

Minutes of the Tower Ranch Community Association (TRCA) Board of Directors Meeting BOD 70

Date: Monday June 29 2020

Place: TRCA Lounge

In Attendance: Directors: Larry Bray (LB), Jon Durkin (JD), Craig Fowler (CF), Jim Roe (JR), Glen Wood (GW)

1. Welcome and Introductions

The meeting was called to order at 7:04 with JD as Chairman.

2. Minutes of BOD-69

JD reviewed and checked the status of the action items from BOD-69.

JD MOVED the minutes of BOD-68 be approved, seconded by CF and **Motion BOD70-1** carried.

3. Revised 2020 AGM process

It was determined that rather than hold a virtual AGM, that we initially have a SGM that will be limited to an email ballot that will vote on a motion to accept the revised bylaws. The ballots will go to all homeowners other than those in Solstice. The plan is to circulate an announcement at or near July 13 for a ballot to be held on or near August 4.

Action 1: CF to draft a SGM announcement and to provide our IT Manager with supporting documents to be posted on the website prior to sending the announcement out to homeowners

It was also decided to hold an AGM Tuesday Sept 1, again using email ballots and motions

4. TRCA clubhouse amenities:

Proposed equipment purchase for fitness centre

CF MOVED that we spend up to \$2000 for a rowing machine for the gym. This purchase will complement the other cardio machines (bikes and treadmills) in that it provides an upper body workout; seconded by RR and **Motion BOD70-2** carried.

Action 2: CF and JD to make the purchase after performing due diligence on the best machine for the gym

Discussion re opening the Lounge

It was proposed that the Lounge reopen with current COVID19 Safety Protocols in place. It was agreed that before doing so we will ask our council to draft wordage that renders the TRCA harmless for any COVID-related infection that could potentially arise in the future from use of the Lounge. That statement would be included into the Terms and Conditions waiver that all those reserving the Lounge must sign before being allowed to use the Lounge.

Action 3: CF to email David T with this request

5. Monthly Financials

GW MOVED that \$20,000 held in our account be moved to a one-year GIC paying 1.3% interest; seconded by CF and **Motion BOD70-3** carried.

Action 4: GW to effect the change agreed

GW MOVED that CF be reimbursed \$169.41 for gym expenses; seconded by JR and **Motion BOD70-4** carried.

GW MOVED that JD be reimbursed \$163.60 for a new table and radio purchased for the Fitness Centre; seconded by CF and **Motion BOD70-5** carried.

CF MOVED that 2020 budget be approved as circulated with \$35 per month fees being charged to homeowners for the year; seconded by GWF and **Motion BOD70-6** carried.

Action 5: GW to approach Interior Savings to request a TRCA credit card that can be used for incidental purchases so as to minimize the need for reimbursements made to BOD members for purchases made

6. COMMITTEE REPORTS

Landscaping & TRB Maintenance (GW)

Normal operations continue. I think that the boulevard looks better every year and as the lawns get healthier we get fewer weeds. The regular irrigation maintenance of our sprinklers is scheduled to start in early June and that certainly helps to keep things looking like they should. Matt from Mainstream and I met Thursday morning and mapped out an irrigation plan for the west side of the boulevard. This would provide tree only irrigation on the west side from the top of centre median number one to the Tallgrass entrance and I am expecting a quote for discussion on Monday night.

Trails Committee (LB)

Trails Committee – The contractor has now installed the bridge and are picking up a few small deficiencies with their scoped work. They would also like to submit a new proposal for the fencing of the park and natural area interface areas. So along with the fencing, the only remaining work needed on the park is the trail head and wayfinding, which can be completed when phase 2 construction is complete per the agreement with the City. The City will look after producing the signage which will be funded and installed by Parkbridge.

Fortis Committee – to date LB has only contacted Shelley Martens to get a feel on how this will progress. She suggested that we look at getting together in mid to late July to start talking about what the visual footprint could look like. The CPCN application is with the BC Utilities Commission now and they have established the timeline for review and Information Requests (IR's) from registered Interveners. The first round of IR's is set to be completed by early July with the estimated timeline for the next steps of the review by the end of September. More information can be found on the BCUC website at: <https://www.bcuc.com/ApplicationView.aspx?ApplicationId=756>

Action 6: LB to draft a mandate for the Committee and circulate

Legal and Bylaws (CF)

LEGAL

- CF and JR attended a virtual (telephone) Settlement Conference Meeting with regards to the TRCA vs EAC Small Claims Court action.
- Essentially, both parties continue to defend their respective positions pertaining to the timing of the application of the Rent Charge (TRCA Fee). Hence, despite the name of the occasion, no settlement was reached.
- Further action in the process will be advised by the Court in September.

BYLAWS

- Minor changes to the revised bylaws suggested by David Towill incorporated into Draft
- Revised document sent to PLC
- No response at this time.

Developer Relations (JR)

Settlement meeting held with EAC via teleconference. CF describes the process under the Legal report.

EAC is, or will be soon, proceeding with their next phase of subdivision. JR asked David Towill to send a letter / email to the City's Approving Officer regarding the need for the TRCA to be consulted during the subdivision process.

TRCA (JR) has received an opinion from TRCA legal counsel regarding our ability to remove ourselves from the building / landscape design guideline review process (see **Appendix 1** below):

Based on precedence and the above mentioned legal opinion, JR MOVES that the BOD does not accept to administer the building / landscape design guideline review process; seconded by GW, and **Motion BOD70-7** carried.

Finance (GW/CF)

GW spoke to Dawn yesterday about our financials for April and was advised that April and May will arrive at the end of June as she is still working on other client's year ends. These will give us the YTD against the budget providing we approve the budget on Monday. To date there have been no expenditure of funds outside of normal operating expenses. Although not specifically financial GW wants to give a shout out to Jon, Kim and Dawn for their diligence in maintaining and continually updating our homeowner's records. GW get copied on all the changes and I can report that there is a constant flow of updates and this enables the board to have confidence in our records for not only financial purposes but also accurate data for things like emails and voting.

Communication and Membership (JD)

JD met with 2 new homeowners (Foxtail/ Tallgrass)- received contact info and cheques from both for the entire year, starting the month after possession date (they declined the PAD option). Names and contact info added to Master Homeowners List

Sent out e-blasts to homeowners;

- May 15: Security issues and initial statement on gym reopening
- May 18: Changes to insurance policy
- May 20: Food drive within community for those affected by the Covid19 situation
- May 26: Re golf club re restaurant reopening.

Website was temporarily shut down on May 18. After investigating, IT Manager determined that our 3-year subscription with our website provider (Bluehost) had expired and account notifications had been sent to a no longer used email address. Website was reinstated after payment for an additional 3 years (\$287.64USD paid by JD- to be reimbursed). Current TRCA contact information provided to Bluehost and appropriate passwords for ID purposes placed in the secure section of the website (along with password for our domain provider -Go-Daddy)

Security issues:

JD left message with Stephen Fleming (City Clerk) re the feasibility of the TRCA being able to use an existing light standard to mount a high-resolution camera at the foot of TRB (if we decide to go that route). Surprisingly, Mr. Fleming left JD a follow up message stating that we would not be allowed to do this, and in fact we will not be permitted to use the city-owned easement for any such purpose, including mounting a camera on a pole that we would purchase and erect.

JD has received an estimate for the cost of various camera options as well as a quote (supplied by LB) for expanding the security patrols presently at Solstice to the entire community.

These items will be discussed at the June 1 meeting.

Strata and Clubhouse (JD)

Gym Re-opening:

A sanitization station has been set up. A hand sanitizer unit, wipes and paper towel dispenser along with appropriate disinfectants and disposables purchased from Annuva Solutions. They also supplied a hand sanitizer unit, a paper towel dispenser, a surface spray bottle and disinfectant for the Lounge. Total cost \$390.08 (paid by JD- to be reimbursed). All appropriate product safety sheets and site licences were provided to us by Annuva. Thanks to CF for mounting all units in the appropriate locales in the gym and lounge

Draft protocols for the safe use of the gym have been established. As with most commercial gyms we are proposing a website-based reservation system for the gym. Such a system has been established by IT manager and presently undergoing final testing. A draft letter to community has been drafted and distributed to BOD- details to be discussed at June 1 BOD meeting along with a decision if and when to reopen the gym and lounge.

Insurance Committee (DF)

Insurance has been modified per the direction of the Board. JR will look in 'insurance options' In early 2021 to determine if we should be consider any changes for April 2021.

7. Other items

None

8. Adjourn and Next Meeting

JD moved that the meeting adjourn at 9:01 pm, CF seconded and motion carried. Next meeting (BOD-70) on Monday July 27 2020.

Appendix 1:

David Towill <dmtowill@thomasbutlerllp.com> Mon, Jun 22, 1:57 PM

to Jim, me,
Larry,
Craig, Glen

I have pulled a copy of the registered Building Scheme which was registered by Tower Ranch Holding Corporation against the title to all the lots. A copy of the registered Building Scheme is attached.

The short answer is that TRCA has no obligation to act as the administrator unless there is a side agreement between TRHC and TRCA wherein TRCA agreed to assume that role.

In the Building Scheme, TRHC is the master planner and initial administrator. The instrument purports to assign the administrator responsibility to TRCA pursuant to section 8 of the instrument. However, I see no evidence that TRCA ever accepted that responsibility or agreed to act in such capacity. TRHC did not have authority to impose that obligation on TRCA unilaterally and TRCA is under no obligation to accept the imposed role. It does not have the resources nor the expertise to perform the role as the administrator.

I would note that the holder of the charge, being TRHC and its successors in title, are responsible to administer the Building Scheme.

TRCA is not defined in the instrument and did not accept the role as administrator. Section 8 refers to the Home Owner Association but does not identify any legal entity. If TRCA never formally accepted this role, it cannot be compelled to act in any such capacity. That said, I don't think you need to table a motion at the AGM.