



Sonoma Pines Homeowners Management Ltd.
Board Meeting Minutes
October 1, 2020

NAMES	PORTFOLIO	REPORT TO COUNCIL FOR COMMITTEES:	PHONE	EMAIL ADDRESSES
David Reid	Board Chairman	Maintenance	250-826-3751	davidr.strata@gmail.com
Lloyd Searcy	Vice Chairman	Managing Director-WFN, Rykon, Governance, Legal, Insurance	250-768-3449	ldsearcy@gmail.com
Malcolm Metcalfe	Secretary	Communications	250-707-3031	metcalfe@metcalfe.org
Terry Cross	Treasurer	Finance	250-768-3172	terrycross.sp@gmail.com
Tom McEwen	Director	Clubhouse & Social	250-768-3439	tommcstrata@gmail.com
Murray Reiter	Director	Landscaping	250-863-1283	reiterm@shaw.ca
Gary Sears	Director	Irrigation	306-717-7820	gsears@telus.net
Charlie Milazzo	Ex- Officio	Safety & Security	604-671-3389	charlie.milazzo@gmail.com

NAME	PORTFOLIO	PHONE	EMERGENCY	EMAIL
Mike Makin	Property Manager	250-860-1411	250-860-1411	mmakin@kelownarealestate.com
Katelyn Peters	Unlicensed Assistant	778-754-7929	250-860-1411	smassistant@kelownarealestate.com

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Location: Clubhouse, 3999 Sonoma Pines Drive, Westbank, B.C.

Call to Order

The meeting was called to order by David Reid at 9:00 a.m.

Attendance

On behalf of Sonoma Pines Homeowners Management Ltd.:

Present: David Reid, Terry Cross, Tom McEwen, Malcolm Metcalfe, Lloyd Searcy, Gary Sears, Murray Reiter
 Charlie Milazzo (arrived at the meeting at 10:05am)

On behalf of Coldwell Banker Horizon Realty: Mike Makin, Katelyn Peters

- 1) **Approve the Agenda:** The following items were added to the agenda and there were no in camera discussions.

MOTION: The agenda to be approved as amended.
 Seconded and CARRIED with all in favor.

Under New Business:

- Derrickson Court Dismissal
- Insurance Settlement
- WFN Members Receive Water at No Cost in Sonoma Pines
- Lower Gate

Under Old Business:

- Efflorescence Issue
- Lower RV Lot
- Lot 347 Couplet

2) Approval of the Board Minutes of September 3, 2020

MOTION: The minutes for the Board Meeting of September 3, 2020 as amended.

Seconded and CARRIED with all in favor.

3) Community Services Coordinator Report: A report is attached from the Community Services Coordinator detailing some of the issues that he has been dealing with during the past month.

4) Correspondence: There was no correspondence items added to the agenda.

5) Adoption of Committee Reports as Circulated

- a) **Clubhouse Committee:** The Clubhouse Committee Chairperson gave a short verbal report to the Board about the possibility of opening the upstairs area of the clubhouse to homeowners. More information is to follow at a later date.
- b) **Communication Committee:** The Communications Committee Chairperson gave a verbal report to the Board in regards to finding a new hosting company for the Sonoma Pines website. Also, the Board has agreed to appoint Lloyd Searcy as the Managing Director of SPHM Ltd.
- c) **Finance Committee:** A written report is attached.

MOTION: As recommended by the head of the Finance Committee, be it resolved that the Board approves the August 2020 financial statements.

Seconded and CARRIED with all in favor.

- d) **Insurance Committee:** A written report is attached.
- e) **Irrigation Committee:** A written report is attached.
- f) **Landscape Committee:** The Landscape Committee Chairperson gave a short verbal report informing the Board that the filling of the oak tree wells on Sonoma Pines Drive is now complete.
- g) **Maintenance Committee:** A written report is attached.
- h) **Safety & Security Committee:** See 11d below in the meeting minutes.
- i) **Social Committee:** There was nothing new to report from the Social Committee at this time.
- j) **Welcome Committee:** A written report is attached.

MOTION: The Board accepts the above submitted Committee Reports and Community Services Report in numbers 3 & 5 above.

Seconded and CARRIED with all in favor

6) Alteration Agreements - (Previously Reviewed)

MOTION: The Board approves the following previously reviewed alteration applications.

Seconded and CARRIED with all in favor.

- a) **2163 Talavera Place** - Replace Deck Railings
- b) **2166 Alvarado Trail** - Deck Expansion & New Deck Railings
- c) **3806 Siringo Lane** - Installation of an Awning
- d) **2313 Pine Vista Place** - Installation of a Lattice Panel

7) Alteration Agreements

MOTION: The Board approves the following new alteration applications.

Seconded and CARRIED with all in favor.

- a) **2129 Talavera Place** - Installation of Retractable Sun Screens

MOTION: The Board has approved the installation of the retractable sun screens on the lower half of the homeowner's deck.

Seconded and CARRIED with all in favor.

8) Alteration Agreements - Denied

- a) **2129 Talavera Place** - Installation of Retractable Sun Screens

MOTION: The Board has denied the installation of the retractable sun screens on the upper half of the homeowner's deck.

Seconded and CARRIED with all in favor.

9) Old Business:

- a) **Efflorescence Issue:** The Board will meet soon to discuss and then look into the efflorescence issue in more detail. More information to follow at a later date.
- b) **Lower RV Lot:** Murray Reiter has been in ongoing discussions regarding the lower RV lot, and will present his findings at a future Board meeting.
- c) **Lot 347 Couplet:** The Board approved paying the Derrickson's \$1,424.22 for costs related to the dismissal of the court petition related to Lot 347. Costs related to the filing and dismissal of the law suit is slightly over \$27,000.00 over the past year or so. The petition should be dismissed shortly. The Board will monitor the situation regarding Lot 347 over the coming months.

MOTION: The Board has agreed to pay Ron Derrickson a fee of \$1,424.22 to release Lot 347 couplet back to Westbank First Nations.

Seconded and CARRIED with all in favor.

Murray Reiter left the meeting at 10:35am

10) New Business:

- a) **Derrickson Court Dismissal:** Refer to 9, c) above.
- b) **Insurance Settlement:** The Board approved paying the Derrickson's \$1,424.22 for costs related to the dismissal of the court petition related to Lot 347. Costs related to the filing and dismissal of the law suit is slightly over \$27,000.00 over the past year or so. The petition should be dismissed shortly. The Board will monitor the situation regarding Lot 347 over the coming months.

MOTION: The Board approves to accept the \$4,440.00 Intact Insurance settlement for the accident that happened last winter.

Seconded and CARRIED with all in favor.

- c) **WFN Members Receive Water at No Cost in Sonoma Pines:** Coldwell Banker will look into this issue in more detail.
- d) **Lower Gate:** The Board discussed the possibility of keeping the lower gate open during the day for homeowners and then closing the gate a night. A letter will be emailed to all homeowners regarding the ongoing construction at the entrance to Sonoma Pines.

11) **In Camera:** There was no in camera discussion for this meeting.

12) Termination

The meeting was terminated at 10:41am

13) Next Board Meeting

Board meetings are held on the first Thursday of every month; at 9:00am. Owners are welcome to attend these meetings as observers. Homeowners wishing to address the board should submit a request to Coldwell Banker 2 weeks in advance of the meeting in order to be added to the agenda.

The next Board meeting will be **November 5th, 2020.**

Community Services Coordinator Report for September

- 1) Roof Doctor out to replace one roof vent at 3819 Sonoma Pines Drive due to water marks on the ceiling in the bathroom. Upon inspection it was found out that there were 5 vents that needed to be replaced in both 3819 & 3821 Sonoma Pines Drive. We also investigated at 2170 Alvarado Trail where there were some mold patches on the ceiling of the garage. We found insulation pulled away from the roof and a few diffusers pushed right up against the studs in the attic not allowing the attic to vent properly. Insulation was replaced and diffusers were cut away from the 2x4s so air can blow through. Also found two broken vents on the roof also.
- 2) Work party still plowing in more cable for battery clock replacement on Madera. Great volunteer help from the irrigation committee members to get the cable buried. We hope to have 5 more battery clocks replaced by the end of the year.
- 3) Fence Painting in the community has been going well. The main fence from the top of Sonoma Pines at 2319 Pine Vista Place to 4148 Solana Place has now been completed. The inside RV lot is next to be painted and the golf course fence from 3980 Sonoma Pines Drive to 4122 Solana Place is all pressure washed and ready to paint.
- 4) Staining on Del Mar Lane is almost completed with a couple of small areas that still in need of a touch up. The contractor Ken Murray did a great job on all the staining. He is now starting the replacing of the deck's vinyl on Sonoma Pines Drive from 3889 – 3917 Sonoma Pines Drive. Hope to be completed around the end of October.
- 5) House painting is continuing with a few hick ups along the way. Staffing seems to be the toughest issue with this contractor. He has completed all the rear facing homes that needed to be completed. He was mid-way through the first home and was delayed because of the rain. Homes should be completed by the end of October.

Blake Elsasser
Community Services Coordinator





Sonoma Pines Homeowners Management Ltd.

Finance Committee Meeting Minutes

Location: Sonoma Pines Clubhouse, 3999 Sonoma Pines Drive

Date and Time: September 29, 2020 online

Attendance: Terry Cross, Brian Diemert, Bill Dartnell and Roy Evans

Minutes Prepared by: Terry Cross

1. The August Financials and bank statements were reviewed and accepted by the Finance Committee. We will move that the Board accept the statements.
2. We have a Valley First Credit Union GIC maturing October 3rd for about \$166,000.00 and have asked Credit Unions to quote on a reinvestment. We are still waiting for one more quote. To date the best rate is with Valley First Credential with a 3 year at 1.6%
3. We are getting SP accrued interest to September 30,2020 for all our CRF GIC investments to make our mid-year interest entry.

INSURANCE REPORT

September 26, 2020

Members: Lloyd Searcy, Chair
 Malcolm Metcalfe
 Linda Metcalfe
 Ernie Verkade
 Sheryl Lobsinger
 Gail McFadden

Although there was no meeting of the Committee during this period, this document is intended to provide a comprehensive accounting of the Insurance Initiative.

On March 30, 2020, the Board was advised by BFL that the premiums had increased dramatically as a result of three prior claims and that the overall cost had increased from \$298,582 to \$787,894. The multifamily portion had increased from \$251,856 to \$698,127 or an average of \$2,050 per home.

With the advent of a new Board, on June 4th the Board agreed to pursue other options but asking the community for assistance, specifically retired lawyers of insurance professionals. A revised Insurance Committee was struck chaired by Lloyd Searcy, the Vice-Chair of the Board.

Bob Bassett, a retired lawyer in our community, and Ernie Verkade, a retired insurance broker in our community, provided invaluable assistance in moving the Initiative ahead. Early in this process it was discovered that both the single family sublease and the multifamily sublease contained the same Articles respecting Insurance.

At a Special Board Meeting of June 11, 2020, the Board directed the Insurance Committee to obtain a legal opinion respecting the clauses of the lease in an amount not to exceed \$5,000. Subsequently, Ms. Theresa Arsenault, QC of Pushor Mitchell was asked to provide her advice in this regard.

On June 30, 2020. Ms. Arsenault advised the following:

“The Insurance provisions of the single family (article 10) and multifamily (article 11) subleases are identical, in that each requires the Sublessee to take out and keep in force insurance on the Residential Home to its full replacement value. So you already have under the terms of the subleases the provisions you require to have each homeowner (including the multi-family homeowners) take out their own insurance policy. You simply need to direct them to do that citing the relevant article of the sublease. No resolution is required.

The head lease (article 18) requires that the Lessee under the head lease maintain general liability and property insurance on all the property under the head lease.

You have passed that obligation on to the sublessees under the terms of the sublease, but you are still ultimately responsible for making sure insurance is in place in compliance with the terms of the head lease. So, if any of the sublessees failed to insure, you would need to do so to be in compliance with the

head lease. You have the right to collect the cost of insuring on behalf of a homeowner from the homeowner under section 14.2/15.2 of the sublease

SPHM Ltd. should be added as a named insured on the homeowner's policy as to liability and property damage to be compliant with the terms of the head lease.

Please let me know if you have any other questions."

This legal opinion would allow the owners to obtain their own insurance provided that direction was provided to the Board.

The cost of the legal opinion from Pushor Mitchell was \$1,539.10.

At the July 2, 2020 Board meeting the Board passed the following motion:

"MOTION: The Board agrees to accept the legal opinion discussed above from a Theresa Arsenault, Q.C. at Pushor Mitchell. The motion passed with 6 in favor and 1 opposed."

It was further agreed that a Special General Meeting would be held on July 30, 2020 to request that the Board be directed to require that individual multifamily homeowners obtain their own insurance.

During the period July 2nd to July 30th homeowners were asked to provide a quote for coverage on their homes to ensure that all owners could obtain coverage.

At the Special General Meeting of July 30, 2020, the motions respecting individual insurance and a revised budget were passed by majorities exceeding 95% approval. In fact, of the 345 votes cast, there were no more than nine votes against any of the resolutions.

Owners were instructed to bind their coverage no later than August 24, 2020.

The Corporation was successful in placing insurance on the common property with the Co-operators Insurance in the amount of \$15,100,000 to cover the clubhouse and common property and \$20 million in public liability as well as Directors and Officers insurance with Trisura Insurance and CFC Underwriting effective August 26, 2020. The Corporation also placed cyber insurance protection in the amount of \$1,000,000 with CFC Underwriting.

The total cost of the new common policies was \$88,919 or \$848 less than the cost of the policies placed on April 1, 2020.

Under the Headlease BFL was required to give Westbank First Nation 30 days notice of the change in any coverage. Although the Corporation had confirmed that the homeowners all had coverage an overlap was planned in the event that some owners could not place coverage.

On August 7th the Corporation instructed our lawyers at Pushor Mitchell to formally request that the WFN waive the 30-day notice requirement.

By Friday August 21st, the Board had not received confirmation of the waiver of notice, on that date Lloyd Searcy and Malcolm Metcalfe met with Chief Chris Derickson of the WFN to request the waiver of notice. Chief Derickson was agreeable provided that the Corporation dismiss its lawsuit against the WFN related to Lot 347.

This cause of action related to the September 5, 2019 Board meeting where the following motion was passed:

- a) "Lot 347 Update: Last week the Board Chairman signed an affidavit which included a petition to request a legal opinion on Lot 347. The affidavit was delivered to Westbank First Nations and they have twenty-one days to file a rebuttal after which it will go to court for review. A decision should happen within the next two months. In the meantime, we have seen no additional action from the contractor."

This lawsuit related to an interpretation of the sublease related to lot 347 and whether the WFN could make changes to the use of this lot without the approval of SPHM Ltd. It was later determined that the chance of success of this action was less than 50% and no further work was done in this regard until the issue was raised by Chief Derickson.

At the meeting with Chief Derickson Mr. Searcy agreed to withdraw the lawsuit on behalf of the Corporation.

By 5:30 PM on Friday, August 21, 2020 all 341 multifamily homeowners had provided proof of insurance.

The common policies were bound effective Wednesday, August 26, 2020.

On Monday, August 24, 2020 the Corporation was advised by the WFN that they would indeed grant the waiver of notice for the changes in the insurance, an action that saved the multifamily owners \$64,758.00.

Legal costs related to requesting the waiver amounted to \$2,837.00

On Monday, August 24, 2020 the Corporation advised BFL of its intention to cancel the existing policies effective Thursday, August 27th and requested that the refund be based upon pro-ratio rather than a short rate table contained in the policies. Under the short rate table method, the Corporation would have been assessed a penalty of \$40,797.80.

The pro-rated method was requested because, in an attempt to remain with BFL, the Corporation had requested that the policy be amended to delete the coverage on the multifamily homes. On four separate occasions BFL refused to honour that request. BFL subsequently agreed that the Corporation was within their rights to request a full refund of unearned premiums.

The Corporation expects a refund of \$466,260.56. The loan to the Contingency Reserve Fund was repaid in full.

The excess contributions of were \$72,313.56 of which \$8,238.89 relates to the Common Fund and \$64,074.67 relates to the Multifamily Operating budget.

Those funds will be held to offset future increase in homeowner's fees.

Irrigation & Water Conservation Committee

MONTHLY MEETING MINUTES

Date: September 21, 2020

Time 9:08 am

Location: Sonoma Pines Clubhouse - 3999 Sonoma Pines Drive

PRESENT: Mike W, Mike T, Brent V, Blake Elsasser (CSC), Gary Sears (chair)

MINUTES:

1. Call to Order: 9:06
2. Additions to agenda – see new business item 8.
3. Adoption of August, 2020 minutes M/S/C
4. Financial Report – we will be overbudget on the Common maintenance. We have spent \$3,910 of the \$4000 in common budget and \$14,192.00 of the \$20,000 for the MF budget. Gary to advise the board. (see also CSC report below for details on recent expenditures)
5. CSC Report
 - Candalera Place had some electrical problems with the solenoids on the irrigation system and work was done to repair them. The costs were mostly for labour. The system was off line for about 12 days as a result of the malfunction. The problem was an electrical short in the wire connections. The connections were cleaned up and reconnected.
 - Some residents in multifamily have damaged some irrigation lines when doing some landscaping work – some charges for repairs may go back to the owners.
 - Blowouts will start October 22nd.
6. Old Business
 - a. Battery clock removal - Siringo/Madera - half of the new wire to replace BC 25,26 27,28 and 5 has been installed – we will continue this week – about another 1000 feet of wiring to be installed on Madera to irrigation on Siringo.
 - b. Computer purchase – completed – need a mouse and monitor.
 - c. Software purchase – still to come.
 - d. Field infrastructure tagging system - on going as part of our infrastructure inventory update.
7. Water Conservation
 - a. Water conservation tips – coming for 2021.
 - b. Leaking sprinkler heads after zone shutdown. Committee to identify location of leaking heads and determine to replace heads or purchase non-draining heads.

Work on this perhaps later this fall as time permits. A couple of sites have already been identified.

- c. Glenmore Grow – based on the visual results of our previous Glenmore Grow placement on Candalera and around the clubhouse, the committee feels we should identify other areas for installation. Gary to attend a landscaping committee meeting when they convene to discuss this and possible cost sharing with the landscape committee.
8. New Business
- a. Discussion on a year- end report – Recommendations to the Board

We will work on a year- end report – possible items to include:

- Annual operations costs and 2021 operations cost.
- capital projects 2021
- Infrastructure inventory
- Long term planning for irrigation and
- updates on the WFN plans for upgrading the water quality.

10. Correspondence - none

11. Next Meeting – October 26th 9am.

12. Adjournment -10:40am



Sonoma Pines Home Owners Management Ltd.

Maintenance Meeting September 25th, 2020 Minutes

Date and Time: September 25th – 9.00am SPHM Ltd. Boardroom

In Attendance: David Reid, Bob Nichol, Blake Elsasser, Vern Valan, Ken Smith, Vern Sarver, Terry Cross

Absent:

Old Business Review - Update

Roof Inspections – Roof Doctors Proposal - Safety Concerns?

- It was discussed and agreed that we would engage the Roof Doctor to perform the annual roof inspections this fall. Pacific Roof Inspections who we have used in the past is unavailable due to illness. We will also be asking the roof doctor to review the condition of the Eave troughs of each home he inspects. These observations will be use as part of our evolutions for the tendering of eave troughs cleaning later this fall.
- It was also noted that all contractors working in our community must abide by Work Safe BC.

Home Inspections

- It was discussed and agreed that the annual home inspections would be deferred until the spring of 2021. Access to residents' homes under the current Covid 19 conditions would be a risk to both the residents and the evaluators.

Multi Family Deck Surface Replacement

- The removal and replacement of ten deck surfaces is under way. There is 2 complete at the time of this meeting. The completed decks look to be very well done; we are looking forward to the completion of this project.

Stucco Cleaning / Repairs

- Stucco repairs have been completed as required, there is still several homes that require action related to water marking on the stucco. A contractor has been contacted; we are awaiting his schedule to start.

House Painting – Progress

- House Painting is ongoing at this time. Current weather has delayed completion, but next weeks forecast looks to be favorable for the painting progressing.



2.

Wood Trim Staining

- The cleaning and restraining of the Cedar House Trim and Pergolas is complete for this season. All the residents of Del Mar Court were re-stained this year. The work was completed by a local Resident, Ken Murry of Projects 19. The work was completed in a very professional manner with excellent results.

Fence Repairs, Replacements and Painting

- Fence Repairs and Painting is nearing completion for the season. The team made great progress this season and will be completely caught up on the maintenance of our community wood Fences by years end.

Marmot Control

- Even though our resident Marmot population is currently in hibernation, we are still looking at options for eliminating this costly pest. More information will be identified in the near future.

New Cad System

- A new computer has been purchased with the capabilities of down loading all of the Community Maps and Cad drawings for future reference, the information from Vern Volans computer systems will be transferred to the new computer and will be available in the boardroom for various committees references.

New Business

- CSC Report

- No report available for this meeting.

- Snow Removal

- Interior Snow removal has been contacted to once again be our contractor of choice for this winters snow management. A meeting will be held in early October to finalize contract arrangements.

- Clubhouse Completion

- It was discussed and agreed that the remaining Landscaping work around the clubhouse will be contracted out. This work needs to be completed in the very near future.



Couplet Update

- The re-location of the Electrical and Water surfaces required for the construction of the new development on Carrington Rd. will be happening over the next few weeks. Shut downs will be required. The community will be Notified a minimum of 48 hours prior to these shutdowns.

Eaves Trough Cleaning

- A Contractor has not as yet been selected for this year's eaves cleaning. The scope of work to be tendered will be reliant on information received from our Roof Inspections as noted earlier in tis report.

Maintenance Calendar Review

- The Maintenance Calendar was reviewed, most items have been completed for the year with some noted changes and or deferrals.

Round Table Discussion

- It was noted that several areas in the community including Solano place that the Grass has not been maintained in the same manner as other years. Lots of long grasses and inappropriate equipment being used. Blake will discuss this concern with Asahi.

Next Meeting October 26th 2020

Welcome Committee Minutes

September 10, 2020

Attended by: Kim Reid, Shari Bouzane, Lucy Lee, Kathy Hovorka

1. Volunteer Appreciation "event" was held on the above date. Thank you cards with a bottle of wine, dark chocolate and a complimentary wine tasting at Mount Boucherie Winery was given out to all the volunteers. Feedback was positive with everyone appreciating the gesture considering the COVID restrictions in place at this time.
2. Volunteers who were unable to attend and pick up their gift had their gift personally delivered with thanks by the Welcome Committee.
3. With the possible onset of a second wave of COVID the Welcome Committee is not comfortable restarting the information sessions in the clubhouse at this time. Welcome Packages continue to be delivered and an information email is being composed to send out to any new homeowners that have not attended an info session.

Kim Reid

Welcome Committee Chair