

# **Constitution and By-Laws of the Deale Beach Citizens Association, Inc. (DBCA)**

(As amended October 2021)

## **Constitution**

### **Preamble**

The purpose of this Association is to bring together at frequent intervals those who are interested in civic betterment that promotes the general welfare, improves the property of the Deale Beach subdivision, and encourages good citizenship.

This being our purpose, we do hereby form ourselves into the Deale Beach Citizens' Association (DBCA). We agree to be open-minded and liberal in judgment toward all legitimate civic issues brought before the Association for discussion or investigation. We further agree that we shall have no affiliation with any political organization.

### **Article I – Name**

The name of this organization is the Deale Beach Citizens' Association, Inc. (DBCA).

### **Article II – Membership**

There are two classes of membership: members and associate members. All owners of Tax Accounts are members. Others, 18 years of age or older, who reside in Deale Beach a substantial portion of the year may become associate members. The Board of Governors will determine whether an applicant for associate membership resides in Deale Beach a substantial portion of the year.

Only members may vote on the approval of the Special Community Benefit District Annual Budget for submission to the County. Both members and associate members, up to two per household, may participate in all other voting that may be required to conduct the Association's business.

### **Article III – Officers**

The Officers of the Association are a President, a Vice President, a Secretary/Archivist, and a Treasurer. Their terms in office are for two (2) years. Officers are elected from the membership of the Association. Officers may not be members of the Board of Governors during their term in office. Members of the same household may not serve as Officers at the same time. The duties of the Officers are provided in the By-Laws, Section 4.

#### **Article IV – Board of Governors**

The Board of Governors comprises at least two (2), and no more than five (5), citizens elected from the membership of the Association. Their terms in office must be for two (2) years. Members of the same household may not serve on the Board of Governors at the same time. The duties of the Board of Governors are provided in the By-Laws, Section 5.

#### **Article V – Special Community Benefit District**

As a Special Community Benefit District the Association will submit an Annual Budget to the County in accordance with Title 7, Subtitles 1 and 2 of the Anne Arundel County Code. The County will provide those funds to the Association for administration. The procedures for developing and approving the Annual Budget to be submitted to the County are set forth in Section 1 of the By Laws of the Association.

#### **Article VI – Meetings**

Section VI.1. General community meetings must be held every quarter throughout the calendar year, as provided in the By-Laws, Section 3.

Section VI.2. The election of officers must be held at the regular meeting of the Association in the second quarter of the calendar year; in June (whenever possible).

Section VI.3. Board of Governor and Officer meetings will be held every month or as necessary.

Section VI.4. Special, additional meetings may be called by the President, or upon written request of three (3) members of the Association.

#### **Article VII – Amendments**

Any proposed amendment to this Constitution must be submitted, in writing, at a regular meeting of the Association, where it must be read by an Officer and considered by the membership. At least three (3) members of the organization must present the proposed amendment in order for it to be brought forth, read, and considered. After the amendment is introduced, it will not be voted on until the following general meeting. The Secretary must notify the entire membership, in writing, via the community newsletter or by other means, as determined by the Secretary/Archivist. The proposed amendment must be voted on at the next regular meeting. The amendment must be approved by a two-thirds majority of the members present at its second reading.

## **By-Laws**

(As amended October 26, 2021)

### **Section 1 – Special Community Benefit District Annual Budget**

Section 1.1 The Special Community Benefit District (SCBD) Annual Budget is one component of the DBCA operating budget.

Section 1.2 The fiscal year of the Association is from July 1 to the following June 30.

Section 1.3 The SCBD Annual Budget shall normally cover maintaining the Association's properties, insurance, utilities, taxes, administration, and other similar continuing costs. The SCBD Annual Budget may contain additional funds in response to common needs due to

extraordinary events such as major damage to Association properties. The SCBD Annual Budget shall not include legal expenses of the Association incurred prior to July 1, 2007.

Section 1.4 The SCBD Annual Budget shall be based on an equal contribution from each Tax Account.

Section 1.5 The SCBD annual tax rate for FY 2023 shall be raised to \$75 per tax account. The annual budget and tax rate proposed after FY 2023 shall be approved as outlined in sections 1.6, 1.7 and 1.8. It will be approved only by the tax account owners during the voting process for the annual budget. As guidance, any future tax rate increase should be tied to the annual CPI rate established for September of that year and the 12 month period preceding. The CPI rate is established and published on a monthly basis by the U.S. Bureau of Labor Statics. The Treasurer shall report the annual CPI to the board and calculate any tax rate increase or decrease based on the needs of the DBCA budget for the next fiscal year. The board shall report its recommendation for any proposed change in SCBD tax rate to the community during the fall meeting and annual budget proposal mailing.

Section 1.6 The Association shall have a Committee for the preparation of the SCBD Annual Budget, called the Budget Committee. The Vice President, the Treasurer and up to three additional members, as selected by the Board of Governors, are members of the Committee. The Treasurer shall Chair the Budget Committee.

Section 1.7 The Budget Committee will prepare the proposed SCBD Annual Budget. Meetings of the Budget Committee will be publicized and open to all residents of Deale Beach. The proposed SCBD Annual Budget will be submitted to all owners of Tax Accounts for approval by no later than December 31st preceding the fiscal year as required by Article 4, Title 7 of the Anne Arundel County Code. If approved, the SCBD Annual Budget will be submitted to the County by January 31st preceding the fiscal year as required by Article 4, Title 7 of the Anne Arundel County Code. If not approved the Budget Committee will seek the sense of the community to revise the proposed SCBD Annual Budget in time to comply with the County's submission deadline of January 31<sup>st</sup>.

Section 1.8 Ballots for voting on the proposed SCBD Annual Budget will be mailed or emailed to each owner of a Tax Account at least four weeks before the vote is due and counted. The proposed SCBD Annual Budget will be itemized and mailed or emailed to each owner of a Tax Account at the same time as the ballots. The Budget Committee will establish procedures for how to return the ballots. The SCBD Annual Budget must be approved by at least a simple majority of those voting.

Section 1.9 Dues for associate members are in the same amount as one pro rata share of the SCBD Annual Budget that a Tax Account pays.

## **Section 2 – Elections**

The Officers and the Board of Governors must be elected on alternating years for two-year terms.

## **Section 3 – Meetings**

Section 3.1 Meetings of this Association must be held quarterly throughout the year at a time and day of the week set by the Officers and Board of Governors.

Section 3.2 Whenever possible, two weeks' notice should be given to all members of proposed agenda items to be discussed and/or voted on at the upcoming meeting of the Association.

Section 3.3 Officers and Board of Governors meetings will be held every month, as necessary.

The meetings must be called by the President.

Section 3.4 The order of business at all meetings of this Association is as follows:

- Meeting called to order
- Special presentations, activities, and guest speakers (if any)
- Reading and approval of minutes of previous meeting
- Treasurer's report
- Committees' reports
- Old business
- New business
- Adjournment

## **Section 4 – Duties of Officers**

Section 4.1 The President must preside at community and Officer-Board meetings, appoint committee chairs and, in general, lend leadership to the activities of the Association.

Section 4.2 The Vice President must assume the duties of the President in his/her absence.

Section 4.3 The Secretary/Archivist must keep a record of all proceedings at both the regular and special meetings of the Association, and attend to all official correspondence and communications, posting of notices, and filing of records. S/He must maintain the records of the DBCA in a safe and orderly manner. S/He must keep all such records in a fireproof container and produce them as requested by any member of the Association.

Section 4.4 The Treasurer must collect and record all dues and other receipts and must deposit same in an acceptable bank. S/He must have custody of all funds, disburse funds on behalf of the Association, including for maintenance and upkeep of community property, and give a financial accounting of funds earned and expended at regular meetings of the Association. At the end of every fiscal year, the Treasurer must present a report detailing both the actual budget for the current year ended and a projected budget for the new fiscal year, for review and approval by the Officers and Board of Governors.

### **Section 5 – Duties of the Board of Governors**

The Board of Governors must serve as an advisory body to the Officers; and to the President, in particular. In addition to meeting monthly (as necessary), with the Officers, the Board may be called on by the President to: (a) conduct and report on special audits, (b) provide oversight to community initiatives or development activities not covered by a standing Committee, (c) serve as chair of a standing or adhoc committee, and (d) help mediate and settle disputes.

### **Section 6 – Committees**

The President must appoint all committee chairs unless other provisions for their selection are made. The President is a member, *ex officio*, of all committees except the Nominating Committee. **Section 7 – Resignation of Officers and Board Meetings**

In the event that an Officer or Board Member resigns or is otherwise unable to serve, the President must appoint an interim replacement to serve until the next scheduled election. This appointment must be approved by the Officers and the Board of Governors. If an interim replacement fails to be approved, the President must appoint a new interim replacement, again subject to approval.

### **Section 8 – Expenditures and Appropriations**

All appropriations, expenditures, and disposals of monies and property in excess of \$200 must be approved by a majority of voting members in attendance at the regular meeting. In case of an emergency, the President, with the approval of a majority of the Officers and Board Members, is authorized to expend funds up to \$500. Payments must be made by the Treasurer.

## **Section 9 – Voting**

Section 9.1 Each homeowner or resident renter who has paid their dues is entitled to one vote. One additional vote is allowed for resident members of the same household. There shall be no more than two (2) votes per dues-paying household of a homeowner or resident renter.

Section 9.2 Ten (10) voting members of the Association at any regular or special meeting is considered a quorum.

Section 9.3 Members who cannot be present may, in certain cases, vote by proxy and their proxy vote must be considered as part of the quorum. Proxy votes are limited to the election of Officers and BOG members, voting on Constitution and By-Laws amendments, and authorization of expenditures over \$2500. The proxy must contain the member's name, the agenda item to be voted on, and the specific vote to be cast. It must be signed, dated, witnessed, and delivered in writing to any member of the Association. Members holding proxy votes from other members must deliver them to the Secretary at the time of the vote.

Section 9.4 Members must be notified of the results of all votes in a timely manner; an optimal time is within 6 weeks of the vote. Notification may be delivered via the community newsletter or by other means, as determined by the Secretary/Archivist.

## **Section 10 – Auditing**

Every year the Officers and Board of Governors must review and approve the annual report of the Treasurer. Either body, at their discretion, may also request an examination of the Treasury books and accounts. In addition, the Board of Governors must conduct any special audit of books and accounts, as deemed necessary, at the request of the President.

## **Section 11 – Community Property**

Section 11.1 There are locations throughout the community that are owned by the community at large. This includes, but are not limited to, docks, ramps, right of ways, easements, etc. These locations have been maintained by the DBCA, and the good people of the neighborhood since 1935.

Section 11.2 Privileges - These properties are for the exclusive use of the property dwellers and their guests. Respect and consideration must be given to the property dwellers who live adjacent to these areas.

Section 11.3 Upkeep and improvements (includes but not limited to; grass cutting, repairs to docks and piers, erosion control, upkeep of community hall, etc.) have been made to the community properties by members of the community and by the DBCA. All community properties remain the property of the community at large regardless of who maintains and makes the improvements. All alterations must be proposed and approved by the Board, Officers and Community.

## **Section 12 – Parliamentary Authority**

The rules contained in the most current edition of *Robert's Rules of Order* must govern the Association in all cases to which they are applicable and consistent with these by-laws and any special rules of order the Association may adopt.

## **Section 13 – Amendments**

Amendments to these by-laws must be proposed at a regular meeting, as set out in Article VI. Adoption of amendments must be made by a two-thirds majority vote of the members present, in accordance with Article VI.

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History of DBCA revisions to Constitution and By-Laws:

Art. III August 29, 1949  
Art. VI, Section 13 July 26, 1958  
Art. II August 1960  
Art. VI, Section 2 August 1960  
Art. V, Section 1 August 1962  
Art. VI, Section 2 May 1972  
Art. V, Section 2 August 1983  
By-Laws, Section 3 August 1983  
By-Laws, Section 1 September 28, 1985  
By-Laws, Section 5 September 28, 1985  
Art. III August 1, 1991  
By-Laws, Section 2 August 1, 1991  
All August X, 2002  
Const., Added Art. V March 5, 2007  
(changed all following numbers following)  
Const. Changed Art. II  
By-Laws, Section 1 March 5, 2007  
Const., Art. VI, Sect. 2 March 2009  
By-Laws, Sect. 1.6-1.8 April 22, 2017  
By-Laws Section 1.5 October 26, 2021