bylaws and define their primary duties (MBCA Bylaws Article VI, Section 6.1).
 - b. The Board of Directors may establish additional committees by majority vote (MBCA Bylaws Article VI, Section 6.1).
 - c. Each committee shall be guided by a Committee Charter (See Appendix 7) approved by the Board of Directors and consist of a mission statement, duties, and responsibilities.
 - (1) Mission Statement:
 - (a) The first section of a board committee charter is the mission statement.
 - (b) This section consists of a full paragraph or a sentence or two that describes the committee's purpose and objectives.
 - (2) Duties and Responsibilities:
 - (a) The committee charter section on responsibilities is generally the longest and most important part of the committee charter.
 - (b) This part clarifies how members should work together to fulfill the goals, objectives, and expectations of the committee.
 - (c) The section forms a list of the exact duties and responsibilities that the Board expects the committee to fulfill.
2. Edits to the Committee Charter document shall be made on authority of the Board of Directors.

B. Committee Membership

1. The President shall appoint all committee chairpersons, and serve as an ex officio, non-voting member of all committees (MBCA Bylaws Article VI, Section 6.1).
2. The chairperson appoints committee members (MBCA Bylaws Article VI, Section 6.1).
3. The chairperson and members shall be composed of any member in good standing (MBCA Bylaws Article VI, Section 6.1).
4. The chairperson shall determine the size and make-up of the committee.

C. Notice of Committee Meetings

1. Committee meetings shall be held at a minimum of once per year.

2. To complete tasks and accomplish its mission, additional committee meetings shall be at the discretion of the chairperson.
3. All committee meetings shall be open to all MBCA lot owners or their agents, except when closed as permitted under the provisions of §11B of the Real Property Article of the Annotated Code of Maryland, The Maryland Homeowners Association Act (MBCA Bylaws Article V, Section 5.1).
4. Each meeting shall provide a segment of time for lot owners to speak (MBCA Bylaws Article V, Section 5.1).
5. Notices of all scheduled meetings shall be posted on the MBCA website and emailed, or posted to Time Square, to the membership at least three (3) days in advance (MBCA Bylaws Article V, Section 5.1).
6. No notice by mail or email to the General Membership is required for regular or special meetings of the Board or meetings of committees (MBCA Bylaws Article V, Section 5.2).
7. Whenever possible, committee meetings shall be held within the Montego Bay Residential Community (MBCA Bylaws Article V, Section 5.1).
8. To conduct business, a simple majority of committee members shall constitute a quorum.

D. Committee Reports

1. Committee chairs will ensure all committee meetings notes are recorded on a form prescribed by the Board and a copy is provided to the MBCA office for filing.
2. The chairperson may delegate the recording of meeting minutes to a committee member.
3. The chairperson shall submit monthly written committee reports to the Board.
 - a. The reports shall be emailed to the Secretary as part of the Monthly Board meeting document package on or before the first Saturday of the month for which the report is due.
 - b. Any report not received prior to the due date will be tabled until the next Board meeting.²⁰
4. Committee chairpersons may request to address the Board by notifying the Secretary at least seven days in advance of the Board Meeting.
5. Committee reports at General Membership Meetings shall be inclusive of events and accomplishments since the last General Membership Meeting, and not just since the last Board meeting.²¹

²⁰ The purpose is to permit Board members the opportunity to review documents prior to the monthly Board meeting and to hold meetings to one and half (1½) hours or less.

²¹ Approved by Board Motion on July 11, 2009.

6. Committee reports shall be included in the MBCA Monthly Bulletin prepared by the Communications Committee.²²

E. Committee Charter Review

1. Committee charters shall be reviewed and revised annually as directed by the Board (Appendix 7).
2. Updated charters shall be submitted to the Governing Documents Committee annually on or before the twentieth day of February.²³
3. The Governing Documents Committee will review for adherence to the governing documents and present the updated charters for review and approval at the March Board of Directors Meeting.²⁴

F. Board of Directors Committees

1. Executive Committee:
 - a. The committee shall have the power to act in the place of the Board of Directors.
 - b. The committee shall not have the power to change the Declaration of Restrictions or amend the Bylaws.
 - c. The president shall be the Chairperson of the Executive Committee.
 - d. The members of the Executive Committee shall consist of the president, vice president, secretary, treasurer and one director selected by the Board.
2. Standing Committees:
 - a. Advisory and Strategic Planning:
 - (1) Prepares a five (5) year strategic budget plan in support of establishing a Reserve Fund replacement budget.
 - (2) Makes recommendations to the Board of Directors to establish Reserve Fund priorities.
 - (3) Receive Reserve Fund priorities by referendum.
 - b. Architectural Review and Permit Processing:
 - (1) Monitors construction to ensure Montego Bay architectural requirements conform to community standards.
 - (2) Conducts a review of the community at least once per quarter for compliance with the community architectural standards and the Declaration of Restrictions.
 - (3) Prepares citation letters for the President's signature notifying lot owners of deficiencies or violations that require correction.

²² Approved by Board Motion on October 9, 2021. Motion #2021.10.09.04.

²³ Approved by Board Motion on October 9, 2021. Motion #2021.10.09.04.

²⁴ Approved by Board Motion on October 9, 2021. Motion #2021.10.09.04.

- (4) Reviews all Ocean City building permits and exterior site plans for construction in Montego Bay for the purpose of ensuring the project is compliant with MBCA community standard and requirements.
 - c. Budget and Finance:
 - (1) Reviews financial statements on a quarterly basis.
 - (2) Reconciles expenditures with authorized budget amounts and invoices.
 - (3) Advises the Board and Treasurer on whether unplanned expenses can be funded.
 - (4) Following the procedures under the Finance Section for the Budget Development Schedule, prepare a proposed annual budget and submit formal budget proposal for Board consideration.
 - (5) Report monthly budget development progress to the Treasurer.
 - (6) Schedules MBCA financial audits.
 - (7) Reviews internal control procedures and documentation covering Association assets.
 - (8) Reviews draft of the annual income tax forms and presents to the Board for review, approval, and signature of the President.
 - (9) Annually reviews the insurance policies of the Association and recommends renewals or adjustments.
 - d. Governing Documents Committee: Ensures that the Bylaws, Declaration of Restrictions, Articles of Incorporation, and other governing documents are maintained, current, and compliant with Federal and State requirements.
 - e. Communications: Designs, drafts, and formats articles for the Association’s newsletters, website, and special communications.
 - f. Parks and Pond:
 - (1) Oversees the common areas of the community and the pond.
 - (2) Oversees the city-owned property within the community to ensure it is maintained consistent with community standards and notifies the President of any violations or issues needing attention by the Town of Ocean City.
 - g. Pools and Recreation: Oversees the community amenities which include: the pools, tennis courts, miniature golf, and shuffleboard court to ensure each is properly maintained and operated in a safe and legally compliant manner.
3. Special Committees:

- a.** Aesthetics Committee²⁵: The mission is to assist the MBCA Board of Directors in enhancing the visual profile of the Montego Bay Community in the common areas through landscaping or other inclusions needed to maintain a standard of decorum.
- b.** Events Committee²⁶: Develops, plans, implements, and manages MBCA member events to promote social gatherings, encourage community spirit, provide entertainment, and support neighbor networking and camaraderie.

(1) Responsibilities

- (a)** The committee will prepare an annual calendar of community activities to include such events as the annual holiday party, annual yard sale, and other events that support the purpose of the committee.
- (b)** The calendar will be distributed via the various communication tools supported by the Association to ensure all members receive the announcement.
- (c)** The calendar will be updated as new community events are approved by the Board of Directors.

(2) Event Parameters

- (a)** Prior to announcing a community event, the committee shall present the activity to the Board of Directors to include:
 - (b)** Description of the proposed event
 - (c)** Date, time, and location
 - (d)** Budget
 - (e)** Funding source
 - (f)** Proposed attendees
 - (g)** Equipment needs
 - (h)** Setup, cleanup, and takedown
 - (i)** A majority vote of the Board is required in order to proceed with any committee event.
 - (j)** Approved events held at the MBCA Office/Meeting Room shall adhere to the following rules:

²⁵ Beautification and Landscaping Committee name changed to Aesthetics Committee on February 12, 2022. Motion #2022.02.12.03.

²⁶ Reviewed and approved by the Board of Directors on November 13, 2021, Motion Number 2021.11.14.03.

- (k) An authorized representative of the Board shall be responsible for opening and closing the building and ensuring the facility is in good order prior to leaving.
 - (l) Only authorized MBCA personnel are permitted in the office/file area during any event.
 - (m) At a minimum, one (1) Director shall be in attendance throughout the event.
 - (n) The Events Committee is responsible for all logistics and cleanup and make seek help from Board members, other committees, and community volunteers.
 - (o) Events are open to MBCA members and their families only and not to non-members or renters.
 - (p) The Events Committee shall ensure that all individuals entering the building sign the MBCA attendance log.
 - (q) Association members are prohibited from selling or serving alcoholic beverage; however, based on the event, members may be permitted to bring their own alcoholic beverages.
- c. Nominating Committee: The Chairperson of the Nominating Committee is responsible for ensuring proper procedures are followed for obtaining nominations for directors and officers.
- (1) At least four (4) Board Meetings before a General Membership Meeting the President shall appoint a Chairperson.
 - (2) The Chairperson, and members of the Nominating Committee, cannot be a candidate for Director or have a household association with any candidate for Director.
 - (3) The Chairperson of the Nominating Committee shall prepare a slate of qualified Candidates desiring to run for a Director position. Qualifications are outlined in Article IV of the Bylaws.
 - (a) The slate shall include at least one candidate for each Office open for that respective election year and for vacancies on the Board of Directors.
 - (b) Lack of Eligible Candidates: If, for any reason, the number of eligible candidates available for election to the Board of Directors or an Officer position becomes less than the number of

positions to be filled by the election, then write-in candidates and nominations from the floor will be allowed.

- (c)** Vacancies remaining after the election shall be filled as provided in Article IV of the Bylaws and Section F.4.a.(12) of the Manual.
- (4)** Board of Directors Candidate Application²⁷:
 - (a)** Candidates must declare their candidacy for an Officer position or Board position using the approved Board of Directors Candidate Application Form (See Appendix 4).
 - (b)** The completed application must be delivered to the Nominating Committee Chairperson no later than the first Friday of the month of June.
 - (c)** The Office Manager shall verify that the Association's records as of the first Friday of June support each candidate's eligibility.
- (5)** The Chairperson of the Nominating Committee will present the Board with a list of candidates at the Board meeting in June and shall request all candidates to attend the July Board meeting for owners to meet the candidates.
- (6)** The third-party vendor contracted to handle electronic voting²⁸ will be responsible for finalizing the format of the ballot and its distribution via email to the General Membership with electronic access.
- (7)** By motion of the Board of Directors on March 12, 2022, Motion to continue with electronic voting for all future elections with a member option of requesting a paper ballot.²⁹
- (8)** The third-party vendor will be responsible for providing a paper format of the election ballot to the Office Manager for printing and mailing to members without electronic access.
- (9)** Candidate Resume:
 - (a)** The Chairperson of the Nominating Committee shall advise candidates to prepare a short resume of approximately 200 words stating their qualifications and their reason for becoming a candidate .

²⁷ On December 14, 2019, the Board proposed and approved an expanded requirement to fill a vacant Director's position in addition to the process outlined in the Bylaws Article IV Section 10.2 (Motion#. 2019.12.14.07).

²⁸ On November 14, 2020, the Board approved contracting with the online voting company, Balloteer, to implement an electronic balloting and voting process for MBCA (Motion #2020.11.14.07).

²⁹ Reviewed and approved by the Board of Directors on March 12, 2022. Motion #2022.03.12.08.

- (b)** This resume, as approved by the candidate, shall be included with the meeting notification and the mailing, or emailing of the election ballot for the August General Membership meeting.
 - (c)** The resume is not required to be listed on the ballot; however, it may be included.
 - (d)** The biography shall be recorded on the Candidate Information for Ballot Form (See Appendix 5) along with a 2x2 photograph of the candidate.
- (10)** The Chairperson of the Nominating Committee shall assist the Office Manager in preparing election materials.
- (11)** Election materials prepared with funds of the Association shall list candidates in alphabetical order and may not indicate a candidate preference.
- (12)** The Nominating Committee shall arrange for staffing of the sign-in tables the day of the August General Membership meeting.
- (13)** Board of Director Vacancies occurring between elections shall be filled as follows:
 - (a)** Vacant Director positions shall be filled by lot owners in good standing.
 - (b)** The Nominations Committee Chairperson shall solicit applications from the general membership on the Candidate Application Form (Appendix 4).
 - (c)** Applications shall be submitted to the Nominations Committee Chairperson on a date established by the Board and provided to the Board on or before the next Board of Directors meeting for a candidate selection.
 - (d)** Candidates shall be present at the Board meeting at the time of the vote.
 - (e)** Each candidate shall be provided with an opportunity to orally address the Board.
 - (f)** The Board shall select the candidate by majority vote.
 - (g)** The approved candidate shall assume the vacant position immediately after the Board the Board vote.
 - (h)** The Board shall not be required or obligated to fill a vacancy if the remaining term is three (3) months or less.
- (14)** Teller Committee: The Committee shall have the responsibility for the counting election and referendum ballots.

- (15)** At least four (4) Board of Directors Meetings before a General Membership Meeting the President shall appoint a Chairperson.
 - (16)** The Chairperson, and members of the Teller Committee, cannot be a candidate for Director or sponsor of a referendum (being voted upon), or have a household association with any sponsor of the referendum (being voted upon) or candidate for Director.
 - (17)** The Chairperson of the Teller Committee will be tasked with collecting and keeping custody of all returned ballots.
 - (18)** Paper ballots may begin to be counted following the close of business (3 p.m.) on the Friday before the General Membership meeting, but no later than commencement of the meeting at 10:00 a.m. While under the control of the Teller Committee Chairperson, ballots may be counted at a location other than the meeting location if that location is not available until the time of the meeting.
 - (19)** The results of the electronic ballots will be emailed to the Nominations Chairperson by the third-party vendor by 5:00 p.m. on Friday. Results shall be combined with the results of the paper ballots cast.
 - (20)** A paper ballot is valid only if it is returned in the official envelope provided by the Association.
 - (21)** Only one paper ballot per official envelope is allowed – if the envelope contains more than one paper ballot, none of the ballots in that envelope will be counted.
 - (22)** The content of the official envelope is counted if the Teller Committee can confidently discern the vote that was cast. A photocopy of a ballot, a handwritten ballot, or any other format conveying the intent of the vote is acceptable – if it is received in the official envelope.
- d. Voting Results:**
- (1)** Before the General Membership Meeting can be adjourned, the Teller Committee shall count the election ballots and the Chairperson of the Teller Committee shall announce the names of all Candidates and the number of votes for each candidate to the General Membership. The results shall be included in the minutes of the meeting and posted on the website and bulletin board(s). The election results are effective immediately upon being announced.
 - (2)** The Teller Committee shall count the referendum ballots and the Chairperson of the Teller Committee

shall announce the results of the ballots before the General Membership Meeting adjourns unless the ballot counts are not completed before the scheduled adjournment time and shall be announced as soon thereafter as possible. The results of the referendum vote are effective immediately upon being announced.

- (3)** The counted ballots shall be kept under the care and custody of the Chairperson of the Teller Committee for a period of thirty (30) days (in case of a protest or demand for recount) after which they are no longer valid for an action by the Board and shall be destroyed.

SECTION VIII. ANNUAL AND SPECIAL ASSESSMENTS

A. Lot Owner Annual Assessment:

1. Expenses shall include the following:
 - a. The cost of all operating expenses of the Association, including charges by the Association for facilities and services furnished by it; and
 - b. The cost of necessary management and administration, including fees paid to any Management Agent; and
 - c. The amount of all taxes and assessments levied against the Association or upon any property which it may own or which it is otherwise required to pay; and
 - d. The cost of property and extended liability insurance on the Association's property and the cost of such other insurance as the Association may affect; and
 - e. The cost of furnishing water, electricity, heat, gas, trash collection, and/or other utilities to the extent furnished by the Association for its property; and
 - f. The cost of funding all reserves (replacements) established by the Association including, when appropriate, a general operating reserve and/or a reserve for replacements; and
 - g. The estimated cost of repairs and maintenance of Association property.
2. Collection of the annual assessment and any late fees shall be in accordance with the Declaration of Restrictions, page 3, paragraph 5.

SECTION IX. FINANCE

A. Sources of Financial Support

1. The Association shall be financed by:
 - a. The annual charge proposed and approved by the Board of Directors in the annual budget, under Article IX, and such other charges or fees authorized by the Bylaws or Restrictions document.
 - b. Gifts and bequests to the Association, restricted or unrestricted, accepted by the Board of Directors.
 - c. Public or private grants to the Association, restricted or unrestricted.
 - d. Federal, State, Worcester County, or Town of Ocean City funds available to the Association.

B. Reserve Fund

1. Such fund shall be conclusively deemed to be a common expense.
2. Each replacement account entered in the Reserve Fund by approval of the Board shall state how it is to be funded and shall specify policy for use of the funds.
3. Annual funding projections shall consider anticipated expenditures in current and future fiscal years.
4. Each replacement account in the Reserve Fund shall appear in the annual budget of the Association and on the financial statement as an appropriated fund.
5. Reserve funds shall not be expended or transferred for purposes other than those for which the replacement account was established unless approved by a referendum ballot passed by greater than 50% of the General Membership.
6. Such fund shall be deposited in a special account with a financial institution, the accounts of which are insured by an agency of the United States of America or may, at the discretion of the Board of Directors, be invested in obligations of, or fully guaranteed as to principal by, the United States of America.
7. The Board may propose by referendum ballot passed by greater than 50% of the General Membership the expenditure of reserve funds for operating contingencies of a non-recurring nature.

C. Budget

The Board of Directors shall have the authority to amend the budget, within individual budget categories at any time during the fiscal year by a majority vote of the entire Board.

D. Budget Development Schedule

1. The Budget Development Schedule (see Table 2) was approved by a Board of Directors motion on December 12, 2020.
2. The schedule shall be updated annually describing the planning tasks, duties, and responsibilities required to complete the annual budget on time and in accordance with the Association’s governing documents.
3. Should a task or responsibility change, the Board shall ensure edits are made to the schedule.
4. The Chairperson of the Budget and Finance Committee shall ensure the required monthly task are completed on time and provide monthly progress reports to the Treasurer.
5. The Treasurer shall provide a budget development progress report at each regular Board meeting.

Table 2: Budget Development Schedule²⁴

Month	Tasks Schedule	Date Due	Date Completed
May	<ul style="list-style-type: none"> • Treasurer closes out accounting books for prior fiscal year. • Budget and Finance Committee monitors the budget preparation process and reports progress to the Board of Directors (BOD) beginning in May and each succeeding month. • Lot owners failing to pay the annual assessment within thirty (30) days from due date are notified of late fee assessment. <ul style="list-style-type: none"> ○ Declaration of Restriction paragraph 5.b.1. <i>If any assessment is not paid within thirty (30) days from the due date, a ten percent (10%) late charge shall be added to said assessment.</i> ○ Declaration of Restriction paragraph 5.b.2. <i>If the assessment and late charge are not paid within sixty (60) days from the assessment due date, the total amount due shall accrue interest at the rate of eighteen (18) percent per annum.</i> ○ MHA § 11B-112.1. <i>Late Charges. The declaration or bylaws of a homeowners’ association may provide for a late charge of fifteen dollars (\$15.00) or one-tenth of the total amount of any delinquent assessment</i> 		

Month	Tasks Schedule	Date Due	Date Completed
	<i>or installment, whichever is greater, provided the charge may not be imposed more than once for the same delinquent payment and may be imposed only if the delinquency has continued for at least 15 calendar days.</i>		
June	<ul style="list-style-type: none"> Treasurer has the Financial Management Company prepare the year end reports for prior fiscal year for presentation to the BOD. 		
July	<ul style="list-style-type: none"> Treasurer distributes to each committee chairperson the line items associated with the committee charter from the past three fiscal year budgets. Committees assess the needs and requests of the community and the BOD and prepares line-item proposals. 		
August	<ul style="list-style-type: none"> Committees complete and finalize line-item proposals to include detailed expenditure justification. Committees send community budget proposals to Budget and Finance Committee. Budget and Finance Committee drafts budget proposal along with detailed justification for increases and decreases to budget line items. 		
September	<ul style="list-style-type: none"> Budget and Finance Committee finalizes the budget with detailed justification and forwards it to the Treasurer for review. Treasurer presents proposed budget to BOD for review and comment. 		
October	<ul style="list-style-type: none"> Bod’s review, discussion, and recommendations for the proposed budget. Budget and Finance Committee prepares revised proposed budget with BOD amendments. 		
November	<ul style="list-style-type: none"> BOD establishes the dollar amount for the annual assessment. 		

Month	Tasks Schedule	Date Due	Date Completed
	<ul style="list-style-type: none"> ○ The Declaration of Restrictions Paragraph 5b. “The BOD will determine the annual assessment due date, which must be before the start of fiscal year.” ● BOD reviews and approves revised proposed budget for distribution to the lot owners for review and comment. <ul style="list-style-type: none"> ○ Bylaws Section 9.2: Financial Requirements: The Association shall have a reserve and an operational budget approved by the Board...The proposed operational and reserve budgets shall be presented to the owners at least thirty (30) days, whenever possible, before the Board approves the budgets. The Owners shall have an opportunity to speak to the proposed budget and that budget may be adjusted by the Board in response. 		
December	<ul style="list-style-type: none"> ● President sends the BOD-approved proposed budget to lot owners for review on or before the first (1st) day of December with a thirty (30) day comment period. <ul style="list-style-type: none"> ○ MHAA §11B-112.2 (b) (1): The Board of Directors or other governing body of a lot owners association shall cause to be prepared and submitted to the lot owners an annual proposed budget at least thirty (30) days before its adoption. ● Adoption of the final fiscal year budget document will occur on or before the February BOD meeting. <ul style="list-style-type: none"> ○ <i>MHAA § 11B-112.2 (e) Adoption at open meeting: notice. (1) The budget shall be adopted at an open meeting of the homeowners’ association or any other body to which the lot owners’ association delegates responsibilities for preparing and adopting the budget.</i> 		
January	<ul style="list-style-type: none"> ● Lot owner budget comments and suggestions received. ● Treasurer prepares a document with lot owners’ comments and questions to include 		

Month	Tasks Schedule	Date Due	Date Completed
	<p>draft responses and line-item justification.</p> <ul style="list-style-type: none"> • Treasurer presents lot owner comments, questions, and justification to the BOD for review. • BOD revises proposed budget based on lot owner feedback and justification. 		
February	<ul style="list-style-type: none"> • Treasurer prepares final draft budget and presents to the BOD for final approval. • BOD approves the final budget document. <ul style="list-style-type: none"> ○ <i>MHAA § 11B-112.2 (e) Adoption at open meeting: notice. (1) The budget shall be adopted at an open meeting of the homeowners' association or any other body to which the homeowners' association delegates responsibilities for preparing and adopting the budget.</i> 		
March	<ul style="list-style-type: none"> • Final BOD approved budget sent to lot owners within thirty (30) days of final approval. <ul style="list-style-type: none"> ○ <i>MHAA Statute § 11-112.2 e (2) (i): The board of directors or other governing body of a lot owners association shall submit the adopted annual budget to the lot owners not more than thirty (30) days after the meeting at which the budget was adopted.</i> • Annual Assessment fee notice shall be sent to lot owners on or before the first (1st) day of March with a payment due date on or before the first (1st) day of April. <ul style="list-style-type: none"> ○ <i>Bylaws Article VIII, Section 8.1: "... The annual dues shall be paid by May 1st of each year..."</i> 		
April	<ul style="list-style-type: none"> • Annual Assessment fee is due from lot owners. • Final budget discussion may be on the General Membership Meeting agenda held the third (3rd) Saturday in April. • Budget and Finance Committee identifies due dates for each budget development task for the following year's annual budget preparation and distributes the document to the BOD and committee chairs. 		

E. Execution of Loans

1. The execution of every loan of the Association requires the approval of a majority of the entire Board of Directors and must be in accordance with the Bylaws Article IV Section 4.9, which states that the Board cannot create an overall debt to the Association greater than 15% of the income derived from annual assessments unless approved by greater than 50% of votes received from the General Membership eligible to vote).
2. Unless otherwise ordered by the Board of Directors or required by law, promissory notes shall be signed by the President.

F. Annual Reporting

1. There shall be prepared annually a full and correct statement of the affairs of the Association, including a balance sheet and a financial statement of operations for the preceding fiscal year.
2. The statement shall be prepared by the firm of auditors designated by the Board of Directors and shall be submitted to the Board as close to the end of the fiscal year as practicable, but at least two weeks prior to the August annual meeting.
3. A summary report shall be presented at the August General Membership Meeting.
4. The complete report shall be filed at the Association's office.

G. Financial Review and Audit

1. At the close of every third fiscal year (starting in 2010) the books and records of the Association shall be audited by an independent Certified Public Accountant, whose report shall be prepared and certified in accordance with generally accepted auditing standards.
2. Each intervening year a Financial Review by a CPA will be conducted.
3. Based upon CPA's report, the Association shall furnish to the membership, an annual financial statement, which includes the Association's income and disbursements.
4. The Board shall employ independent auditors and require such reports and audits as necessary to accurately reflect the financial condition of the Association.

H. Payments

1. All checks, drafts, or orders for the payment of money, notes, and other evidence of indebtedness, issued in the name of the Association shall be signed (electronically or in writing based on the format for payment) by the President and any one of the remaining Officers.
2. If the Officer or a member of their household will benefit from the check, that individual is prohibited from signing the check.

3. All check signers shall be bonded under the Association's Insurance policy.

I. Credit Card

1. The MBCA may have a credit card with a limit of \$10,000³⁰.
2. Any use of the credit card must be authorized by the President and the President must sign the invoices or receipts.
3. The credit card may be used for the purchase of routine office supplies or operating expenses if the amount charged does not result in exceeding the authorized limit of the "office supplies" line item in the operation budget.
4. The credit card may be used for the purchase of items within the amount approved by the Board budgeted for various committees.
5. The credit card may be used in the event an emergency occurs and requires payment before an Executive Committee meeting can be called (See Section V.C.7).
6. If used for an emergency, an Executive Committee meeting will be called as soon thereafter unless the President and one Officer deems it can wait until the next scheduled Board Meeting.
7. The credit card can be used up to \$5,000 per emergency occurrence.
8. All purchases by credit card shall be accounted for by item in the Treasurer's monthly report and included in the minutes of the following Board Meeting.

J. Recordkeeping

1. Paper copies:
 - a. Bank statements and financial records will be kept for five (5) years plus the current year, after which the documents will be shredded.
 - b. Records and purchase documents of MBCA assets are to be retained if the asset is part of the MBCA inventory and/or as long as there may be a historical need to retain such records (such as major repairs or upgrades to amenities, including the pond).
2. Electronic copies:
 - a. The Budget and Finance Committee will develop guidelines regarding electronic record keeping and modify the retention of paper copy requirements accordingly.

³⁰ On October 8, 2022, the Board of directors passed Motion #2022.10.08.04 to increase the MBCA credit card limit from \$5,000 to \$10,000 to accommodate rising prices and Association purchasing needs.

K. Board of Directors Reimbursable Expenses³¹

1. The Board of Directors shall receive reimbursement for reasonable business expenses up to \$25.00, except as provided for in paragraph d.(3).
 - a. It is the responsibility of the individual Board Member to provide all documentation required with the submission of a request for reimbursement of reasonable expenses incurred while acting on behalf of the Association.
 - b. The request shall be submitted by the payee only and shall not be made on behalf of another Board Member.
 - c. Expenses for reimbursement shall be submitted for approval, with the original receipt to the office within fourteen (14) days of the expenditure.
 - d. Allowable reimbursements include:
 - (1) Mileage:
 - (a) Mileage for the use of a personal vehicle for Association business will be reimbursed at the standard mileage rate as established by Internal Revenue Service (IRS) rules.
 - (b) Mileage shall begin and end at the Montego Bay Civic Association office.
 - (c) The MBCA Vehicle Mileage Log (Appendix 3) shall be submitted with all requests for reimbursement.
 - (2) Expenses:
 - (a) Expenses related to the Association business (i.e., stamps, envelopes, office supplies, maintenance supplies, parking, travel, and accommodations, etc.) shall be supported by original purchase receipts.
 - (b) The expense report shall not include personal purchases.
 - (c) Personal credit card statements are not a substitute for the original purchase receipt.
 - (3) Travel and Accommodations: Travel and accommodations will be reimbursed as preapproved by the Board.
 - (4) Non-Reimbursable Expenses:
 - (a) Attendance at Board or Committee meetings
 - (b) Recording Meeting Minutes
 - (c) Hourly wages
 - (d) Free seminars
 - (e) Cell phone charges
2. Requests for Reimbursement:

³¹Approved by the Board of Directors by Resolution on July 11, 2020 (Motion #2020.07.11.05).

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- a.** Request for reimbursement shall be on a form approved by the Board of Directors.
- b.** Failure to follow established procedures will nullify a reimbursement request.

SECTION X. CONTRACT ADMINISTRATION³²

A. Authority

1. Bylaws Section 9.2: Financial Requirements: *The Association shall have a reserve and an operational budget approved by the Board and the Board shall establish policies for...contracts...All expenditures are to be for the management and maintenance of Association property and amenities and not for activities associated with their use.*
2. Contracts to which the Association is a party shall be executed in its name by the President and attested to, if needed, by the Vice President, Secretary, or Treasurer, subject to the guidelines established by the Board.
3. The President shall sign contracts after Board review and approval. Should the President be unavailable, another officer authorized by the President, in writing, may sign.
4. The President shall appoint a Contract Administrator with the concurrence of the Board of Directors.

B. Contract Administrator Responsibilities

1. Serves as the lead contract developer and contact person for all Association contracts.
2. Maintains a log of all MBCA contracts and the log shall contain the following information:³³
 - a. Project Title
 - b. Project Number
 - c. Project Lead Person
 - d. Date of Award
 - e. Contractor
 - f. Date of Completion
3. Delivers all related documents, including the Project Log to the Office Manager for filing. The Project Log is separate from the Contract Log, which shall be maintained by the Treasurer.
4. Coordinates contract development with the project's committee chairperson and determines the appropriate request form required for the project.
5. Collects and files contractors IRS Form W-9, Certificate of Insurance, and business license.
6. Coordinates the proposal review with the committee chairperson and the President.
7. Submits the completed proposal to the President for approval.
8. Releases the approved proposal to prospective vendors in coordination with the Association's Office.

³² November 13, 2021, Proposed and passed by the Board of Directors. Motion #2021.11.13.02

³³ January 14, 2023, Proposed and passed by the Board of Directors, Motion #2023.01.14.05

9. Reviews and scores vendor proposals along with the committee chairperson to ensure quotes match bid requirements and takes appropriate actions to resolve any questions, interpretations, or other issues that may arise.
10. Verifies bidder references and reports positive and negative findings to the President and project committee chairperson.
11. Assists the committee chairperson and President with formulating contractor recommendations and presentation to the Board.
12. Monitors executed contracts and contractor performance in conjunction with the project's committee chairperson after the contract is approved by the Board and it is signed by the President.

C. Contract Elements

1. Contracts to which the Association is a party shall be considered necessary for the welfare, and in the best interests of, the Association; therefore, such contracts shall include, where necessary and/or appropriate, the following considerations:
 - a. A detailed description of the service or product expected for delivery.
 - b. A thirty (30) day no penalty cancellation clause executable by either party in writing.
 - c. Appropriate funds to protect MBCA against inferior performance.
 - d. A payment schedule allowing sufficient funds to be withheld pending a final review of contract performance.
 - e. A time frame for the start and completion of the project.
 - f. A contractor work plan and schedule.
 - g. A requirement for site clean-up and debris removal.
 - h. A list of contact numbers and emails for the contractor and key staff members assigned to the project.
2. **Annual Recurring Contracts**
 - a. The Contract Administrator will review the performance, service, and value of the contractor with the appropriate chairperson and prepare a recommendation for or against continuing with the vendor.
 - b. The Board shall review the recommendation and approve or deny the continuation of the contract.
3. **Minimum Bids**
 - a. A minimum of three bids shall be requested for any contracted service, except as noted in paragraph 3.b and paragraph 3.c.
 - b. Under unique circumstances, the Board may provide specific authorization to the contrary based on detailed justification provided by the committee chairperson and/or the Contract Administrator.

- c. The decision to circumvent three (3) bids shall be recorded in the Board meeting minutes and a justification memo drafted by the Contract Administrator for the contract file.

4. Preferred Vendor List

- a. With Board approval, the Contract Administrator may compile an established and reliable Preferred Vendors List.
- b. With Board approval, contracts may be initiated with preferred vendors, bypassing the three (3) bid process, if the cost of the product or service is less than \$3,000.00.
- c. The Contract Administrator will monitor and review with the appropriate chairperson the performance, service, and value of all preferred vendors and make recommendations for adding or subtracting from the list.

5. Proposal Forms

- a. The bidding process shall fall into three (3) categories; Requests for Information (RFI), Requests for Quotations (RFQ) and Requests for Proposals (RFP).
 - (1) Requests for Information (RFI) shall be used when the community is faced with challenges/issues for which the solutions are unknown. RFIs provide vendors the opportunity to advise the community of the available solutions. Responses are then evaluated to determine future actions, if any.
 - (2) Requests for Quotations (RFQ) shall be used when the need for a specific service or product is clearly understood, and the only concern is the cost of that service or product. Ex: lawn care, new computers, etc.
 - (3) Requests for Proposals (RFP) shall be used when the service or product is wider in scope and requires multiple and varied actions, personnel, etc. Proposals would typically include a plan of action to meet the various requirements. Ex: professional property management, lighting system replacement, etc.
- b. The three forms may be found in the Appendix and are industry standard models that shall be used for formatting requests.
- c. Proposal forms are completed by the Contract Administrator and distributed by the Contract Administrator in coordination with the Association's Office.
- d. Committee chairs and committee members are prohibited from distributing proposals directly to vendors.

6. Contract Process

- a. The committee chair shall identify a funding source for the project prior to seeking Board approval.
- b. The Board authorizes the initiation of a contract based on available funding and spending limitations.

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- c.** The Contract Administrator coordinates the development of the appropriate bidding proposal document with the project's committee chairperson and the President.
- d.** Potential vendors are identified by the Contract Administrator and project committee chairperson.
- e.** The President, Contract Administrator, and committee chairperson confer and adjust the bidding request document as needed.
- f.** The President approves and signs the bidding request document.
- g.** The Contract Administrator coordinates the distribution of the bidding request document to prospective vendors.
- h.** All responses to the RFP shall be directed to the MBCA Office and forwarded to the Contract Administrator for review.
- i.** The Contract Administrator shall review and score the proposals and share the findings with the project's committee chair and President.
- j.** The Contract Administrator shall verify the references for potential bid award winners.
- k.** The Contract Administrator and the committee chairperson shall present their vendor recommendation to the Board for approval.
- l.** The President shall sign the approved contract and notify the successful bidder in writing.
- m.** The Contract Administrator shall monitor the execution of the contract, the performance of the contractor, and report deficiencies to the Board.

SECTION XI. MISCELLANEOUS

A. Petitions

1. The petition must be in a format adopted by the Board of Directors.
2. The petition shall identify the person(s) who will represent the petitioners and contain the address of the property owned by each member signing the petition.
3. Each member signing the petition must be eligible to vote when the petition is filed.
4. Notarization or self-authentication of the member's signature shall not be required.
5. Within ten (10) calendar days after a petition is filed, the Secretary shall certify that the petition meets the requirements of this Section or file a public report with the Board of Directors specifying the basis for rejecting the petition.
6. 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 a General Membership Meeting.
7. Petitions must contain the signatures of 15% of those eligible to vote when they are filed with the Secretary.
8. The Secretary shall thereafter within thirty (30) days send out notice of the referendum ballot that will be issued to all Members within thirty (30) days of the next General Membership meeting, in accordance with voting procedures described herein.

B. Referendum Ballots

1. Unless a specific percentage is required by the Declaration of Restrictions or the Bylaws or other such laws, the majority of votes returned to the Association within the time specified by the Board of Directors shall determine if the referendum is passed or rejected.
2. The Board of Directors shall hold a public hearing on the proposal within sixty (60) days after a valid petition is filed.
3. Notice of the hearing and a copy of the proposal in the petition shall be provided to the members at least fifteen (15) days prior to the hearing by mail, email, or in a publication distributed by the Association to the members.
4. Minimum information to include:
 - a. A copy of the proposal identified in the petition.
 - b. A brief explanation of the proposal written by the petitioners.
 - c. A Board of Directors position statement.
5. A question, proposal, or action not adopted by referendum may not be resubmitted by petition within one (1) year of the previous submission.

SECTION XII. ARCHITECTURAL REVIEW, PERMIT PROCESSING PROCEDURES, AND COMMUNITY STANDARDS

A. Permit Review Guidelines

1. Permit reviews are an Association requirement for implementing lot construction plans. The Association does not charge lot owners for this service.
2. Permit reviews determine whether the plan meets the community standards outlined in the Association governing documents and delivers an accepted or rejection letter to the property owner.
3. Permit reviews are signed by the Chairperson and one committee member of the Architecture Review and Permit Processing Committee, unless the Chairperson has delegated signature authority, as a confirmation that the building request is or is not in compliance with the MBCA Declaration of Restrictions and governing documents.
4. Permit Accepted: Accepted decisions will be issued within fifteen (15) working days of receipt.
5. Permit Rejected:
 - a. If there is a potential conflict with the MBCA Declaration of Restrictions or governing documents, the Architectural Review and Permit Processing Committee will contact the property owner via telephone to resolve the issue.
 - b. An Owner may make a presentation to the Architectural Review and Permit Processing Committee at a scheduled meeting of the committee, or at the next Board of Directors meeting to clarify or amend the conflict. A decision will be issued within 15 (fifteen) days of the scheduled meeting.

B. Permit Review and Approval Procedure

1. The following documents are required for a preliminary review or permit approval (electronic submission is preferred – originals will not be returned):
 - a. Signed TOC permit
 - b. Site Plan
 - c. Drawings (blueprints)
2. MBCA Office Manager responsibilities:
 - a. Logs the request on the designated electronic clipboard.
 - b. Completes a yellow permit review card for a preliminary review or regular permit review requests.
 - c. Verifies the required documents and owner contact information are provided. Incomplete requests shall not be accepted and shall be returned to the property owner for all documents noted in section 1.a, b, and c.

- d.** Ensures the member is in good standing and no fees are outstanding.
 - e.** Ensures contact information on the permit matches the information in the MBCA database.
 - f.** Places the permit request package in a specified Permit Review/Approval In-Box and notifies the Chairperson of the Architectural Review and Permits Committee that a request is pending.
 - g.** Monitors the Permit Review in-box and uses good judgment when an action reminder may be necessary.
 - h.** Notifies the owner or contractor that the approved yellow card is ready for pickup and posting on the job site.
 - i.** Copies the yellow card and files it in the appropriate folder along with original plans and a copy of the TOC permit.
 - j.** Logs the approval date in the electronic/excel folder.
- 3.** Two members of the Architectural Review and Permit Processing Committee will review the request and may visit the site and/or contact the owner if further clarification is needed. Any clarifications will be documented and filed.
 - 4.** Upon approval, the office manager will log the date, copy the yellow permit card, notify the owner/assignee, and file all documents.
 - 5.** Paper documents shall be retained for the current year, plus two additional years, unless the documents are electronically scanned and stored on the MBCA primary or backup hard drive(s) or backup programs.
 - 6.** Except for duplicate copies, permit review documents shall not be removed from the MBCA office.

C. Permit Review and Approval Practice

- 1.** All external construction shall conform to MBCA standards and requirements, which are prescribed in the Declaration of Restrictions and governing documents.
- 2.** The MBCA shall not issue a cease-and-desist order for a violation, nor assume the resulting liability from such action.
- 3.** Unresolved violations shall involve the President of the Association and be coordinated with the Association Attorney.
- 4.** Violations of TOC Code shall be made to the Town after consultation with the President.
- 5.** The Association represents the community interest, but this does not prohibit a member from reporting code violations to the Town.
- 6.** The committee shall ensure building plan permits meet both Town zoning setbacks and MBCA established setbacks (See Figure 1: Standard Setbacks).

- a.** A lot owner shall be permitted to build only within the standard lot size and is prohibited from extending setbacks into adjoining properties.
 - b.** The Board will not grant a setback waiver of Town requirements for Mobile Home Residential Districts.
- 7. Waterfront Property:**
 - a.** As required by the Declaration of Restrictions and the Resolution of 2013, each lot owner with waterfront property shall be responsible for maintaining the bulkhead and docks in good repair.
 - b.** Each lot owner on the water must meet all codes and standards for the waterside portion of their lot, which may be a deviation from the rear standards for a standard lot in Montego Bay.

D. Community Standards

Defined in the MBCA Declaration of Restrictions paragraph 3b as: the baseline for community standards (Appendix 14 – MBCA Community Standards, Restrictions, and Violation Summary) and aesthetics are those that legally exist as of the date of the Declaration. Adding anything unique to the community standard, even if allowed under the TOC Code, must receive written approval from the Board of Directors. Lot owners are required to adhere to all standards outlined in the Association’s governing documents to include but not limited to the following:

1. Care and Maintenance³⁴:

- a.** Lot owners’ responsibilities:
 - (1)** Repair and maintenance of the home exterior and outdoor structures on the lot.
 - (2)** Maintain the grass, shrubbery, and living fence in a neatly trimmed and attractive manner.
 - (3)** Maintain the lot in a neat, clean, and attractive condition at all times.
 - (4)** Bulkheads and docks shall be maintained in good repair and kept in a neat condition.
- b.** Violations:
 - (1)** In the event a lot owner fails to maintain the home exterior, outdoor structures, bulkhead, dock, grass, shrubbery, or living fence in the manner prescribed, MBCA shall have the right through its agent(s) and employees to:
 - (a)** Inspect and photograph the lot and exterior structures,

³⁴ Proposed and approved by the Board on February 13, 2021 (Motion #2016.05.14.01).

- (b)** Identify and record violations of the community standards and governing documents,
- (c)** Draft a list of repairs and maintenance required in order to comply with community standards,
- (d)** Provide a written notice, on a form approved by the Board of Directors, to the lot owner within ten (10) days addressing the following:
 - (i)** Violation(s) identified,
 - (ii)** Timeline of not less than fifteen (15) days, nor more than forty-five (45) days to return resolution form with plan to restore the property to acceptable community standards,
 - (iii)** If the lot owner does not respond, a second notification with a one-time \$75.00 fine.
 - (iv)** If the lot owner still does not respond, notifications will be sent to the lot owner that if said violation(s) are not satisfied within the prescribed timeline, MBCA may perform through its agent(s) or employee(s) the repair, maintenance and, or restoration projects needed to restore the lot, home exterior, outdoor structures, bulkhead, and dock and, or trim the grass, shrubbery, living fence to community standards at the expense of the lot owner,
 - (v)** MBCA shall charge the lot owner the reasonable cost incurred by MBCA plus a ten (10) percent administrative fee.
 - (vi)** The expenses incurred shall become an assessment against the lot, and if not satisfied within thirty (30) days, the failure to pay may result in penalties, fees, and/or a lien against the property. These costs are in addition to penalties identified in paragraphs 1c and 1d.
- c.** Any violation of this paragraph or the community standards outlined in the MBCA governing documents shall subject the lot owner to a penalty of \$75.00 per day.
- d.** The lot owner shall be obligated to reimburse MBCA for all costs, including attorney fees and litigation expenses incurred by the Association to enforce this provision.

2. Signs³⁵:

- a.** Home-businesses are prohibited from posting a sign on the property unless specifically defined and approved in writing by the Board.

³⁵ Proposed and passed by the Board February 9, 2013

- b.** A Single “For Sale” or “For Rent” sign may be placed on each street side of the property when a contract is signed with a licensed agent. Waterfront properties may place a single sign on water end of the property in addition to the street side.
- c.** Signs shall not exceed two (2) feet high by three (3) feet wide.
- d.** Properties “For Sale/Lease by Owner” shall adhere to the same guidelines for licensed agents.
- e.** “For Sale” and/or “Sold” signs shall be removed on the day of settlement.
- f.** “For Rent” signs shall be removed on the day the lease is signed.
- g.** “Construction” Signs:
 - (1)** Signs are permitted when building equipment is on site or the foundation is under construction.
 - (2)** The sign shall be removed upon the issuance of a Certificate of Occupancy, or the final inspection has been conducted for exterior or interior remodeling projects.
 - (3)** If the sign is not removed as required in this section, the Association may remove the sign without notice. to the builder or lot owner.
 - (4)** Removed signs may be picked up at the Association office.

3. Roof Pitch³⁶:

- a.** The roof pitch of homes in Montego Bay shall comply with TOC Codes of Ordinances: No. 1993-1, § 105-11.2, 1-19-1993; No. 2005-26, 9-6-2005; No. 2010-26, 9-20-2010).
- b.** Mobile home developments including detached single-family manufactured buildings (mobile home); detached single-family industrialized buildings (modular home); and detached single-family custom-built buildings (stick built), are subject to the same height, area, bulk, and other requirements set forth for mobile homes.
- c.** The ridge line height of a home shall not exceed the height of a 9/12 pitch gable roof³⁷ constructed in relationship to the shortest parallel sides of the unit³⁸.
- d.** The area above the maximum building height under a sloped roof not exceeding a 9/12 roof pitch may be used for habitation subject to dormers not exceeding the ridge line of the main building and in compliance with all applicable life-safety regulations: however,
- e.** Roofs shall be consistent with the aesthetics of the community and the primary roof ridge shall not be higher than the height of the peak of a gable end of the home (as if there was a gable end

³⁶ Proposed and passed by the Board on February 9, 2013

³⁷ 9/12 roof pitch equivalents – roof rises nine (9) inches in a length of twelve (12) inches. A 9/12 roof pitch angle is equal to 36.87 degrees.

³⁸ Proposed and passed by the Board on May 14, 2016 (Motion #2016.05.14.01)

when a different roof design is used). The height of the peak of the roof ridge is approximately nine (9) feet above the sill plate of the roof³⁹.t above the sill plate of the roof⁴⁰.

4. Sheds⁴¹:

- a. TOC Code, Zoning Ordinances Section 110-425: Permitted accessory uses.
- b. On subdivided mobile home lots, an accessory storage structure is permitted within required side yard setbacks not to exceed 100 square feet provided a minimum five-foot setback is maintained from lot lines.

5. Fences⁴²:

- a. Standard Fence: No chain-link, vinyl, wood, or similar fence material may be installed on any lot except for those permitted in this section.
- b. Living Fences are permitted subject to the following conditions:
 - (1) A living fence is defined as a permanent hedge tight enough and tough enough to serve almost any of the functions of a manufactured fence, but it offers agricultural and biological services a manufactured fence cannot.
 - (2) Living fences shall be of an agricultural plant variety approved by the Board of Directors.
 - (3) Living fences shall not exceed a height of more than thirty (30) inches, nor a width of thirty (30) inches.
 - (4) The length of the living fence may extend the length of the building lot past the front of the home to the lot side edge of the sidewalk. It shall not extend into any part of the sidewalk.
- c. Non-Living Screens are permitted as follows:
 - (1) Trellises shall not exceed seven (7) feet in height by four (4) feet in width.
 - (2) Landscaping Fence of a white vinyl picket material shall not exceed a total of twenty (20) linear feet in length, thirty (30) inches in height, and shall not exceed more than one fence of this type per lot. The height of the fence is measured from the top layer of the driveway including any sand, dirt, or rocks used in conjunction with the fence.
 - (3) Sound Reduction Fencing may be installed near a heating and air condition unit to abort the noise level but shall not exceed six (6) feet in height and six (6) feet in width and must be composed of white vinyl only.
- d. Privacy Fences of any kind are prohibited in Montego Bay.

³⁹ Proposed and passed by the Board on April 16, 2016

⁴⁰ Proposed and passed by the Board on April 16, 2016

⁴¹ Proposed and passed by the Board on April 16, 2016

⁴² Proposed and passed by the Board on April 16, 2016

- e. Fencing or Railings for Waterfront Lots are permitted subject to the following conditions:
 - (1) Fences shall consist of a white vinyl picket style and shall not exceed a height of three (3) feet.
 - (2) Fences shall be installed parallel to the water side of the lot for the sole purpose of protecting the life and safety of the lot owner, his/her family, guests, and visitors.
 - (3) A 10-foot return is permitted on each side of the lot with a return side connecting back to the house.
 - (4) This section does not apply to pets.
- f. Parking Pad Chain:
 - (1) A single-strand white plastic swag chain is permitted across the front portion of a driveway to prohibit unauthorized parking.
 - (2) The chain shall not exceed thirty (30) inches in height above the surface of the driveway, nor two (2) inch links.
- g. Lot Border Chain:
 - (1) A single-strand white plastic swag chain with black posts not to exceed thirty (30) inches in height, nor two (2) inch links, may outline the perimeter of a lot.
 - (2) The lot owner erecting the chain assumes all associated liability that may be incurred because of installing this type of barrier.

6. Dormer⁴³:

- a. A shed roof is prohibited on all dormers.
- b. Non-shed roofs are permitted with a roof pitch of not less than 4/12 nor more than 9/12 and shall:
 - (1) not be higher than the peak of the primary roof
 - (2) have vertical sides
 - (3) have at least one dormer window that meets egress and ingress life-safety standards established in the TOC Code Section 10, 16, and 24 of the Standard Building Code 1972 § 34-1.1.
- c. A maximum of three (3) dormers are permitted per side of the roof.⁴⁴
- d. The maximum width shall not exceed more than eleven (11) feet for any dormer.⁴⁵

⁴³ Proposed and passed by the Board on September 13, 2014, updated on August 6, 2015, and updated on March 13, 2021 (Motion #2021.03.13.05).

⁴⁴ Proposed and approved by the Board on October 9, 2021. Motion #2021.10.09.03

⁴⁵ Proposed and approved by the Board on October 9, 2021. Motion #2021.10.09.03

- e. The distance between dormers shall not be less than the width of the largest dormer.
- f. A dormer constructed on the front and/or rear of a home shall be spaced with a one (1) foot rake⁴⁶, except for waterfront homes which are exempt from having the rear rake.
- g. The spacing between dormers shall not be less than the size of the largest dormer.

7. Reverse Gable⁴⁷:

- a. A gable style roof shall not be less than a 4/12 pitch roof, nor more than a 9/12 pitch.
- b. The height shall not exceed the peak of the primary roof.
- c. The sidewalls and interrupts shall be flush with the soffit/gutter line of the roof.
- d. Vertical sides are prohibited.
- e. A house shall not have more than one reverse gable per side of the roof.
- f. Bump-outs that break the vertical plane of the sidewall are prohibited.
- g. The maximum width shall not be wider than the width of the home or fifty (50) percent of the length of the primary roof on that side of the home, whichever is shorter.
- h. The total linear feet of any combination of a reverse gable and dormers per side of the roof shall not exceed the width of the home or fifty (50) percent of the length of the primary roof on that side of the home, whichever is shorter.

8. Building Height⁴⁸:

- a. TOC Code of Ordinances, Part II, Section 110-422(1)(i). (See Figure 4)
- b. The seventeen (17) foot height of a home in Montego Bay is measured from the crown of the road on the street abutting the property to the roof sill plate and established for the street side corners of the home.

9. Miscellaneous Standards⁴⁹:

⁴⁶ A rake is an architectural term for an eave or cornice which runs along the gable of the roof of a modern residential structure. It may also be called a sloping cornice or a raking cornice. The trim and rafters at this edge are called rake, verge, or bargeboard or verge or barge-rafter. Cornice – Wikipedia. <https://en.wikipedia.org>.

⁴⁷ Proposed and passed by the Board on September 13, 2014

⁴⁸ Proposed and passed by the Board on September 9, 2014, and updated on June 29, 2015

⁴⁹ Proposed and passed by the Board on June 10, 2020

- a.** Garages are prohibited on all improved or vacant lots in the Montego Bay Community.
- b.** Second story decks on the front of any home are prohibited.
- c.** Second story decks on the rear of any standard interior lot which is not on the water are prohibited.
- d.** As per TOC Code, Section 110:932, Subsection B1, homes in Montego Bay shall not have more than three (3) bedrooms.
- e.** Vehicles, trailers, and/or marine craft shall:
 - (1)** only be permitted to park on the seventeen (18) foot by twenty (20) foot parking area⁵⁰, not on the side of the house⁵¹, and
 - (2)** be properly registered and operational to remain on the lot.
- f.** Rented property lot owners shall:
 - (1)** notify the MBCA that their property is a rental,
 - (2)** furnish the MBCA with a copy of the annual Ocean City rental permit, and
 - (3)** display the permit at the residence as required by the TOC Code Chapter 14, Section 14-174, Paragraph A.
- g.** Outside television and radio antennas are prohibited on homes and lots.
- h.** Satellite dish antennas are permitted, but shall:
 - (1)** be of a size and in a location approved by the Board of Directors,
 - (2)** be mounted on the rear portion of the home's roof, and
 - (3)** not be mounted on the ground or on a pole.
- i.** Vacant lots shall be kept neat and clean with grass, bushes, and trees properly maintained.
- j.** Lampposts:
 - (1)** The lot owner shall be responsible for the painting and numbering the property lampposts with a flat black paint and numbers of a size and style approved by and supplied by the Association.
 - (2)** The Association will furnish white replacement bulbs of a style and wattage approved by the Board of Directors. No other colored bulb is permitted.
 - (3)** The Association will replace damaged or inoperable lampposts except as noted in section 8.j.iv.

⁵⁰ Parking pads may be extended but cannot change the curb cuts.

⁵¹ Proposed and passed by the Board on October 9, 2021. Motion #2021.10.09.03

(4) Should a lamp post be damaged because of negligence on the part of the lot owner, their guests, or their contractors, the lot owner shall be responsible for reimbursing the Association for the lamppost's replacement costs.

k. Expansion of Lots:

(1) A lot owner who purchases an adjoining lot, whether it is one of the 1,523 Montego Bay building lots or part of the MBCA common property area, is prohibited from increasing the setbacks of their current building property by adding the two properties together.

(2) A lot owner is prohibited from combining two or more lots to construct a home.

10. Silt Fences⁵²:

- a. A silt fence, sometimes called a "filter fence," is a temporary sediment control device used on construction sites to protect water quality in nearby streams, rivers, lakes, and seas from sediment in storm water runoff.
- b. Silt fences are required when homes are built or demolished in the Montego Bay Community.
- c. Silt fences shall be a minimum of thirty (30) inches high.
- d. The homeowner shall be responsible to ensure that the builder or contractor manages the placement, replacement, and repair of the silt fence.

11. Trash Receptacles⁵³:

- a. The solid waste code for the trash receptacles under TOC Code section 70-35, paragraph (b) states the following: Every residence and commercial establishment in Ocean City, Maryland, will, at-all-times, furnish garbage containers (cans, dumpsters, waste wheelers, etc.) with secure lids as directed by this article and/or as directed by the solid waste division. No residence or commercial establishment will be occupied without the presence of the prescribed size and type of garbage containers.
- b. Residences shall have a minimum of one (1) trash receptacle with an attached lid that is always kept closed.
- c. Lot owners may purchase a second trash receptacle to avoid overflow issues.

12. Yards⁵⁴:

⁵² Proposed and passed by the Board on October 14, 2017. Motion #2017.10.14.02.

⁵³ Proposed and passed by the Board on October 14, 2017. Motion #2017.10.14.02.

- a. Rear yards shall maintain a five (5) foot setback with nothing permitted in this area except for an HVAC unit and/or shrubs.
- b. Side yards shall maintain a combined setback of fifteen (15) feet with no less than five (5) feet on one side.
 - (1) The five (5) foot setback side shall have nothing permitted within the area except for an HVAC unit, fireplace bumpout, and/or shrubs.
 - (2) Homes with an existing door with steps, may remain, be repaired, or be replaced within the five (5) foot setback area, but the structure is limited to a landing of three (3) feet by three (3) feet.
- c. The ten (10) foot setback side may have one (1) shed not to exceed 100 square feet and shall maintain a five (5) foot setback.
- d. The ten (10) foot side setback may have one (1) or two (2) sets of steps with a maximum landing for each of five (5) feet by five (5) feet and shall maintain a five (5) foot setback.
- e. The ten (10) foot side may have one (1) shower stall with a maximum size of five (5) feet by five (5) feet and shall maintain a five (5) foot setback.

13. Entry Porch Roof or Covers⁵⁵:

- a. The ten (10) foot setback side may have a maximum roof size of five (5) feet by five (5) feet.
- b. The five (5) foot side may have a maximum roof of three (3) feet by three (3) feet only, under the exception established in section 11b.

14. Front Yard⁵⁶: The front yard is defined as the parking pad, streetlight, and address side of the home and is limited to a minimum fifteen (15) foot setback with no exceptions.

15. Parking Pad⁵⁷: The minimum size permitted for a parking pad is eighteen (18) feet by twenty (20) feet.

16. Copulas⁵⁸: Homes may have a maximum of two (2) roof copulas which shall be limited to a size of nine (9) square feet – three (3) feet in height by three (3) feet in length and three (3) feet in width.

17. Alcove Style Porch Enclosure (See Figure 2 & 3):

⁵⁴ Proposed and passed by the Board on October 14, 2017. Motion #2017.10.14.02.

⁵⁵ Proposed and passed by the Board on October 14, 2017

⁵⁶ Proposed and passed by the Board on October 14, 2017 and edited by the Board on October 9, 2021. Motion #2021.10.09.03

⁵⁷ Proposed and passed by the Board on October 14, 2017

⁵⁸ Proposed and passed by the Board on June 13, 2020

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- a.** An Alcove is defined as a small, recessed porch area set back from the perimeter wall of the home with an opening to the outdoors.
- b.** Alcoves are permitted to a maximum width of 15 feet and shall not extend beyond any perimeter wall of the home.
- c.** Railings must meet TOC approved standards for style and height.
- d.** Railings shall be of vinyl constructions with colors, other than white, approved by the Board of Directors.
- e.** Screen enclosures are permitted.

Figure 1. Standard Setbacks

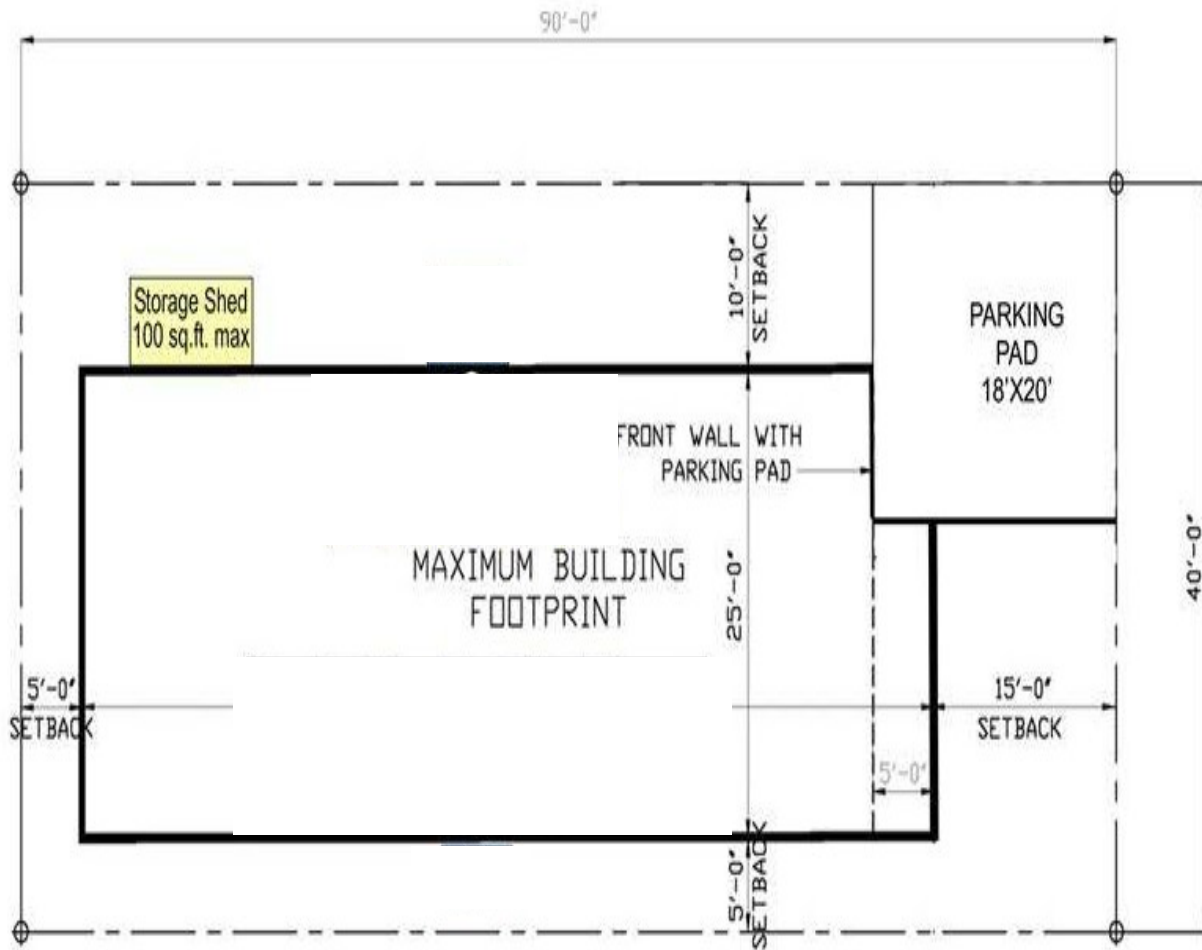


Figure 2. Alcove Style Porch Enclosure Specifications

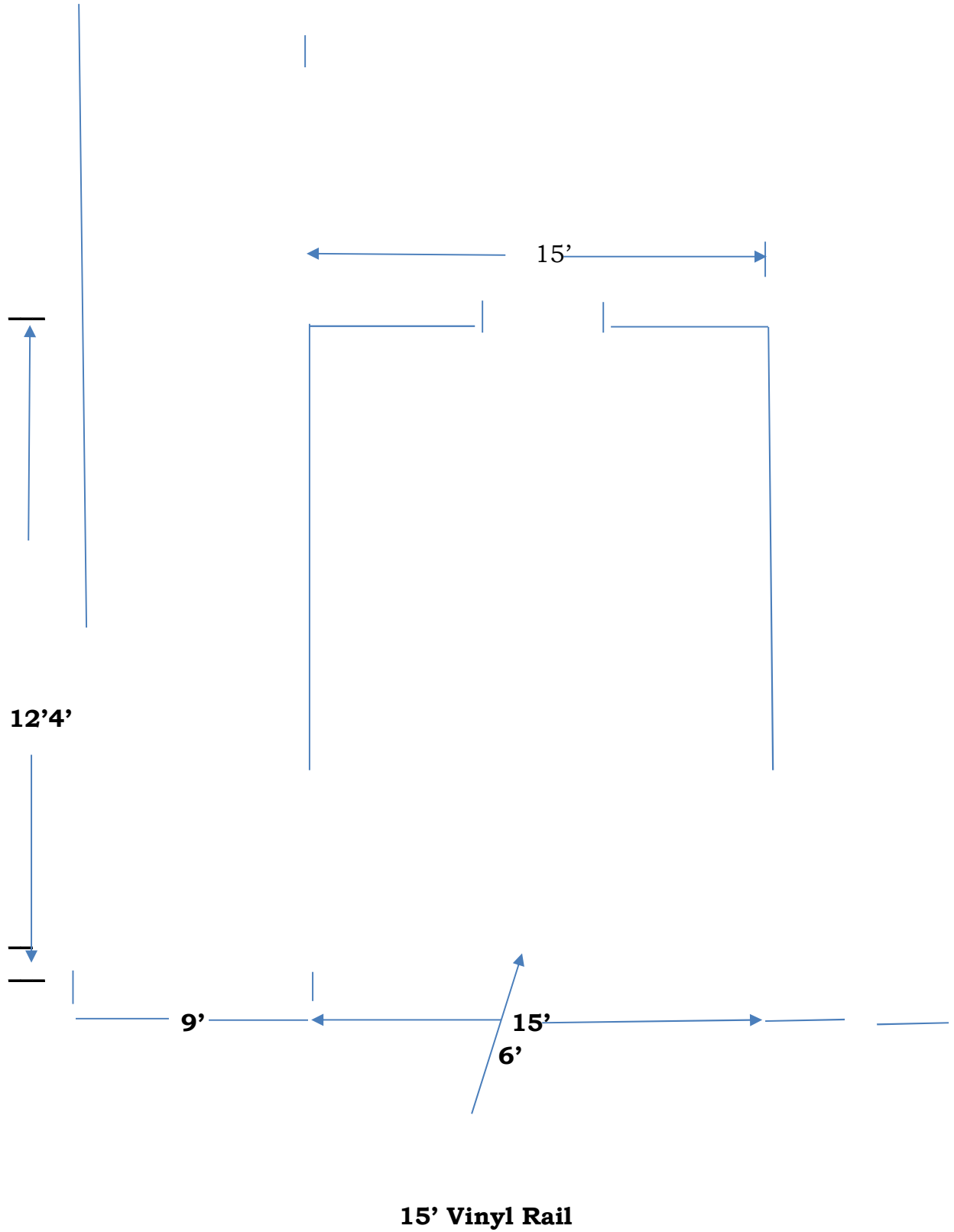
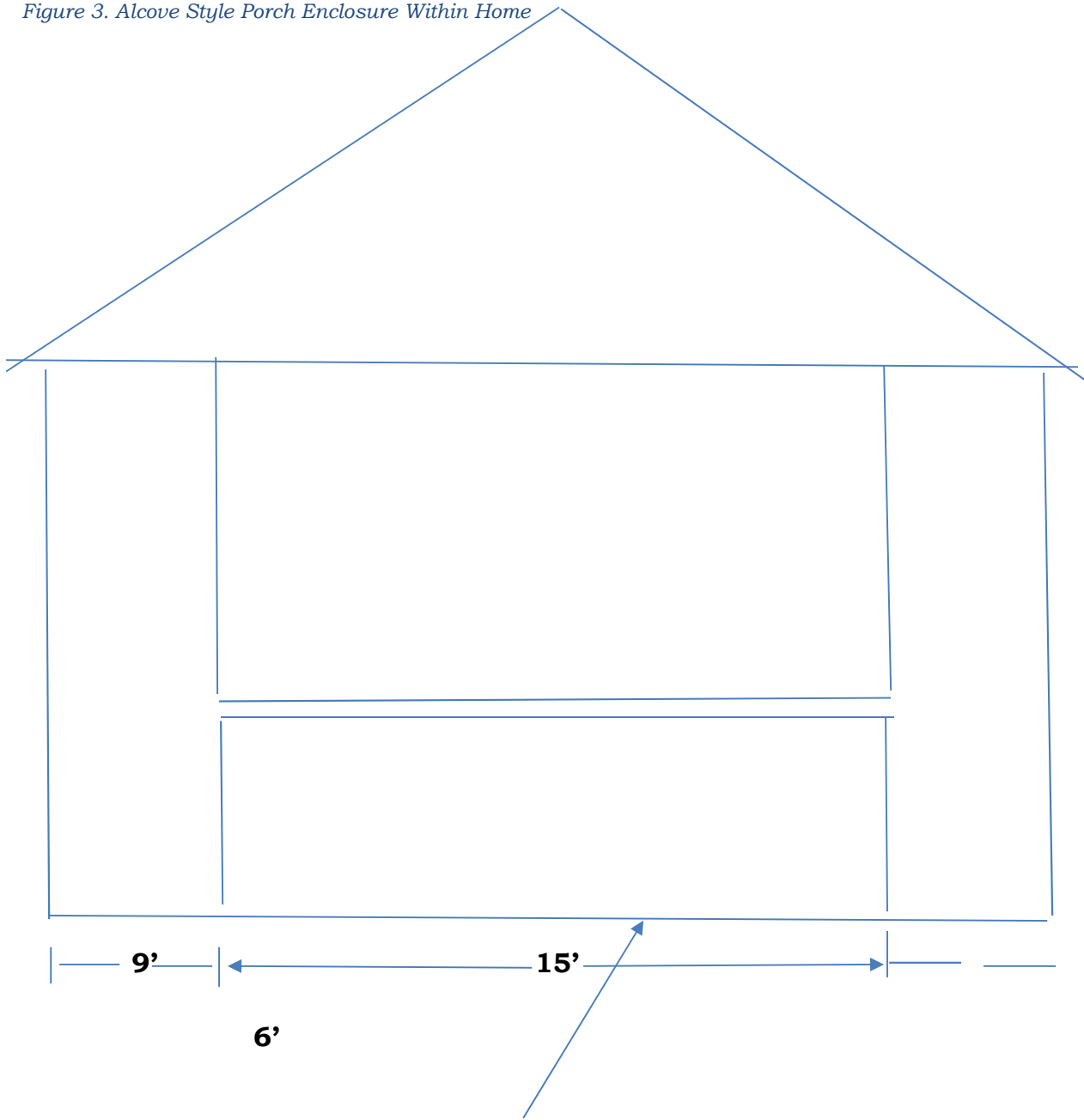
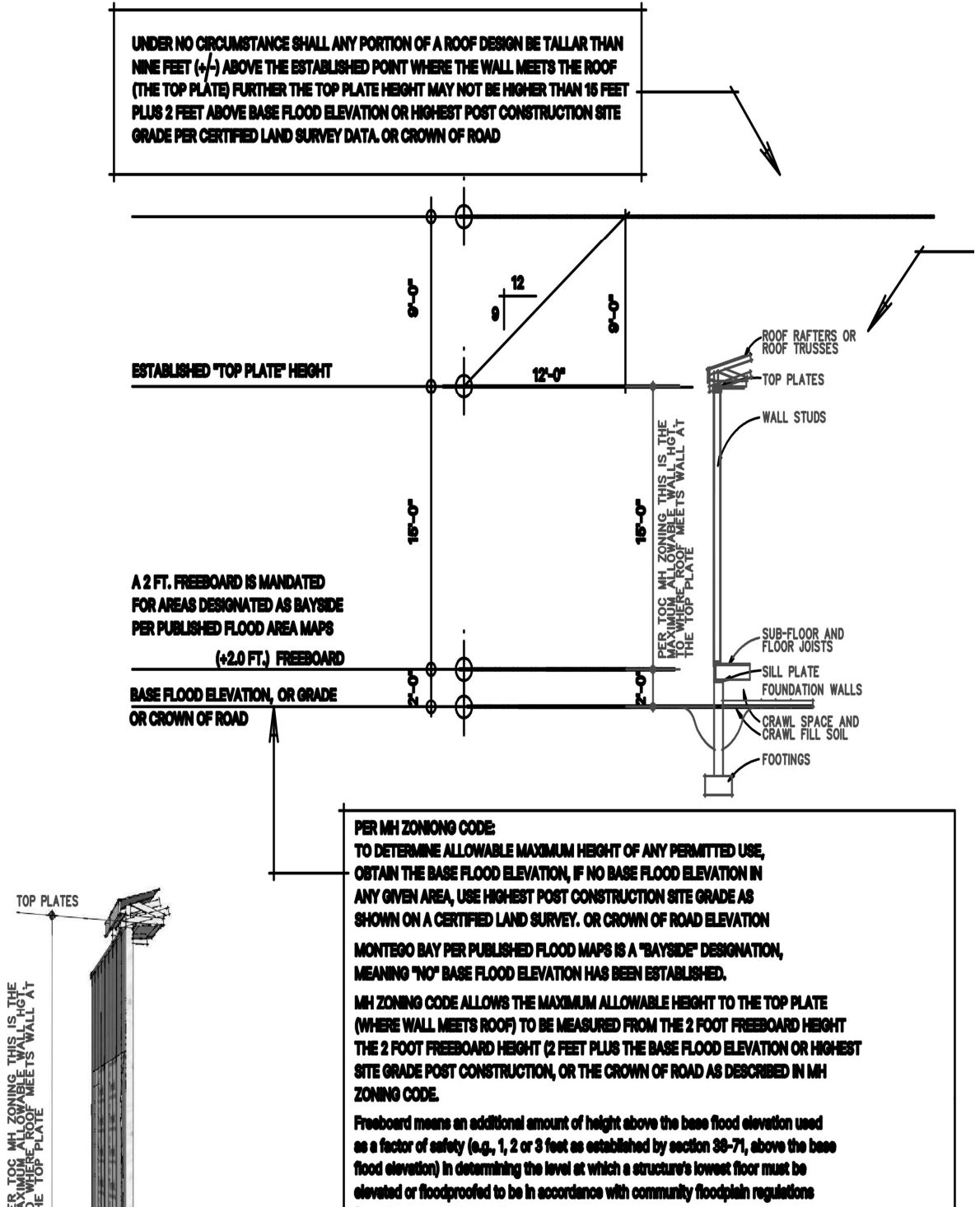


Figure 3. Alcove Style Porch Enclosure Within Home



15' Vinyl Rail

Figure 4. Montego Bay MH Zoning Height



SECTION XIII. SOCIAL MEDIA PLATFORMS – ROLES & RESPONSIBILITIES⁵⁹

A. Authority

1. The President shall appoint MBCA Members to administer social media platforms.
2. The Communications Committee Chair holds oversight responsibility for all MBCA social media platforms.

B. Website – [Montego Bay Civic Association](http://www.montegobaycivicassoc.com/)

(<http://www.montegobaycivicassoc.com/>)

1. The MBCA Webmaster is responsible for all design changes to the website.
2. The Website Administrator is responsible for monitoring the website for updates and changes:
 - a. The Communications Committee Chairperson shall assign a Committee Member the responsibility for document updates and the MBCA Office Manager will serve as the backup person for this task.
 - b. MBCA Office Manager to make changes to monthly schedule and other updates as requested by Communications Member.

C. Facebook – [Official Group for the Montego Bay Civic Association](https://www.facebook.com/groups/MBCAhomeowners)

(<https://www.facebook.com/groups/MBCAhomeowners>)

1. The administrator shall be responsible for the following:
 - a. Monitors and reviews all postings to the Official Group for the Montego Bay Civic Association page to ensure compliance with the Social Media Policy.
 - (1) The criterion for the group is for information sharing free of personal opinions, advertisements, solicitations, negative, or destructive comments, profanity, or offensive language, or postings.
 - (2) No hate speech or bullying
 - (a) Make sure everyone feels safe.
 - (b) Bullying of any kind isn't allowed, and degrading comments about things like race, religion, culture, sexual orientation, gender or identity will not be tolerated.
 - (3) Be kind and courteous
 - (a) We are all in this together to create a welcoming environment.
 - (b) Treat everyone with respect.

⁵⁹ January 14, 2023, New Section proposed and passed by the Board of Directors, Motion #2023.01.14.05

- (c)** Healthy debates are natural, but kindness is required.
 - b.** Responds to routine requests and forwards non-routine postings to the MBCA Board Officers for a timely response.
 - c.** May appoint Facebook monitors to assist with content review, routine postings, and responses.

D. Town Square

- 1.** The Communications Chair and/or a designated Committee Member are authorized to post communication updates to Town Square following review and approval by the MBCA Secretary with the MBCA President copied on all requests.
- 2.** The Communications Chair and/or a designated Committee Member will advise the MBCA Office Manager to post any Communication Committee announcement.
- 3.** The MBCA Office Manager will post all other requests from Board Members and/or Committee Chairs for Town Square following review/approval by the MBCA Secretary with the MBCA President copied on all requests.

E. Constant Contact

- 1.** The Communications Chair and/or a designated Committee Member are authorized to post communication updates to Constant Contact following review and approval by the MBCA Secretary with the MBCA President copied on all requests.
- 2.** The MBCA Office Manager will post all other requests from Board Members and/or Committee Chairs on Constant Contact following review/approval by the MBCA Secretary with the MBCA President copied on all requests.

F. One Call Now

- 1.** Requests for One Call Now messages shall be directed to MBCA Secretary and copied to all officers.
- 2.** The MBCA Office Manager will serve as back-up to the MBCA Secretary and will send out messages, as directed by the MBCA Secretary.

G. Monthly News Bulletin

- 1.** The Communications Committee Chairperson shall assign responsibility for formatting and designing the bulletin to a Committee Member.
- 2.** The draft bulletin shall be reviewed by the Chairperson and forwarded to the MBCA Secretary for final approval before posting.
 - a.** The Chairperson shall forward the final bulletin version to the responsible Committee Member assigned to post

documents to the Website and the MBCA Office Manager will serve as backup.

- b.** The Chairperson will forward the final bulletin version, along with a scheduled date for posting the document, to Town Square and Constant Contact to the MBCA Office Manager.
- 3.** The Chairperson shall draft a One Call Now message and forward it to the MBCA Secretary for approval and distribution by either the MBCA Secretary or the MBCA Office Manager, as directed.

APPENDIX 1. Manual Change Log

Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
04-17-21	1	Introduction	Added MBCA Mission and Vision Statements. Created Introduction Section. Motion #2019.09.14.03
04-17-21	All	Manual	Removed watermark from all pages and corrected grammar and spelling errors throughout the manual. Created new cover page, change log, and formatting style. Added Table of Contents, and Appendices. Page numbers changed throughout the document. Replaced term, Administrative Assistant, with Office Manager.
04-17-21	3	Hierarchy of Governing Documents	Added a new Section II based on a Legal Opinion from MBCA Attorney, Ellen Throop on August 10, 2018. The section outlines the eight (8) documents that govern an HOA in order of precedent.
	4		Added paragraph F.2 addressing sole authority for the membership to approve adding amendments to the Bylaws. The Board agreed to attach a note and copies of MBCA Attorney James Almand’s email dated October 7, 2019, and MBCA President Mary Jo Breslin’s email of October 10, 2019 (See Appendix 8) with the existing bylaws. The Board said, “In order to clarify that the Association members have the sole authority to approve amendments to the MBCA Bylaws, the emails from the MBCA President and Mr. James Almand, the Association’s attorney are hereby required to be attached to the existing and all future Bylaws of the Association.”

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Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
			Motion #2019.10.12.02.
04-17-21	14	Directors and Officers	Revised the Code of Conduct to reflect changes made by the Board. Motion #2020.05.09.02
04-17-21	17	Duties of the Secretary	Paragraph E.3.: Added responsibility for recording, tracking, and following-up on Board motions as approved by the Board on November 14, 2020. Added responsibility for ensuring the Manual is updated as directed by the Board of Directors, completes the Manual Change Log noting the additions, amendments, or corrections made, and records the date the edits were accepted by the Board (See Appendix A for the Change Log). Motion #2020.11.14.04
04-17-21	18 19	Duties of the Treasurer	Paragraph F.2.: Added certificate of insurance. Paragraph F.5.: Added responsibility for reporting budget development progress to the Board of Directors. Motion #2020.11.14.04
04-17-21	21	Directors and Officers	Added section H to cover the Order of Succession During a State of Emergency as drafted by the President on March 19, 2020.
04-17-21	23	Board Meetings	Added paragraph B2: The April and August Board meetings shall be scheduled at a location to be determined by the Board on the third Saturday of the month to coincide with the general membership meetings. Motion #2019.12.14.05.
04-17-21	23	Closed Meetings	Updated the section to be in line with the Maryland Homeowners Association Act (MHAA) §11B 111(4) and 111(5) and added language regarding the use of a

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Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
			Closed Meeting Checklist, which may be found in Appendix 4.
04-17-21	24	Committees	<p>Added a General Information section based on language in the Committee Charter Document approved by the Board on December 12, 2020. Motion #2020.11.14.03</p> <p>Added Appendix 7: Committee Charters. Motion #2020.09.12.05</p>
04-17-21	28	Board of Director Committees, Special Committees, Nominating Committee	<p>Paragraph 3a: Changed responsibility for ensuring proper procedures are followed from Secretary to Chairperson of the Nominating Committee and includes duties for the Office Manager .</p> <p>Changed Nominating Committee to Chairperson of the Nominating Committee throughout the section.</p> <p>Added language requiring BOD Candidates to appear at July Board meeting.</p> <p>Added language explaining responsibility of contractor for electronic balloting.</p> <p>Added Appendix 4: Board of Directors Candidate Application Form. Added Appendix 5: Candidate Information for Ballot Form</p> <p>Added section to address mail-in ballots.</p> <p>Added section to address electronic ballots.</p> <p>Motion #2020.11.14.07 approved contracting with the online voting service Balloteer.</p>
04-17-21	28	Committee, Board of	Paragraph F.2.c.(4): Added

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Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
		Director Committees, Budget and Finance Committee	responsibility for the Budget and Finance Committee to report budget development progress to the Treasurer. Motion #2020.11.14.04
04-17-21	30	Special Committees – Nominating Committee	3.a.(12): In addition to the process to fill a vacant Directors position found in the Bylaws Article IV, Section 10.2, the Board expanded the processes by adding this section requiring candidates for the vacant position to submit a Candidate Application Form (Appendix 4), be present for the Board vote, permitted to give oral presentation, and take office immediately following a majority vote. Motion #2019.12.14.07
04-17-21	31	Special Committees, Teller Committee	3b. Changed Teller Committee to Chairperson of the Teller Committee throughout the section. 3.b.(4) Added language to the sentence – ...Ballots may begin to be counted <i>following the close of business (3 p.m.) on the Friday before</i> the General Membership meeting...
04-17-21	33	Dues and Special Assessments	Changed title and reference to Dues to Annual Assessment. New section title is Annual and Special Assessments. Changed homeowner to lot owner.
04-17-21	35	Finance	Section D: Added language describing the Budget Development Schedule and inserted the reference table for the schedule as approved by the Board of Directors on December 12, 2020. Motion #2020.12.12.04.
04-17-21	42	Finance	Paragraph L. Board of Directors Reimbursable Expenses: added new section to cover procedures for Directors requesting reimbursement for business expenses. The policy was initiated and approved by a Board Resolution on July

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Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
			11, 2020. Motion #2020.07.11.05 Added: Appendix 4:Vehicle Mileage Log
04-17-21	45	Architectural Review, Permit Processing Procedures, and Community Standards	Added the new Architectural Review, Permit Processing Procedures, and Community Standards section as approved by Board motion on November 14, 2020. Motion #2020.11.14.06
04-17-21	47	Architectural Review, Permit Processing Procedures, and Community Standards	Paragraph E.1. Community Standards: Added Care and Maintenance covering a lot owner’s responsibility for care and maintenance of the property, authority for MBCA to inspect and photograph the property, to perform maintenance at the expense of the lot owner if not completed in a specific timeframe and impose a penalty of \$75.00 per day for violations. This language was proposed by the Architectural Review and Permit Processing Committee and passed by the Board February 13, 2021. Motion #2020.07.11.05
04-17-21	52	Architectural Review, Permit Processing Procedures, and Community Standards	Paragraph E.6. Dormers: Added new language that provides for a maximum of three (3) dormers per side of a home with a maximum width not to exceed more than eleven (11) feet for any dormer. The distance between dormers shall not be less than the width of the largest dormer. A dormer constructed on the front and/or rear of a home shall be spaced with a one (1) foot rake , except for waterfront homes which are exempt from having the rear rake. The spacing between dormers shall not be less than the size of the largest dormer. Motion #2021.03.13.05.
5-8-22	23	Board Meetings	Paragraph B2. – Added language approved by the Board to eliminate Board Meetings in April and August.

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Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
			Motion #2021.05.08.07
9-11-21	26	Committee	Section VII.D.3. – removed Table 2 the monthly committee reporting schedule and added language for all committee chairs to submit monthly reports to the Board. Implemented by President Seibold on September 11, 2021.
9-11-21	23	Board Meetings	Section VI. B. 7 – Added language to require a roll call of Board Members at the beginning and end of the meeting. Motion #2021.09.11.02
10-9-21	56	Dormers	Section XII, 6c&d - Changed the number of dormers per side and maximum width of each dormer.
	58	Miscellaneous Standards	Section XII, 9e(1). – added language to include no parking on the side of a house.
	60	Front Yards	Section XII, 14 – Removed the language stating <i>this section does not apply to a corner lot</i> . Motion #2021.10.09-03
10-09-21	26	Committees	Section VII.E. – Future edits to the Charters will be added in <u>February</u> of each year rather than in October beginning in 2023.
	26		Section VII.D.6. – Eliminated semi-annual committee reporting and added reports to be used for MBCA Monthly Bulletins prepared by the Communications Committee. Motion #2021.10.09.04
10-09-21	Appendix	Charters Documents	Appendix 7 – Board approved edits to

Administrative, Operations, and Procedures Manual

Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
			the Charter Document for the 2021 – 2022 fiscal year. Motion #2021.10.09.04
11-13-21	41	Contract Administration	Section VII - New paragraph G added to define the contract process and the responsibilities of the Contract Administrator. Motion #2021.11.13.02
11-13-21	28	Board of Directors Committees	Section VII - New Paragraph F.3b adds the Events Committee and establishes duties and responsibilities, adds a subsection for event parameters. Motion Number 2021.11.14.03
02-12-22	28	Special Committees	Section VII F.3.a. – Beautification and Landscaping Committee’s name changed to Aesthetics Committee Motion #2022.02.12.03
03-12-22	30	Special Committees	Section VII F.3.e(7) – Added language to continue with electronic voting for all future elections with a member option of requesting a paper ballot. Motion #2022.03.12.08
05-14-22	9	Office Staffing	Section III C.3. – Added language for the Vice-President to maintain an Employee Handbook and Position Description for MBCA staffing positions. Motion #2022.05.14.08
05-14-22	9	Office Staffing	Section III C.4. – added language establishing a 25 foot no smoking area outside the office and tennis courts.
	16	Vice-President’s Duties	Section V D.3. – Added the responsibility for maintaining the Employee Handbook and Staff Position

Administrative, Operations, and Procedures Manual

Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
	82	Appendix	<p>Descriptions.</p> <p>Added the Employee Handbook, Personnel Policies, Position Description, and Confidentiality Agreement as Appendix 9.</p> <p>Motion #2022-05-14-09</p>
9-10-22	91	Appendix	Added Appendices 10 – 14
		Manual	All references to Chairman changed to Chairperson
	51	Permit Review Guidelines	Section XII,B.2. - removed the requirement for the documents because it is referred to in another paragraph C.1. and renumbered the sentences.
	51		Section XII.B.4. – Changed the permit review and signing requirement from the President to the Chairperson and one Committee of the Architectural Review and Permit Processing Committee.
	51		Section XII.B.6.b. – deleted the paragraph and added new language combining 6.b. and 6.c. to read: An Owner may make a presentation to the Architectural Review and Permit Processing Committee at a scheduled meeting of the committee to clarify or amend the conflict. A decision will be issued within 15 days of the scheduled meeting.
	52	Permit Review and Approval Procedures	Section XII.C.2 – Changes the office managers responsibility from log permit requests in writing to logging requests on an electronic clipboard.
	52		Section XII.C.2.j. – Add new line j. requiring office manager to log the approval on the electronic clipboard.
			Section XII.D.3. – Changed Violations to

Administrative, Operations, and Procedures Manual

Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
	53		Unresolved Violations.
	54	Community Standards	Section XII.E.1.d.(ii) – Changed the time to return resolution form. (iii) adds language regarding \$75.00 fine. Renumbered lines.
	59		Section XII.E.8.b. – Adds reference to new Figure 4 which is a drawing showing the Montego Bay MH Zoning height restrictions as per Town Code.
	61		Section XII.E.12.b.(1) – Added fireplace bump out.
	62		Section XII.E.15 – Changed parking pad to 18 feet by 20 feet to coincide with Town Code.
	66		Added Figure 4 Montego Bay MH Zoning Height
	78	Appendix 7	Added Committee Chairperson List to Appendix 7 and changed title to MBCA Committee Charters and Chairpersons Approved by the Board Directors on September 9, 2022. Motion #2022.09.10.06
9-18-22	44	Manual Minimum Bids	Corrected page numbers and edited TOC to reflect changes. Section X.D.3.a. – Edited paragraph to reflect paragraph reference to 3.b and 3.c., which were incorrectly numbered. Revision Version #11
10-08-22	42	Finance	Section IX.K.1 – Raised the MBCA credit card limit from \$5,000 to \$10,000 to accommodate rising prices and Association needs. Motion #2022.10.08.04
01-14-23	4146	Contract Administrator &	Section X. E through J was inadvertently listed under the Contract

Administrative, Operations, and Procedures Manual

Board Approval Date	Page Number	Section	Additions, Amendments, and Corrections
		Finance	Administrator, so it was moved to its proper location under Section XI, and renumbered H. through M. TOC and page numbers were updated. Renumbered Section X. Motion #2023.01.14.05
01-14-23	22-25	Meetings	Section VI – Renumbered paragraphs and added Special General Membership Meeting, Special Board of Directors Meeting, and Notice of Meeting. Added footnote references to Bylaws. Motion #2023.01.14.05
01-14-23	46	Contract Administration	Section X – Edited B.2 and B.3 regarding the amount of information needed on the Project Log and added that the Contract Administrator shall provide all contract documents, including the Project Log, to the Office Manager for appropriate filing. The Project Log is separate from the Contract Log, which shall be maintained by the Treasurer.
	19	Duties of the Treasurer	Section V – Added F.11 to cover maintaining the Vendor Contract Log.
	68	Social Media Platforms – Roles and Responsibilities	Section XIII created to address social media roles, responsibilities, and policies. Motion #2023.01.14.05

APPENDIX 2. Closed Meeting Checklist

Montego Bay Civic Association, Inc.

**CLOSED SESSION MEETING
CHECKLIST**

MEETING INFORMATION

Time and location of meeting: _____

Purpose of meeting: _____

Attendees: _____

RECORD OF VOTE TO HOLD MEETING IN CLOSED SESSION

A Motion to hold meeting in closed session made by _____; seconded by _____ (date)
at _____ (time)

Record vote of Each Board or Committee Member (fill in name below)

Voted for _____

Voted against _____, _____, _____

Abstained _____, _____, _____

AUTHORITY TO HOLD CLOSED SESSION

Pursuant to § 11B-111 of the Maryland Homeowners Association Act (MHAA), this meeting of Montego Bay Civic Association, a homeowners' association, was held in closed session for the purpose of:

Underline all applicable provision(s):

- i. Discussing matters pertaining to employees and personnel
- ii. Protecting the privacy or reputation of individuals in matters not related to the business of the cooperative housing corporation
- iii. Consulting with legal counsel on legal matters
- iv. Consulting with staff personnel, consultants, attorneys, board members, or other persons in connection with pending or potential litigation or other legal matters.
- v. Conducting investigative proceedings concerning possible or actual criminal misconduct
- vi. Considering the terms or conditions of a business transaction in the negotiation stage if the disclosure could adversely affect the economic interests of the cooperative housing corporation
- vii. Complying with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure or
- viii. Discussing individual owner assessment accounts.

APPENDIX 3. Board of Directors Candidate Application Form



Board of Directors Candidate Application

Position Applying for: (please check)

President _____ VP _____ Secretary _____ Treasurer _____ Director _____

NAME: _____

ADDRESS (STREET NAME IN MB): _____

NUMBER OF YEARS IN MB _____ Full time resident _____ Part time resident _____

Professional background and expertise, including administrative:

Previous HOA board experience in another locale or MB:

Organizational memberships:

What are your goals for serving on Board?

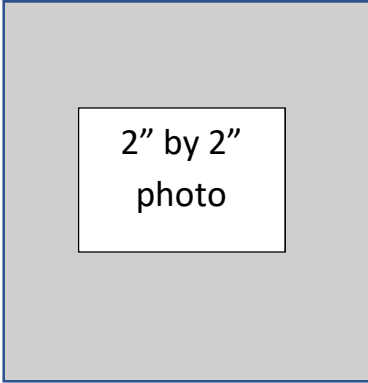
Recommendations to Serve

- Member in good standing required (no property violations, assessments paid)
- Commitment to attend board meetings and participate on committees or chair special projects as needed
- Be considerate of all person's point of view
- Computer skills (Basic Microsoft Word, current email address and access to email)
- General knowledge of accounting and ability to interpret basic financial reports

Doc: MBCA Nominations – BOD Application Rev 1/21

APPENDIX 4. Candidate Information for Ballot

Candidate Information for Ballot



Candidate Name:	
Montego Bay Address:	
Position:	

Bio: (200-word limit)

APPENDIX 5. Motion Tracking Log Sample Page

MBCA Motion Tracking Log

Number	Motion	Introduced By	Pass/Fail	Follow-up Action	Assigned To	Go Do P C
2014.04.12.01	Approve counting Declaration of Restriction ballots received up to April 12, 2014	John Shifflet	Pass	Signed document to be provided to Association Attorney for recording in the Land Records for Worcester County MD		
2014.04.12.02	Approve the minutes of the December 14, 2013, Board Meeting	Tony Kendrick	Passed	None	None	No
2014.04.12.03	Approve the March 2014 – April 2014 budget report as presented	Monica Cofiell	Passed	None	None	No

Note: 2020.11.14.01 – Tracking Number includes a 4-digit number for the year, 2-digit number for the month, 2-digit number for the day and 2-digit number for the motion. For a resolution, a similar format may be used. Resolutions would be captured in a separate tracking log.

GM – General Membership Meeting; SBM – Special Board Meeting; CSBM – Closed Special Board Meeting

APPENDIX 6. MBCA Vehicle Mileage Log

**MONTEGO BAY CIVIC ASSOCIATION
VEHICLE MILEAGE LOG**

DATE	BOARD MEMBER	DESTINATION AND PURPOSE OF BUSINESS TRAVEL	VEHICLE BEGINNING MILEAGE	VEHICLE ENDING MILEAGE	TOTAL MILES TRAVELED

X

 Board Member's Signature

APPENDIX 7. MBCA Committee Charters and Chairpersons

2022 Committee Chairpersons⁶⁰

Advisory and Strategic Planning.....	Randy Scott
Architectural Review and Permit Processing Committee	Mary Jo Breslin
Aesthetics Committee	Bill Corun
Budget and Finance Committee	Pamela Panizari
Communications Committee.....	Cathy Kundratic
Events Committee	Cathy Kundratic
Governing Documents Committee	Vernon Betkey
Lighting Committee	Rich Gracey
Nominations Committee.....	Andrea Albrecht
Parks and Pond Committee	Greg Kappler & Kate Tyrrell
Pools and Recreation Committee	Anne Gianelli
Technology Committee.....	Mike Davis
Teller Committee	Michelle Donovan
Welcome Committee.....	Cathy Kundratic

2022 Committee Charters

Advisory and Strategic Planning Committee Charter

Mission

The mission of the Advisory and Strategic Planning Committee is to develop and assist in the implementation of recommendations to the Board of Directors regarding the Association's strategic initiatives, major programs, and services.

⁶⁰ Current as of September 18, 2022.

Responsibilities

- Assists the Board in identifying and addressing critical issues facing the Association.
- Develops, revises, updates, submits, and assists the Board with the implementation of a three (3) to five (5) year strategic plan to include measurable goals and target dates.
- Formulates a five-year strategic reserve fund replacement budget.
- Recommends reserve fund priorities to the Board of Directors.
- Drafts policy statements for the Board identifying how each reserve account is to be funded and articulating specific policies for use of the funds.
- Solicits homeowner input to the strategic initiatives, major programs, and services.
- Reviews and recommends the addition or deletion of committees, if necessary, every three (3) years.

Created October 9, 2020, Revised January 9, 2021

Architectural Review and Permit Processing Committee Charter

Mission

The mission of the Architectural Review and Permit Processing Committee is to ensure community compliance with all covenants, conditions, and restrictions established in the Association’s governing documents related to existing lots, outside home improvements, and new home construction.

Responsibilities

- Reviews lot owner exterior construction and landscaping plans for required Ocean City permits and compliance with the Association’s governing documents.
- Monitors projects for compliance with governing documents and draft lot owner violation notices.
- Drafts lot owner violation letters for the MBCA President’s signature.
- Canvasses the community quarterly for compliance to the governing documents standards and submits findings to the Board of Directors.
- Identifies compliance conflicts between the governing documents and Town of Ocean City Permits and reports the issues to the Board of Directors for discussion and resolution.

Created: October 9, 2020

Aesthetics Committee Charter⁶¹

Mission

The mission of the Aesthetics Committee is to assist the MBCA Board of Directors in enhancing the visual profile of the Montego Bay Community in the common areas through landscaping or other inclusions needed to maintain a standard of decorum.

Responsibilities

⁶¹ Name change approved by the Board on February 12, 2022, Motion #2022.02.12.02

Administrative, Operations, and Procedures Manual

- Assists with the management and care of the MBCA common areas.
- Coordinates with the Contract Administrator the on request for proposals (RFPs) and/or estimates to perform specified duties including, but not limited to: care and maintenance of landscaped common areas to include weeding, mulching, tree and shrubbery trimming, lawn mowing, and plant watering⁶².
- Develops and submits to the Budget and Finance Committee project line items for the annual budget that include, but not limited to, the following:
 - General maintenance of the common areas that surround the office and projected needs to maintain or improve the visual profile⁶³.
 - Proposals for items needed to celebrate different holidays or seasons.

Created October 9, 2020, Revised October 9, 2021

Budget and Finance Committee Charter

Mission

The mission of the Budget and Finance Committee is to assist the Treasurer in preparing the Association's operational and reserve budgets for submission to the Board of Directors.

Responsibilities

- Reviews and provides recommendations regarding the Association's financial statements.
- Develops MBCA programs of asset management and investment policies and procedures.
- Collaborates with committees to develop line-item budget proposals.
- Collaborates with the Communications Committee to design, develop, and implement an educational plan to inform lot owners about financial business, purpose of reserve fund, and impact on annual assessment.
- Collaborates with the Advisory and Strategic Planning Committee to make recommendations to the Board of Directors regarding items related to the Association's budgets for strategic leadership, major programs, and services.
- Identifies critical budget issues facing the Association and provides an analysis of alternative budget options.
- Reviews the budget plan regularly and recommends changes to the Board of Directors.

Created: October 9, 2020

Communications Committee Charter

Mission

The mission of the Communications Committee is to provide an effective information to MBCA residents utilizing various communication tools .

Responsibilities

⁶² Proposed and approved by the Board on October 9, 2021, Motion #2021.10.09.04

⁶³ Proposed and approved by the Board on October 9, 2021, Motion #2021.10.09.04

- Produces and disseminates information to the MBCA community using various media method which may include Constant Contact, MBCA Bulletin, official MBCA website, or other methods as may be determined.
- Manage, format, and solicit content for the MBCA bulletin, website and other communication methods as may be determined⁶⁴.
- Develop and provide the Budget and Finance Committee a proposed annual budget that addresses the following⁶⁵:
 1. Cost of maintaining the MBCA website.
 2. Cost of communication mailings to owners without email access.
 3. Cost of subscription to Constant Contact.
 4. Cost of subscription for One-Call.

Created October 9, 2020, Revised October 9, 2021

Events Committee Charter

Mission

The mission of the Events committee is to plan and hold events open to all members of MBCA.

Responsibilities

- Develop a list of events that promote social gatherings in our community.
- Carry out the tasks necessary to organize and run events.
- Manage annual events such as Yard Sale and Holiday Party.
- Promote inclusiveness and a general atmosphere of friendliness at all events that the committee conducts.

Created October 9,2021

Governing Documents Committee Charter

Mission

The mission of the Governing Documents Committee is to establish and maintain governing documents including, but not limited to, Declaration of Restrictions, Bylaws and Articles of Incorporation in compliance with federal, state, and local laws.

Responsibilities

- Works with all standing and special committees to ensure compliance with applicable governing documents.

⁶⁴ Proposed and approved by the Board on October 9, 2021, Motion #2021.10.09.04

⁶⁵ Proposed and approved by the Board on October 9, 2021, Motion #2021.10.09.04

- Ensures governing documents are reviewed and revised as necessary at minimum every five (5) years.
- Drafts policies, amendments, and revisions to the governing documents as instructed by the Board.
- Ensures drafts are approved by the Board of Directors and reviewed by the Association's attorney
- Prepares Bylaws amendment referendums for distribution and voting by the general membership.

Created: October 9, 2020

Lighting Committee Charter⁶⁶

Mission

The mission of the lighting committee is to evaluate the current lighting system infrastructure and assess community lighting needs and requirements moving into the future.

Responsibilities

- Survey the members to identify the community lighting concerns and their recommendation for infrastructure changes.
- Research and evaluate repair and/or replacement options for the current lighting system.
- Present the lighting option findings to the Board and membership for review and comment.
- Review and evaluate member comments.
- Present Committee recommendations to the Board after evaluation of all viable options and community concerns.
- Develop and distribute a community lighting option referendum ballot, as per governing document procedures, which will determine the future course of action preferred by a majority vote of the membership.
- Develop an action plan for moving forward the community lighting system based on the results of the referendum vote.

Created October 9, 2020, Revised October 9, 2021

Nominations Committee Charter

Mission

The mission of the Nominations Committee is to ensure a fair, equitable, and transparent process for obtaining nominations for elected offices and in accordance with the Association's Governing Documents.

Responsibilities

- Maintains an up-to-date application form.

⁶⁶Proposed and approved by the Board on October 9, 2021, Motion #2021.10.09.04

- Seeks a minimum of one candidate for each open director and officer position.
- Verifies applicant eligibility for office.
- Prepares and submit the slate of nominees to the Board.

Created: October 9, 2020

Parks and Pond Committee Charter

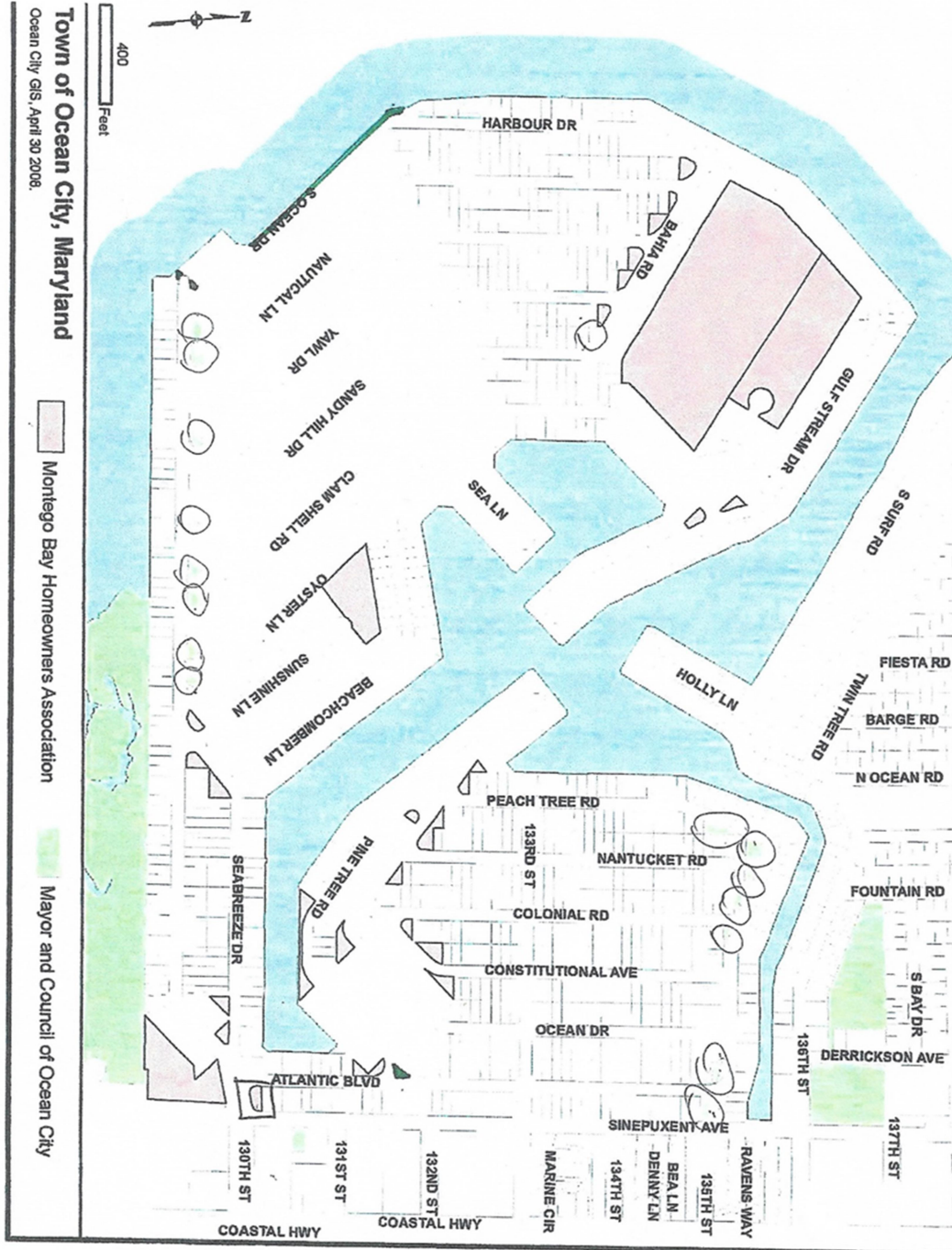
Mission

The mission of the Parks and Pond Committee is to assist the MBCA Board of Directors with the management and care of MBCA's parks and pond properties.

Responsibilities

- Assists with the management and care of the MBCA Parks and Pond area bound by Harbour, Bahia, and Gulf Stream Drives and Oyster Lane; the small land area on Pine Tree Road next to the bulkhead and the parcels as shown on Attachment A (See on next page).
- Coordinates with the Contract Administrator on request for proposals (RFPs) and/or estimates to perform specified maintenance as may be required and management of the parks and pond and related equipment; submits a recommendation for contract award and monitors contract compliance and standard of work performed.
- Develops and submits, to the Budget and Finance Committee, a proposed budget that addresses the following:
 1. General maintenance of the pond, its banks, path, related equipment, the adjacent park, the Pine Tree Park, as well as the parcels identified in Exhibit A.
 2. The pond fountains, lights, diffusers, overflow grate, piping, drain valve, bay pump, its platform, and adjacent electrical panel.
 3. The pond house structure and its associated electrical supply and fixtures.

Created October 9, 2020, Revised October 9, 2021



Pools and Recreation Committee Charter

Mission

The mission of the Pools and Recreation Committee is to maintain the MBCA amenities identified as three (3) swimming pools, two (2) tennis courts, one (1) shuffleboard deck, one (1) miniature golf play area and ensure maintenance and operation are performed in a safe, legally compliant manner.

Responsibilities

- Performs, in season, weekly, or more frequently as necessary, inspections of the amenities to identify maintenance and repair issues. Off-season inspections are on an as needed basis.
- Solicits estimates and submits recommendations for selected maintenance contracts for pool management and/or repairs/replacement of recreation amenities to the Board of Directors.
- Monitors compliance of contracts and standards of work performed.
- Maintains and monitors the electric entrance gate locks for pools and tennis courts.
- Prepares the pools and recreation amenities for the summer season opening as well as closing the facilities at the end of the season.
- Develops and submits an annual budget proposal to the Budget and Finance Committee that projects the funds needed to appropriately maintain the amenities for the community.
- Drafts pool and recreation information documents for community dissemination.

Created: October 9, 2020

Technology Committee Charter

Mission

The mission of the Technology Committee is to develop and assist in the implementation of Association information technology recommendations for the Board of Directors.

Responsibilities

- Assists the Board of Directors in identifying critical technology issues facing the Association.
- Solicits for Request for Proposals and submit recommendations for selecting editorial and communication technology vendors to manage the website.
- Maintains an inventory of current MBCA hardware and software.
- Works with technology vendor to routinely review hardware and software to ensure timely updates.
- Works with technology vendors to ensure adequate and timely offsite data storage, back-up, and restoration.
- Works in coordination with the technology vendors to ensure adequate support for MBCA hardware and software.

Created: October 9, 2020

Teller Committee Charter

Mission

The mission of the Teller Committee is to ensure and maintain a fair, equitable, transparent vote counting process for all elected offices and referendums and in accordance with the Associations Governing Documents.

Responsibilities

- Receives secured ballots from the MBCA Office Manager prior to the general membership meeting.
- Ensures ballots cast prior to the closing of nominations are secured.
- Opens and tallies ballots as directed by the Presiding Officer.
- Presents the vote tally to the membership to include:
 - Total ballots cast.
 - Identify disqualified ballots and document the reason for the disqualification.
 - Tally referendum ballots for votes cast in for and against the topic.
 - Tally election ballots for votes cast for each nominee.

Created October 9, 2020,

Welcome Committee Charter

Mission

The mission of the Welcome Committee is to assist MBCA members with community information through social media and print. The committee will strive to make everyone feel welcome and comfortable by establishing a “basic guide” to MBCA.

Responsibilities

- Update and maintain a printed “Welcome Packet” guide available in the MBCA office.
- Update and maintain a “Welcome Packet” on MBCA social media platform.

Created: November 18, 2020

APPENDIX 8. Amendments to the Bylaws

Montego Bay Civic Association (MBCA) Bylaw Note, Pursuant to Oct 12, 2019 Board Meeting



In order to clarify that MBCA members have the sole authority to approve amendments to MBCA Bylaws, the following emails from Ms. Mary Jo Breslin, President of the MBCA Board and Mr. James Almand, Resident Agent for MBCA, are to be attached to existing and future MBCA bylaws.

Mr. Almand's response

1 message

Mary Jo Breslin <mjbhoa.101@gmail.com> Thu, Oct 10, 2019 at 8:47 AM
To: Russ Colley <vicepresident@montegobaycivicassoc.com>, Monica Cofield <TREASURER@montegobaycivicassoc.com>, Dennis Moore <secretary@montegobaycivicassoc.com>, Vernon Betkey <vernon.betkey@montegobaycivicassoc.com>, Kim Box <kim.box@montegobaycivicassoc.com>, Don Dean <donald.dean10@comcast.net>, raleigh midkiff <raleigh.midkiff@montegobaycivicassoc.com>, mike livingston <mike.livingston@montegobaycivicassoc.com>, Eric Waterman <eric.waterman@montegobaycivicassoc.com>, BK Swartwood <BK.swartwood@montegobaycivicassoc.com>, tom seibold <tom.seibold@montegobaycivicassoc.com>, Tony Kendrick <tony.kendrick@montegobaycivicassoc.com>

To Board Members

I sent Mr. Almand, MBCA Resident Agent, an email to review the motion that Don Dean made and Kim Box seconded at our last board meeting. Don Dean motion 6 "I move to amend the Articles of Incorporation by deleting Article 7a. So Board can approve. Motion was seconded by Kim Box. I also included questions for clarification from the Bylaws Committee regarding the Articles of Incorporation:

- Article VI - Appoints acting directors until successors are chosen. Do these successors include all subsequent boards?
- Article VII (a) - Authorizes the Board to change the By-Laws. Since that authority was exercised in 2011, can the Board reverse it?
- Article VII (c) - Authorizes changes to the 'Charter'. Verify the Charter & Article of Incorporation are one and the same thing. If not, what is the charter?.
- Article VII (c) - Authorizes changes to the charter by vote of the Board.. Was this provision restricted to the original Board or does it apply to all subsequent Boards?

According to Mr. Almand the Board in 2011 amended the Bylaws requiring that going forward the homeowners will amend the Bylaws, not the Board of Directors. This remains the process until such time the homeowners decide to amend the Bylaws and reverse it back to the Board of Directors. Mr. Almand's response is below.

From: **James W. Almand** <jalmand@ajgalaw.com>
Date: Mon, Oct 7, 2019, 10:39 AM
Subject: montego bay
To: Mary Jo Breslin <mjbhoa.101@gmail.com>

To be sure we are looking at the same document, attached is the document entitled Articles of Incorporation of Montego Bay Civic Association, Inc. Paragraph Sixth merely established the initial directors of the Corporation. As elections have been held, new directors ("successors") have been chosen.

Paragraph Seventh (a) does not prohibit the Board of Directors from amending the Bylaws to allow future amendments by a percentage of the members of the Association if that is what the motion to amend the Articles is intended to accomplish. I do not understand why that provision would need to be deleted from the Articles; it was put there to allow the Board to adopt the initial set of Bylaws and all amendments until changed to require some other approval process.

Paragraph Seventh (c) refers to "charter", which is the same as the Articles of Incorporation, but there is no reason to amend the charter unless you want to change the name of the corporation or have less than three directors or issue capital stock or significantly change something stated in Paragraph Third. The Articles merely established the Civic Association as a Maryland corporation so you could operate legally as a corporation. There is no reason to amend it.

James W. Almand
Partner
Ayres, Jenkins, Gordy & Almand, P.A.

Tel: 410-723-1400
Fax: 410-723-1861
Email: jalmand@ajgalaw.com
Web: www.ajgalaw.com

6200 Coastal Highway, Suite 200

APPENDIX 9. [Declaration of Restrictions of the Montego Bay Residential Community](#)

APPENDIX 10. Employee Handbook: Position Description, & Confidentiality Agreement



EMPLOYEE HANDBOOK

(05-2022)

MONTEGO BAY CIVIC ASSOCIATION
101 130th Street – Ocean City, MD 21842
(410) 250-3080

The Montego Bay Civic Association (MBCA) is a dedicated neighborhood organization consisting of elected officers, a board of directors, member property owners, and community volunteers. Our common goal is the continual improvement in the quality of the Montego Bay Community in accordance with our bylaws. Our aim is to address neighborhood-related board matters, maintain timely communication between our members, and to administer and service the day-to-day community affairs required to enhance living at Montego Bay.

Our community offers members a wide range of amenities such as the boardwalk, tennis courts, shuffle board & pickle ball, pools, dock for crabbing & fishing, a large pond with a walking path, and the best view of Assawoman Bay in Ocean City.

MBCA MISSION STATEMENT

To promote the common good and general welfare of the community of Montego Bay.

MBCA VISION STATEMENT

MBCA is committed to promoting a vibrant community in which all residents and guests enjoy a quality of life second to none.

MBCA Personnel Policies and Procedures

Introduction

Personnel Policies and Procedures help MBCA provide consistent service to our lot owners and abide by state and federal laws.

Equal Employment Opportunity (EEO) Policy

It is MBCA's policy to provide equal employment opportunity to all individuals.

Anti-Harassment Policy

MBCA is committed to providing a workplace free of unlawful harassment of any kind by anyone, including employees, vendors, and lot owners.

Professional Conduct Policy

We respect the rights and dignity of all our employees. We also recognize we must work together as a team. This means everyone must be considerate of our fellow employees, Board Members, Community Volunteers and Lot owners.

Dress Code

Being part of a resort town, MBCA has a casual working environment, however Employees, Board Members and Volunteers are expected to present an appropriate appearance at all times. MBCA reserves the right to determine appropriateness and reasonableness in all aspects of professional appearance.

Employee/Homeowner Office Access

Employees will be provided with an electronic key card to enter the MBCA Office Building. Entrance doors are locked at all times. Lot owners and/or vendors visiting the Office must ring the door access button to enter the office.

All persons entering the MBCA Office must sign in upon entering with their name, address and reason.

Reporting Relationships

Employees report directly to the President of Montego Bay Civic Association, however, provide administrative support to MBCA Officers, Board Members and Committee Chairpersons. Support requests from Board Members or Committee Chairs will be managed by the President to ensure that the workload is manageable.

Work Schedule

Work schedules will be assigned by the President of Montego Bay. Work schedules are adjusted based upon the season:

- Summer Season: 6 hours/daily, Tuesday through Saturday.
- Winter Season: 4 hours/daily, Monday through Thursday
- Board of Directors Meetings: 3 hours on the second Saturday - January to March; May to July; September to December.
- Bi-Annual General Membership Meetings: Employees will be required to work at the General Membership Meetings which are the 3rd week of April and the 3rd week of August.

If you are unable to report to work due to sickness, notify the President prior to your scheduled starting time. Any absence without notification may result in disciplinary action.

Doctor's Certificate

Medical documentation may be required for illnesses, which prevent you from returning to work for two or more days. Requests for documentation to verify the reason for any absence may be requested, regardless of length.

Probationary Period

The first 90 days of employment is considered a probationary period for all new employees. During this period of probation, an employee may be terminated without cause. The President reserves the right to extend the probationary period, however, it may not be extended more than 6 months.

Performance Appraisals

Employees shall receive a written appraisal of their performance annually, based upon hire date to be conducted by the President of MBCA.

Fraternization Policy

Employees are permitted to develop friendships and relationships with other employees—both inside and outside of the workplace—as long as the relationships don't have a negative impact on their work or the work of others.

Fraternization is prohibited with anyone who has authority over the terms and conditions of employment—such as [pay raises](#) and work responsibilities. Anyone functioning in a managerial or supervisory role needs to heed the fact that personal relationships with employees who report to them may be perceived as favoritism, misuse of authority, or potentially, [sexual harassment](#) and consequently, are unacceptable.

Any relationship that interferes with the [culture of teamwork](#), the harmonious work environment, or the productivity of employees, will be addressed by applying the [progressive discipline policy](#) up to and including employment termination.

Progressive Disciplinary Policy:

Progressive [discipline](#) is a process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose of progressive discipline is to assist the employee in understanding that a [performance problem](#) or opportunity for improvement exists.

Step 1: Verbal Warning

A verbal reprimand for unacceptable behavior or performance issues will be the first step in the progressive disciplinary policy. Behavior/performance issues will be reviewed and documented with the employee. If the behavior/performance issues do not improve within a specified period of time, the next step of the progressive discipline policy will be taken.

Step 2: Written Warning

Behavior/performance issues that are not resolved in a specified period of time, will result in a formal written warning. Continued behavior/performance issues may result in further disciplinary action up to and including termination.

Step 3: Final Written Warning/Termination

Continued behavior/performance issues may be addressed with a final written warning or termination. Depending on the infraction, the President may issue a final written warning, subject to termination.

Communications

Confidentiality: Personal information about lot owners, residents or employees obtained in the performance of MBCA business, duties and files must be held in complete confidence without disclosure to individuals outside of MBCA Board Officers and Directors.

Phone Communications: Communications via the MBCA Office are for MBCA Business purposes. Lot owners, vendors, and external calls should be handled professionally. All callers are to be treated with courtesy and respect. Unruly callers should be directed to the President.

Email/Paper Correspondence: MBCA provides an office email for lot owners, vendors, Board Members and Committee Chairs for electronic correspondence. All inquiries, complaints and requests are to be handled promptly and with discretion. As appropriate, email/paper correspondence should be directed to appropriate Board Members for review and response.

Constant Contact: Constant Contact is a communication vehicle used to email lot owners with information about Community Events, Meetings, and other information pertinent for homeowner review.

One-Call Announcements: One-Call is a communication vehicle for lot owners without email. One-Call announcements are utilized to share information that goes out to the lot owners via Constant Contact or Town Square. One-Call announcements should always be utilized to communicate information for MBCA Board Meetings, Special Meetings and Committee Meetings.

Town Square: Town Square is a third-party communication platform selected by MBCA to keep lot owners informed of Community Events, Board & Committee Meetings (including meeting minutes) and MBCA Governing Documents. It is also a platform for lot owners to post questions/comments and to check balance of assessment dues and fees.

MBCA Website: The MBCA website (www.montegobaycivicsoc.com) is a vehicle for lot owners to access general information about the Community, Amenities, Officers & Directors, Governing

Documents, Community Meetings and Community Bulletins. It does not contain any proprietary information.

Monthly Bulletins: The Communications Committee develops a monthly bulletin for lot owners to be posted by the Office Manager on Town Square. Paper copies are to be printed and made available in the office.

Pay Policy

Federal and State Labor Laws require that the MBCA maintains an accurate record of employee working hours.

1. **Pay:** All employees are paid on an hourly basis. An electronic timekeeping system is utilized for tracking hours worked. Employees are required to sign in each work day. (Employees do not sign out for lunch periods). Pay will be calculated based on the nearest 15 minutes. Pay is based on time worked and/or the use of leave.
2. **Lunch Breaks:** Depending on your work schedule, lunchbreaks may be part of your workday or you may opt to forego a lunch break. Lunch breaks, if taken, will be 30 minutes and will be unpaid. (For example: If you are schedule to work 6 hours and choose not to take a lunch break, you will be paid for 6 hours. If you choose to take a lunch break, you will be paid for 5.5 hours)
3. **Payroll Period:** The weekly pay period will run Monday thru Saturday. Employees will be paid via direct deposit and will posted into the bank account specified by the employee on Wednesday for the prior week's hours worked.
4. **Paid Holidays:** Holidays are paid days off, *if they occur on a normal work day*. The following holidays are included:
 - a. **Thanksgiving**
 - b. **Christmas Eve**
 - c. **Christmas Day**
 - d. **New Year's Day**
 - e. **One Optional Day**

Time off is not permitted on Memorial Day, July 4th or Labor Day.

5. **Personal Leave:** Personal leave covers vacation and sick leave and is defined as time off from regular work hours. Employees will be eligible for paid leave after one year of employment. Employees are eligible for paid leave in the following amounts:
 - a. After one year of consecutive employment: 5 normal work days
 - b. 2 to 6 years of employment: One additional day each year up to a total of 10 normal work days of leave.

All leave will begin on the anniversary of employment. Leave time may not be carried over from one calendar year to the next. Leave may not be used unless earned.

MBCA - OFFICE MANAGER JOB DESCRIPTION

GENERAL JOB DESCRIPTION

The Office Manager is a year-round, part-time position. Hours worked are in accordance with prescribed seasonal and non-seasonal office operations:

- Spring/Summer Schedule will be 6 (six) hours per day (9am to 3pm) Tuesday, Wednesday, Thursday, Friday and Saturday beginning the 2nd Saturday in April through the 2nd Saturday in September.
- Fall/Winter Schedule will be 4 (four) hours per day (9am to 1 pm) Monday, Tuesday, Wednesday, Thursday and in addition to the above, there will be 3 (three) hours during Board Meetings on the 2nd Saturday, in January to March; May to July; November and December.

The Office Manager functions under the immediate direction of the President for day to day operations and provides administrative support to Officers, Board Members and Committee Chairpersons as directed and established by the President. The President may authorize additional hours to meet administrative priorities, for special project initiatives or to meet the needs of the community. This is a position of confidentiality and custodianship of sensitive information regarding Lot owners private information and the management of the Association.

DUTIES AND RESPONSIBILITIES

Correspondence:

- Receives messages, date-stamps and reviews all incoming calls, correspondence (written or electronic); ascertains the nature of the items and directs importance of inquiries to the appropriate Board Member or Committee Chair for response or follow-up. Documents message information, who it was referred to and copies the President in the office electronic file. May provide responses to knowledgeable inquiries if routine or procedural office information requested and notifies President of response.
- Creates file folders for all committees. Schedule meetings for board of directors and committees on conference room schedule/calendar and notifies Board Secretary for meeting notifications.
- Files Official Documents, as prescribed.
- Maintains the Association's calendar and posts on Town Square and Constant contact. Makes special annotation of any pending deadlines and keeps the President informed sufficiently in advance, so that action is taken before the deadline. Notifies President of any schedule changes of MBCA employees, Officers or Board and availability of Directors.
- Maintains and distributes on Town Square and Constant Contact dates and times of monthly Board Meetings and Committee Meetings.
- Establishes and maintains office files as required when sent from Board and/or Committee Chairpersons.
- Takes meeting minutes during monthly Board of Director and semi-annual General Membership Meetings and prepares draft for the MBCA Secretary.

Database Management:

- Maintains accurate Homeowner Roster database of member demographics and eligibility status.
- Verifies with Treasurer if owner is in good standing when amenities cards are issued and rescinds access when homeowner is in default, or card is lost or requires replacement.
- Maintains mailing list for office, Constant Contact and delinquent status database.
- At time of Resale, de-activates sellers' amenities card. Maintains buyers' Lot owners Signature Form for receipt of new activated card.

Financial Management Support:

- Provides the Treasurer with all receipts for supplies purchased.
- Provides the Treasurer with all updates to the Member Violation List.
- Notifies Treasurer of any non-compliance issues with Maintenance/Service Vendor Contracts.
- Directs inquiries to the Financial Management Company regarding member balances owed.
- Informs Financial Management Company of any changes to database.

Compliance with MBCA's Governing Documents:

- Maintains hard copy files for all permits submitted for construction work in Montego Bay. Notifies Architecture/Compliance Chairperson of submission. When notified by chairperson of review completion, notifies homeowner of approval.
- Under direction of Vice President, composes and mails letters to lot owners of potential violations of governing documents. Maintains excel file of letters and dates for re-inspection's when needed.

Maintenance/Service Inspections:

- Monitors Vendor contracts for maintenance/service inspections (Pest Control, Heating/AC, Pools, Tree Trimming, etc.) and schedules vendors to complete work required.

General Office Management:

- Opens and closes office, displays/retrieves flag according to designated hours of operation.
- Greets visitors coming into the office in a prompt, courteous and respectful manner, has visitors sign in and assist with questions/topic. If uncertain of answer, directs questions to appropriate member of the board of directors.
- Ensures office is kept reasonably neat, updating bulletin boards as needed, empties trash cans weekly or as needed.
- Turns off lights and equipment at end of day. Light in lobby in front of entrance doors remains on during night hours, door blinds open. Ensures office door(s) are locked.
- Monitors and orders office supplies as needed or requests approval. Receives and verifies deliveries. Properly maintains all office equipment and calls for service if necessary.
- Assists in training substitute or replacement staff members.
- Other duties as assigned by the President.

KEY COMPETENCIES

- Must be able to work hours of operation as established
- Must have good organizational, written and verbal communication skills.
- Must be proficient in Microsoft Office, with expertise in Word, PowerPoint and Excel.
- Must be able to schedule and set up Zoom Meetings.
- Must be able to use standard office equipment, software programs and standard correspondence guidelines.
- Must have good customer service skills: courteous and respectful greeting to all visitors, vendors and callers is expected.

Approved By: MBCA President, Vice President, Treasurer, Secretary

Date Approved: 05/14/2022

Employee Signature: _____

Date: _____

Rev. 05/14/2022

***Montego Bay Civic Association Confidentiality Agreement
for
Board Members, Employees, and Volunteers***

It is the policy of the Montego Bay Civic Association (MBCA) that board members, employees, and volunteers of MBCA will not disclose confidential information belonging to or obtained through their affiliation with MBCA to any person, including their relatives, friends, and business and professional associates, unless MBCA has authorized disclosure. This policy is not intended to prevent disclosure where disclosure is required by law or during normal business practices of board members, employees, and volunteers.

Board members, volunteers and employees are cautioned to demonstrate professionalism, good judgment, and care to avoid unauthorized or inadvertent disclosures of confidential information and should, for example, refrain from leaving confidential information contained in documents or on computer screens in plain view.

Upon separation of employment, volunteer service, and at the end of a board member's term, the individual shall return all documents, papers, electronic files, and other materials that may contain confidential information.

Failure to adhere to this policy will result in disciplinary action up to and including separation of employment or service with MBCA.

Certification

I have read MBCA's Confidentiality Agreement presented above. I agree to abide by the requirements and to inform my supervisor and/or a MBCA Board Officer immediately if I believe any violation (unintentional or otherwise) of the agreement has occurred. I understand that a violation of this agreement will lead to disciplinary action up to and including termination of my service with the MBCA.

Printed Name _____

Signature _____ **Date** _____

MBCA Official's Printed Name _____

MBCA Official's Signature _____ **Date** _____

APPENDIX 11. [2022 Maryland Homeowners Association Act](#)

- [Browse as List](#)
- [Search Within](#)
- [Section 11B-101 - Definitions](#)
- [Section 11B-102 - Applicability of title and Sections 11B-105 through 11B-108 and 11B-110](#)
- [Section 11B-103 - Variance of title's provisions and waiver of rights conferred thereby, and evasion of title's requirements, limitations, or prohibitions prohibited](#)
- [Section 11B-104 - Building code or zoning laws, ordinances, and regulations to be given full force and effect; local laws, ordinances, or regulations; alternative dispute resolution](#)
- [Section 11B-105 - Initial sale of lots in developments containing more than 12 lots](#)
- [Section 11B-106 - Resale of lot; initial sale of lot in development containing 12 or fewer lots](#)
- [Section 11B-106.1 - \[Effective Until 10/1/2022\] Responsibility for maintenance, repair, and replacement of common elements](#)
- [Section 11B-106.1 - \[Effective 10/1/2022\] Responsibility for maintenance, repair, and replacement of common elements](#)
- [Section 11B-106.2 - Sale of common elements](#)
- [Section 11B-107 - Initial sale of lot not intended to be occupied or rented for residential purposes](#)
- [Section 11B-108 - Cancellation of contract](#)
- [Section 11B-109 - Untrue statements or omissions by vendor](#)
- [Section 11B-110 - Warranties; notice of defect](#)
- [Section 11B-111 - Meetings of homeowners association or its governing body](#)
- [Section 11B-111.1 - Family child care homes - No-impact home-based businesses](#)
- [Section 11B-111.2 - Candidate or proposition sign](#)
- [Section 11B-111.3 - Distribution of written information and materials](#)
- [Section 11B-111.4 - Meetings](#)
- [Section 11B-111.5 - Court appointment of receiver](#)
- [Section 11B-111.6 - Fidelity insurance](#)
- [Section 11B-111.7 - Number of declarant votes](#)
- [Section 11B-111.8 - Electric vehicle recharging equipment](#)
- [Section 11B-111.9 - Composting](#)
- [Section 11B-111.10 - \[Effective 10/1/2022\] Dispute settlement mechanism](#)
- [Section 11B-112 - Books and records of homeowners association; disclosures to be deposited into depository](#)
- [Section 11B-112.1 - Late charges](#)
- [Section 11B-112.2 - \[Effective Until 10/1/2022\] Annual budget](#)
- [Section 11B-112.2 - \[Effective 10/1/2022\] Annual budget](#)
- [Section 11B-112.3 - \[Effective Until 10/1/2022\] Reserve study requirement](#)
- [Section 11B-112.3 - \[Effective 10/1/2022\] Reserve study requirement](#)
- [Section 11B-113 - Homeowners association depository](#)
- [Section 11B-113.1 - Electronic transmission of notice](#)
- [Section 11B-113.2 - Electronic transmission of votes or proxies](#)
- [Section 11B-113.3 - Deletion of ownership restrictions based on race, religion, or national origin](#)
- [Section 11B-113.4 - Annual charge](#)
- [Section 11B-113.5 - Annexation of land in Howard County](#)
- [Section 11B-113.6 - Meetings held by electronic means](#)
- [Section 11B-114 - Electronic payment fees](#)
- [Section 11B-115 - Enforcement authority of Division of Consumer Protection](#)

- [Section 11B-115.1 - Enforcement by Division of Consumer Protection](#)
- [Section 11B-116 - Amendment of governing document](#)
- [Section 11B-117 - \[Effective Until 10/1/2022\] Liability for homeowners association assessments and charges on lots](#)
- [Section 11B-117 - \[Effective 10/1/2022\] Liability for homeowners association assessments and charges on lots](#)
- [Section 11B-118 - Short title](#)

APPENDIX 12. [Montego Bay Articles of Incorporation 1969](#)

APPENDIX 13. [Bylaws of the Montego Bay Civic Association, April 21, 2012](#)

APPENDIX 14. Community Standards, Restrictions, and Violation Summary

Montego Bay Civic Association Community Standards, Restrictions, and Violation Summary

Any violation of community standards or restrictive covenants shall subject the lot owners to fines, including late fees, imposed by the, Board and/or court action, and to reimburse the Association for reasonable legal fees and costs incurred by the Association to enforce these standards and covenants. All leases shall contain provisions advising the tenant of his/her obligation to comply with all provisions of the Declaration, the Bylaws, and the rules and regulations of the Association. A violation by a tenant shall result in the owner being considered no longer in good standing (for all properties owned) until the violation(s) have been corrected and all fees paid.

This document is a quick reference and overview, and lot owners are encouraged to consult the *MBCA Declaration of Restrictions* and the *Administrative, Operations, and Procedures Manual, Section XII. Architectural Review, Permit Processing Procedures, and Community Standards* for specific details.

- Only no-impact-home-based-businesses defined and authorized by the Maryland Homeowners Association Act and licensed and regulated by the Town of Ocean City ordinances, are permissible.
- Property Condition: Every structure, including bulkhead and dock, and every lot shall be in a neat, well-maintained, and attractive condition, kept neat and clean with grass, bushes, and trees properly maintained and trimmed.
- Residences shall have a minimum of one (1) trash receptacle with an attached lid that is always kept closed. (TOC Code section 70-35) Overflow trash is prohibited outside of receptacles.
- Outdoor drying of laundry shall not be visible from the street side of the property.
- Pets: Owners must strictly conform to all laws and ordinances regarding pets.
- Storage: No lot shall be used as a storage area, store items out of public view in a shed.
- All vehicles parked on any lot shall have current registration, license plates, must be in operable condition, and mobile as designed. No

vehicle shall be parked across the front of the lot except on the designated parking pad.

- Boats & Personal Watercraft that are operable and registered can remain on the lot on blocks, from Labor Day through Memorial Day. Boats and Personal Watercraft (operable and registered) on an operable, currently registered, and tagged trailer can remain on a lot throughout the year.
- A Single “For Sale” or “For Rent” sign may be placed on each street side of the property when a contract is signed with a licensed agent. Waterfront properties may place a single sign on water end of the property in addition to the street side.
- Signs shall not exceed two (2) feet high by three (3) feet wide. “For Sale” and/or “Sold” signs shall be removed on the day of settlement.
- Sheds - an accessory storage structure is permitted within required side yard setbacks not to exceed 100 square feet provided a minimum five-foot setback is maintained from lot lines.
- Standard Fences, interior lots : No chain-link, vinyl, wood, or similar fence material may be installed on any interior lot.
- Fences, Waterfront Lots: shall consist of a white vinyl picket style, shall not exceed a height of three (3) feet and shall be installed parallel to the water side of the lot for the sole purpose of protecting the life and safety of the lot owner, his/her family, guests, and visitors. A 10-foot return is permitted on each side of the lot with a return side connecting back to the house.
- Living fences shall not exceed a height of more than thirty (30) inches, nor a width of thirty (30) inches.
- Parking Pad Chain: A single-strand white plastic swag chain, not to exceed thirty (30) inches in height, is permitted across the front portion of a driveway to prohibit unauthorized parking.
- Lot Border Chain: A single-strand white plastic swag chain with black posts not to exceed thirty (30) inches in height, nor two (2) inch links, may outline the perimeter of a lot.
- Garages are prohibited on all improved or vacant lots in the Montego Bay Community.
- Second story decks on the front of any home and the rear of any standard interior lot are prohibited. Second story decks on the water are allowed.
- Copulas: A maximum of two (2) roof copulas, shall be limited to a size of nine (9) square feet.
- The lot owner shall be responsible for the painting and numbering the property lampposts with a flat black paint and numbers.
- A lot owner who purchases an adjoining lot, is prohibited from increasing the setbacks of their current building proper

- Silt Fence: A minimum of a thirty (30) inches high fence is required when homes are built or demolished in the Montego Bay Community. The lot owner shall be responsible to ensure that the builder or contractor manages the placement, replacement, and repair of the silt fence.