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**Hilary Phillips-Rogers**  
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VICTORIA SPRINGS

**Dave Miller**  
First Vice President  
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**Curtis Chappell**  
Second Vice President  
OLNEY SQUARE

**Carol Frenkel**  
Recording Secretary  
OLNEY MILL

**Ryan Martin**  
Corresponding Secretary  
BROOKVILLE KNOLLS

**Bob Hambrecht**  
Treasurer  
WILLIAMSBURG VILLAGE

Thursday, April 15, 2021

County Executive Elrich  
Office of the County Executive  
101 Monroe Street, 2nd Floor,  
Rockville MD 20850

Subject: Protecting associations from any litigation based on Covid-19

Dear: County Executive Elrich,

The Greater Olney Civic Association passed the following resolution at their July meeting. We request action to be taken in this regard.

**RESOLUTION**

Whereas, an association's board member's fiduciary duties involve three basic components: the duty of care, the duty of loyalty, and the duty to act within the scope of its authority. Whereas, an association's board members are first and foremost responsible for the personal safety of its members and the protection of its assets.

Whereas, when in the performance of their duties, an association's board members must balance the personal safety of its members and the protection of its assets, with the desire of the community.

Whereas, the Covid-19 county guidelines, requirements, and executive orders related to association common use facilities are dynamically changing in scope and carry unmanageable timelines which could result in an HOA acting in good faith being accused of gross negligence for not flawlessly executing these county guidelines, requirements, and related executive orders. Whereas, many associations are being advised by the CCOC as well as their management companies, and attorneys not to open facilities at this time.

Whereas, the above referenced CCOC, management companies, and attorneys have been unable to obtain Covid-19 insurance, hence putting the assets of the association and the board at serious risk.

Whereas, a signed legal waiver does not protect associations and boards against litigation arising from Covid-19.

Whereas, without the guaranteed protection of associations against litigation, the operation of common use facilities cannot be achieved without putting its associations and boards at great fiduciary risk.

Resolved, therefore, the Greater Olney Civic Association formally requests the county and its responsible agencies, including the DHCA and the CCOC, immediately work to protect associations, including their boards and membership from any litigation based on Covid-19 or any future pandemics, in connection with the operation of common use facilities.

The Greater Olney Civic Association, Inc., (GOCA or Association) is the organization representing the many homeowner associations/community associations within the greater Olney area.

The objective of GOCA is “to study, plan, coordinate and promote the overall civic, economic, ecologic and cultural welfare of the community within the Olney Master Plan Area...” (By Laws, Article III (1)).

Matthew R. Quinn  
President  
Greater Olney Civic Association, Inc.

Cc:

County Council Members  
Sidney Katz, Council President  
Nancy Navarro, District 4  
Hans Riemer, At – Large  
Will Jawando, At – Large  
Gabe Albornoz, At – Large  
Evan Glass, At – Large

District 14 Legislative Team  
Craig Zucker, MD State Senator  
Anne Kaiser, MD House of Delegates  
Pamela Queen, MD House of Delegates  
Eric Luedtke, MD House of Delegates

District 19 Legislative Team  
Ben Kramer, MD State Senator  
Bonnie Cullison, MD House of Delegates  
Vaughn Stewart, MD House of Delegates  
Charlotte Crutchfield, MD House of Delegates

Dale Tibbitts, Chief Administrative Officer:  
Mark Fine, Chair of the Commission on Common Ownership Communities