



CHESAPEAKE ISLE CIVIC ASSOCIATION
P. O. BOX 150 NORTH EAST, MD. 21901

CICA Board of Directors Meeting – Minutes December 16, 2003

The meeting began at 7:10 p.m. the pavilion.

BOARD OF DIRECTORS

- **PRESENT:** Brian Clare, Bill Dryden, Janet McKenna, Ken Knapp, Michael Szep, Sr., Vern Orndorff, Sonny Hayes, Jim Abel, Ward Keever, Rob Green, Jay Gilfillan,
- **ABSENT:** Gordon Osborne

Committee Members and Guests Present: Among those present were Dave Byler, Les Fritz, Mr. and Mrs. Ferrick, Marie Borromeo, Trish Jones, Harvey Hill, Joan Kluge, Joan Russell, John Epler, Brad Fager, and Frank Astfalk.

REPORT OF THE MEMBERSHIP COMMITTEE CHAIRMAN (Les Fritz)

The President asked the Chairman of the Membership Committee to give his report, which was the subject of the motion made at the December 9, 2003, Board meeting. Les Fritz read from the following:

Authentication and Documentation Chesapeake Isle Civic Association December, 2003 By-Laws Vote

As the Membership Chairman of the above named association, I have been asked to document and authenticate all of the numbers concerning the ballot mailing for this vote and the number of paid members who were eligible to vote on this issue.

Further, as one of the members of the committee charged with counting the returned ballots of our members, I will also include the voting results here for the purpose of continuity. Those figures, in fact, were separately authenticated at a ballot counting on the evening of December 8, 2003. The ballot counting was witnessed by three former presidents of this association who have not been actively involved in the administration of association business since before this process of amending our by-laws was begun.

The Ballot Mailing

The attachment marked Exhibit A details the size of the mailing that we sent out on November 5, 2003. It also describes exactly what was included in each mail-out package. It should be noted that, in addition to the 5 renters and the 5 Mason Lane property owners (all of whom were ineligible to vote), there were two mail-outs sent to two different families who co-own properties. A Brief note was included in these letters explaining that even though their family received two mail-out packages only one ballot would be accepted between each family. The number of paid members (244) at the time of the mailing was actually on 242 because of the above situation and that number plus the 46 non-paid property owners on that date meant that the poll of possible voters (if everybody paid their dues) was actually 288.

Exhibit B is a photocopy of the 10-page mailing label printout used for this mailing. A brief examination of this ten page document will reveal the five renters, the five Mason Lane property owners and the two families that received two mailings each. (Notations have been made on each of these parties as well as a few other assorted notations about alternate addresses, owner changes, etc.)

Authentication of the Number of Paid Members

Exhibit C consists of 5 pages, which are the original and only copies of the Members Register spread sheet that I use as membership chairman to record the names, lot numbers, check amounts, check dates, check numbers and any fees being paid. All of this is recorded in the order in which the checks arrive in each dues year. There are 50 names to each page and on the *back* of the fifth page, I have recorded numbers 251 through 259. This was done to save having to use another spread sheet so late in the membership year.

Exhibit C establishes the fact that we received dues payments for 259 families from the beginning of the year right up to the opening of the sealed ballots on the evening of December 8, 2003. (A couple of the payments actually came in with the sealed ballot.)

Upon further examination of the Membership Register (designated Exhibit C)... you will find a total of ten (10) names that have been high-lighted by yellow magic marker. These ten families were not part of the pool of eligible voters for the following reasons:

Mason Lane residents (the excepted portion)	3
Chesapeake Isle renters (social members only)	2
Sold their home prior to the vote (ineligible)	5

The actual number of members eligible to cast a ballot on the night of the tabulation was 249, as documented above.

Results of the Membership Vote to Amend the By-Laws

On the evening of the vote count, it was established that we had received back a total of 220 envelopes from our community residents and property-owners. The envelopes were opened and the ballots sorted with the following disclosures:

Eligible ballots in favor	129
Eligible ballots not in favor	82
Incomplete ballot (invalid)	1
Ballots returned but not eligible	8

The actual number of valid ballots, therefore, was 211 and in terms of the votes cast, the results were 129 (61.1%) in favor of the by-laws change and 82 (38.9%) opposed to the change. However, since our by-laws require a majority vote of the membership, we must base the final results on the fact that we had 249 eligible members at the time the vote was counted:

VOTING FOR THE PROPOSED CHANGE	129	51.8%
VOTING AGAINST THE CHANGE	82	32.9%
ELIGIBLE NON-RETURNED BALLOTS	37	14.9%
INCOMPLETE (INVALID) BALLOT	1	0.4%

I attest to the fact, without reservation, that all the foregoing numbers on this report and in the supporting exhibits are absolutely complete and accurate.

Signed Lester J. Fritz
Membership Chairman

The Chairman's report and Exhibits A, B, and C were given to the President.

The President asked the Board if there were any questions or comments. There were none.

The President asked non-director Committee Chairpersons present if there were any questions or comments. There were none.

The President asked guest present if they had questions or comments.

Guest Question: November 18, 2003 had 255 paid members -- why the difference in the total figure? **Response:** Additional membership dues were received prior to and on 12/8/03; in fact, there were a total of eight checks received after the mailing went out in early October. A total of 259 memberships paid dues in 2003, however, only 249 were eligible to vote at the time the ballots were counted on 12/8/03. The 10 membership difference (259 paid total but only 249 eligible to vote) is explained by 3 Mason Lane and 2 Renter social memberships, plus 5 memberships which ended when the properties were sold before the ballots were mailed. All addresses that were on the mailing list for Chesapeake Isle were sent the information. In addition, any non-returned eligible ballot was not counted as a yes (or a no). This was different than votes taken in the past.

Historically, anyone who did not send a definite answer was considered as favorable to the Board's recommendation. The Board moved that for this ballot, non-returned eligible ballots would be considered a non-objection to the will of the majority.

Guest Question: Half of tax paying property owners need to okay the vote before agreeing to the change. This vote renders an almost 50-50 percent. If a majority of landowners, whether or not members, do not want this, how can only eligible members vote count? **Response:** The vote was a vote to approve changes to the by-laws of the Chesapeake Isle Civic Association, Inc. The current by-laws spell out how those by-laws may be amended. Only current property-owning members of the CICA may vote. All property owners were eligible and invited to become members and cast a ballot. There was no requirement to pay back dues for all prior years -- only the current year's membership dues.

Guest Question: In owning two properties, why only one vote? **Response:** In accordance with the current by-laws, only one vote per membership, regardless of the number of lots owned.

Guest Question: If a property owner purchased the property with only a covenant and deed restriction, can the change still affect their property? Will this now have to be disclosed as settlement? **Response:** The Maryland Homeowners Association Act requires disclosure by sellers and their agents and applies where there is recorded in the land records, an instrument that creates the authority to levy mandatory fees in connection with the provision of services or benefits.

A director proposed that the Board should look into there is a legal requirement of a majority of property owners vs. a majority of eligible members. There was no second.

The President called for a 10-minute recess.

When the meeting was called back to order, a motion was made by Jay Gilfillan as follows: "In regard to the recent vote on changing the Chesapeake Isle By-Laws, I make a motion that the Board accepts the vote count as follows: 129 owners voted in favor of the changes, 37 did not return ballots and are considered non-objecting, 82 voted not in favor of the change and 1 ballot was incomplete. The majority of the 249 members eligible voted in favor of the changes." The motion was seconded by Sonny Hayes. The motion passed 10 in favor and 1 opposed.

A second motion was made by Ward Keever and seconded by Vern Orndorff as follows: "Prior to implementing the revised bylaws we will seek legal advice on the issues raised by some CICA members." The motion passed 10 in favor and 1 opposed.

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously. The meeting adjourned.

Respectfully submitted,

Janet McKenna, Secretary

cc: Committee Chairperson
Elk Neck Park Rangers

Note: Subsequent to the meeting, the date for the next Board Meeting was established:
January 27, 2004, at 7:00 p.m. at the pavilion.