

Minutes – March 2, 2020 Board Meeting

Condominium Corporation No. 882 0814

www.birchwoodcountrycondo.com

(Draft for review & approval at April 20, 2020 Board meeting)

Attending: Greg Jansen (by speakerphone); Lyle Banack; Bev Baltesson; Kevin Souther & Marilyn Osaka. Excused: Frazer House; John Budd

Agenda: Meeting was called to order at 7:01 pm at Birchwood Center

A meeting was called to discuss information provided by Bev Baltesson who attended the Canadian Condominium Institute information session on the Condominium Property Act changes that were legislated on December 31, 2019. Board members waived notice for this special meeting in order for this meeting to take place as soon as possible.

Bev Baltesson advised that information that the Board received during the February 24, 2020 Board meeting was incorrect or misinterpreted and this error in information directly affects the Board's future Annual General Meeting and Water Upgrade plans. Two main topics were discussed.

1. Notice of Annual General Meeting is 14 days and an additional 7 days if AGM packages are mailed to owner address on file. It is the owner's responsibility to insure mailing address is correct with the Corporation.
2. Even though Corporations are allowed, up until January 31, 2020, to revise their bylaws by ordinary resolution to conform with changes made to the Condominium Property Act on January 1, 2020, this is not permitted in relation to borrowing by the Corporation.

The reasoning provided for this is that the new Condominium Property Act Regulation, in section 31.7(1) states,

'In this section, "resolution" means an ordinary resolution, or a special resolution if a bylaw requires that a special resolution be passed for the purposes of approving borrowing of money by the corporation.'

Our existing bylaw 8 (b) states,

'The Corporation may borrow money required by it in the performance of its duties or in the exercise of its powers, provided that each such borrowing or combination of borrowings in excess of 15% of the current year's Budget for Common Expenses shall be approved or ratified by Special Resolution'

Simply explained by Alan Whyte, Executive Director / CCI and Todd Shipley, BA,LLB, the Corporation's bylaws state that a special resolution is required for borrowing so our bylaw is conforming to the new CPA.

Based on the above information, a discussion was held to determine what options are available to the Board for funding the legislated water upgrades. It was agreed that borrowing by the corporation, revising the corporation's borrowing bylaw or taking money from the reserve fund all required a Special Resolution requiring 75% unit & lot factor approval. It was also discussed that if a Special Resolution was presented to owners it would add costs involving legal, administrative and borrowing costs and there was significant doubt that a Special Resolution would pass.

Discussion then centered around using a Special Assessment to all lots to fund the water upgrade project. Recent discussions & planning by the Board, Minnow Engineering and Alberta Environment suggest the required upgrades could cost less than previously identified in 2019. Board members present concluded that a Special Assessment needs to be levied against all lots to provide the necessary funding for the water upgrade project. It was also agreed that a letter be drafted to be sent to owners explaining the special assessment amount, reason for the assessment, update on the water upgrade project status and funding logistics, etc.

Motion: Greg Jansen moved the Corporation place a Special Assessment on all lots in the plan in the amount of \$2000 + GST = \$2100 to be used to fund upgrades to our water system and bring it in compliance with Alberta Environment Drinking Water regulations and the Alberta Water Act. Monies from this assessment will be due to the Corporation by May 1, 2020. Seconded by Marilyn Osaka

Carried Unanimously

Motion: Kevin Souther moved the Corporation hire a suitable Project Manager for the purpose of managing the water upgrade project. Seconded by Lyle Banack

Carried Unanimously

The Board briefly discussed the upcoming AGM, previously rescheduled in the February 24, 2020 Board Meeting Minutes, to May 2, 2020 and upcoming Budget and AGM preparation meeting scheduled for March 9, 2020 and agreed the motion to reschedule the AGM to May 2, 2020 should be rescinded.

Motion: Bev Baltesson moved to rescind the motion made at the February 24, 2020 Board Meeting, that changed the date of the AGM to May 2, 2020. Therefore, the date of the AGM will be changed back to June 6, 2020, as previously scheduled. Seconded by Lyle Banack.

Carried Unanimously

Motion: Bev Baltesson moved to cancel the March 9, 2020 Budget and AGM preparation meeting as it is no longer required. Seconded by Kevin Souther

Carried Unanimously

Action Items:

- Bev Baltesson will contact the Brazeau County Planning and Development department to identify if development permits will be required. Bev will also check with Jerry Wells regarding site sketches & building drawings for proposed new development.
- Lyle Banack suggested a separate bank account should be used to track funds for the water upgrade project. Bev Baltesson will contact the bank and Crystal Heck to set up account tracking and banking for this project.
- Lyle Banack will draft a letter & Special Assessment that will be send to the owners for details and information regarding the Special Assessment. Greg Jansen will assist with this correspondence. Draft will be forwarded to all Directors for approval.
- Kevin Southern will create the necessary RFP's and source a project manager for the water upgrade project. Lyle Banack suggested time would be allotted for discussion of the Water Upgrade Project at the June 6, 2020 AGM and invite the selected Project Manager to the meeting as well.
- Lyle Banack will contact Brazeau County to inquire about any grants or funding options that may have become available since the fall of 2019.

Adjournment

Meeting adjourned at 8:15 PM.

The next regular Board meeting will be held at the Birchwood Centre on Monday, April 20, 2020.

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