

# MINUTES

## BRAITHWAITE ESTATES IMPROVEMENT DISTRICT

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**Meeting** 42nd Annual General Meeting  
**Date** **Thursday, April 4, 2019**  
**Place** Kerry Park Recreation Centre – Denis McLean Room

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**Present:** Robin Brett, Chair; Gerry Giles, Treasurer; Francis Hugo, Trustee; Philip Le Good, Trustee; Karen Berezcki, Administrator; George Morine, CA, CPA, Auditor.

**Absent:** David McLachlan, Vice Chair; Alan Seal, Operator.

**Call to Order:** 7:30 p.m.

### 1.0 INTRODUCTION

Chair Robin Brett called the meeting to order, introduced the head table and welcomed 24 residents of the District, including resident Mike Wilson, CVRD Director Area C; and 2 guests: Don Herriott, Alternate for CVRD Director Area C, and Past BEID Chair Michael Croft.

Chair Brett advised that the meeting was called for the following purposes:

- 1) To receive from the Trustees a report on the conditions of the works and a statement of the financial condition of the Improvement District;
- 2) To discuss with the Trustees any matter relating to the works or finances of the Improvement District;
- 3) To fix the honorarium of the Trustees for the ensuing year;
- 4) To elect three Trustees: two Trustees to serve for a three-year term and one Trustee to serve for a one-year term.

### 2.0 ADOPTION OF MINUTES

Minutes of the April 5, 2018, Annual General Meeting were distributed to the residents in attendance.

Moved: Jim Barker  
Second: Sanja Hugo

**Carried:** **That the April 5, 2018 Annual General Meeting minutes be accepted as circulated.**

### 3.0 AUDITOR REPORT *George A. Morine, CA, CPA*

George Morine, CA, CPA, of MNP LLP, Chartered Professional Accountants, was introduced as the District's auditor. Mr. Morine referred to the audited financial statements as circulated, and briefly reviewed the schedules contained therein.

**Opinion:**

We have audited the consolidated financial statements of Braithwaite Estates Improvement District (the "District"), which comprise the consolidated statement of financial position as at December 31, 2018, and the consolidated statements of operations and accumulated surplus, including related schedules, changes in net financial assets and cash flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the consolidated financial position of the District as at December 31, 2018, and the results of its consolidated operations and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Moved: Sanja Hugo  
Second: Alan Garside

**Carried: That the audited financial statements for the year ended December 31, 2018 be accepted as presented.**

The Chair thanked Mr. Morine for presenting the Auditor's Report, and excused him from the balance of the meeting

**4.0 REPORT OF THE TRUSTEES  
ON THE OPERATIONS OF THE DISTRICT** *Robin Brett, Chair*

It has been a good year for the directors and for the Improvement District.

We set goals at the beginning of each term and while we didn't accomplish all of them, we did accomplish most. We reviewed our subdivision policy and brought in new procedures to protect the District from development in the future. We have an excellent maintenance plan and we are following it to ensure the safety of the District and its residents.

The generator we purchased last year was an excellent investment. It was put to very good use over the winter when the horrific windstorm knocked out the power to some homes for 4 or 5 days. By having that generator, we were able to continue to supply water to all 257 homes and provide standby water in the event of fire. Homes on private wells in our community had no water unless they had a generator to provide power to their well pump.

What we didn't accomplish was a review of all of our bylaws. This was due to the personal circumstance of one of the trustees as well as all of us suffering in one form or another with the plague that seems to have hit most residents. This will be on our work plan for 2019, and as some of our bylaws are more than a few decades old it is a needed exercise.

You can see from our financial statements, we are on a solid financial footing and have an adequate contingency fund for repairs and replacements. We are one of very few Improvement Districts that are financially sound. The practise of protecting the financial future of our Improvement District was started when the District was incorporated in 1976 some 43 years ago. I can't begin to imagine the responsibility those early trustees felt as they crafted bylaws for the District and began charging for water when it had previously been supplied to residents for free by the subdivision developer.

We do have an emergency plan in place, and we follow it. By doing so, the trustees are protecting the system and the residents who draw water from it. The trustees consider the safety of the system and the water you drink paramount.

Our system functions so well because of the two employees we have. Karen Berezki our Administrator and Alan Seal our Operator. We also have a standby operator in Nick Hill. At this point I would like to thank Karen, Alan and Nick for the great work they do.

Our water tests remain excellent, and we are fortunate in that we do not have to chlorinate our water. Many of the water systems in the valley have automatic chlorination systems in place. We are also fortunate to still have an interest from area residents to manage the system and retain ownership of it through the Improvement District. The alternative is to have the CVRD manage the system with residents absorbing the cost associated with that.

I would now like to invite Francis Hugo to speak about our water tests and the status of the aquifer.

**Trustee Francis Hugo** introduced three points of interest for report and discussion, as follows:

- 1) **Aquifer Level:** In reference to the aquifer level chart as distributed, the aquifer is healthy with levels equal to or better to those in years past. Unless something dramatic were to occur, there will be no need to implement water restrictions. That said, prudent watering practices are encouraged.
- 2) **Water Quality:** In reference to the full spectrum water sample analysis information as distributed, the residents of the District still enjoy “designer water”. We are very fortunate to have this quality of water, and it is the Improvement District’s job to protect it.
- 3) **Groundwater Quality Fisher Road Area:** As residents may be aware, nitrate contamination in the groundwater in the Fisher Road area has been a long-standing concern of the Board of Trustees. Pursuant to recommendations by Thurber Engineering in its *April 30, 2013 Fisher Road Groundwater Investigation Report to the Cowichan Valley Regional District (CVRD)*, the CVRD installed four monitoring wells adjacent to the Fisher Road area to test for contamination. However, there does not appear to be any evidence of testing of these wells since 2014. This Board has worked hard to try to rectify this situation. Then, in October 2017 the Cobble Hill Aquifer Interagency Task Group (CHAITG) was struck, comprising multi-jurisdictional government agencies: CVRD, Island Health, Forests Lands Natural Resource Operations, the Ministry of Environment and the Ministry of Agriculture. After much perseverance, the master spreadsheet from the 2018 Western Water report was recently provided to me in electronic format; however, the spreadsheet was reviewed by CVRD’s Freedom of Information coordinator prior to sharing. The spread sheet shows all the test results from many years back, right up to last year. A very comprehensive package; however, the well locations are not identified, essentially rendering the information useless.

*A lengthy discussion followed.*

We were also able to settle a long-standing legal issue thanks mainly to Gerry Giles and Karen Berczki. I'd now like to call on Gerry to report on this action and outcome.

**Trustee Gerry Giles** reported on the small claims matter of Braithwaite Estates Improvement District (BEID) vs. Blue Bennefield. A Settlement Conference was held on February 1, 2019. BEID was informed by the Judge at the Settlement Conference that legal fees are not permitted in Small Claims Court. As such, BEID's claim was adjusted to \$15,772.11. Mr. Bennefield's claim against BEID was for \$22,191.44. The settlement reached was Mr. Bennefield is to pay BEID \$12,000 in equal installments spread over a 17-month period. His counterclaim has been dropped, and he retains ownership of the water line installed by him.

The Board is pleased with the outcome and relieved Mr. Bennefield owns the contaminated water line in question. We have learned a lot and have taken steps to improve processes to avoid any like situations in the future.

*A lengthy discussion followed.*

Our Improvement District has been well served over the years with trustees who took their responsibility seriously and who brought with them considerable knowledge on how systems should operate. As volunteers who are paid a small stipend to cover expenses, trustees freely give many hours to the District to ensure the water system is operated in a first-class manner and that your health and safety are protected at all times.

One of those who has given outstanding service to the District is Michael Croft. Mike served as a trustee of the District for 23 years, and he served as Chair of the BEID Board for nearly 22 of those years.

Mike's knowledge on how systems should operate is extensive and his advice and expertise was a welcome addition to our Board. In recognition of his outstanding service, I would like to present Mike with this gift on your behalf to thank him for his years of service and for the time he sacrificed on our behalf.

**Mr. Croft** thanked the Board and the District for his gift. He commented that he didn't realize how good the BEID water was until he moved out of the District.

Moved: Jim Barker

Second: Sanja Hugo

**Carried: That the April 4, 2019 trustee report be accepted as presented.**

## **5.0 TRUSTEE HONORARIUM**

The Chair advised the honorarium is currently \$7,000.00 per year, as set by the ratepayers at the April 5, 2018 AGM. This amount is divided into six equal parts - the four Trustees receive one part each (\$1,166.67) and the Chair receives two parts (\$2,333.32). The honorarium was last increased from \$6,000.00 to \$7,000.00 by ratepayers at the April 8, 2012 AGM. It is up to the landowners to set the Honorarium.

Moved: Tom Harkins

Second: Mike Wilson

**Carried: That the trustee honorarium be set at \$8,000.00 for the 2019 fiscal.**

## 6.0 ELECTION OF TRUSTEES

Chair Robin Brett explained the election process as follows:

Pursuant to Section 684(1) of the *Local Government Act*, in order to vote at an election for improvement district trustees, a person must be:

- 1) a Canadian citizen
- 2) 18 years of age or older
- 3) an owner of land within the improvement district
- 4) entitled to be registered as a voter under the *Elections Act*.

**Every person who is qualified to be a voter in an improvement district is also qualified to be a trustee.**

The Trustees' terms of office were accounted for: Gerry Giles' and Francis Hugo's three-year terms have expired. David McLachlan has moved out of the District and he is stepping down having served two years of a three-year term. Therefore, there are three vacant Trustee positions comprising two three-year terms and one one-year term.

Ms. Giles and Mr. Hugo have agreed to stand for re-election for a three-year term if nominated.

Nominations were called for candidates to stand for election to a three-year term.

- 1) **Jim Barker nominated Gerry Giles. *Accepted.***
- 2) **Jackie Barker nominated Francis Hugo. *Accepted.***
- 3) **Alan Garside nominated Dennis Maher. *Accepted verbally in advance (absent).***
- 4) **William Burrows nominated Rhonda Scheiber. *Accepted.***

Further nominations were called three times and when no further nominations were received, nominations were declared closed.

I will now invite nominees to say something about themselves.

As four candidates were nominated for three vacant positions, an election was held by secret ballot. Trustee Francis Hugo clarified that the terms of office are assigned on the basis of number of votes, i.e. successful candidates holding the highest number of votes are assigned the 3-year terms, and successful candidate holding the least number of votes is assigned the 1-year term.

Trustee Philip Le Good collected the ballots. Administrator Karen Berezki and Guest Don Herriott were appointed to count the ballots.

Administrator Karen Berezki presented the results to Chair Robin Brett.

**Gerry Giles and Francis Hugo were elected by majority vote to each serve for a three-year term; and Dennis Maher was elected by majority vote to serve for a one-year term.**

Each candidate was thanked for letting their names stand for election.

The 2019/20 Board of Trustees was confirmed as follows: Trustees Robin Brett, Gerry Giles, Francis Hugo, Philip Le Good, and Dennis Maher.

**7.0 OTHER BUSINESS**

- 1) Resident Bobbie Burns raised current charges applicable to suites. In her view the practice of double taxes is acceptable; however, double tolls are unacceptable. In her opinion the tolls charged should be strictly based on consumption.

Trustee Gerry Giles indicated that her comments would be considered as part of an upcoming comprehensive bylaw review.

- 2) Resident Ray Holman commented on the two hydrants replaced in 2016, expressing dissatisfaction with the cost and stating that replacement components could have been sourced.

Trustee Francis Hugo indicated that the hydrants were old with damaged components. Hydrant replacement is planned in the Renewal Reserve Fund, and based on the condition of the hydrants a Board decision was made to replace rather than repair. Without an invoice to reference, my recollection is that the high cost resulted from the amount of excavation required to complete the job.

Since there was no other business forthcoming, the Chair thanked the owners for attending, and the meeting was adjourned.

**8.0 ADJOURNMENT**

Moved: Jim Barker

Second: Sanja Hugo

**Carried: That the meeting adjourn at 9:15 p.m.**

*The next regular meeting of the Board of Trustees will be held at 7:00 p.m. on Thursday, May 2, 2019, at the Cobble Hill Hall.*

**CERTIFIED CORRECT**

\_\_\_\_\_  
Chairperson

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Administrator