



Monday May 6, 2019

An Update from your Volunteer Board of Directors, 2018/2019

Dear Residents of the Lake at Heritage Pointe Community:

As we do with our AGM notification package each year, your Board would like to bring you up to date on what's been happening, what's in store and what we plan to table for voting on at this year's Annual General Meeting.

Further to information shared in our Community Update to you in February, we have commenced implementation of upgrades and repairs to infrastructure in line with the recommendations of our Life Cycle Study. Remaining signage will be installed once ground thaw permits. Three-stream waste receptacles will be installed in and around the beach area, providing for the separation and collection of green/organic waste in those spaces for the first time. Lake House deck resurfacing is scheduled for a two-day window between May 15<sup>th</sup> – 30<sup>th</sup>, wholly dependent on temperatures as the product requires a minimum of 10°C to cure. Exterior painting of Lake House trim and upper level stucco will follow, as will full interior painting and renovations to Lake House reception and kitchen spaces. Lots to look forward to!

Following an extensive bid process, we have selected Bow Mark Paving to perform the work in resurfacing the Lake House parking lot. The scope of this project has increased significantly, as multiple inspections have confirmed the presence of underground springs in that area and an original design that did not address the issue nor the type of traffic it now sees. Evidence is showing itself in the extensive heaving and cracking present, including a rise of several inches in front of the main garage doors as frost leaves the ground. Rather than a simple mill and resurface, the space will now be completely excavated, and weeping tile installed to direct underground water to the existing storm sewer where Foothills County has granted permission to tie into their drainage substructure. We hope you can attend the AGM to gain an understanding for the scope of work you'll see commencing in short order.

We would like to table two Bylaw Amendments at this year's gathering. At the Special Meeting held in October 2018, residents requested a commitment to revisit the Life Cycle Study every five years with an eye to amending the annual contribution to Reserves in accordance with needs. This request formed part of the Special Resolution passed at that meeting. As a result, we would like to enshrine this responsibility of the Board in the Bylaws under "**Article 4: Governance of the Association, 4.2 Duties and Powers of the Board**" to read as follows:

**4.2 (r) To commission a Life Cycle Study at an interval of no less than every five years to examine infrastructure, review the timeline proposed for capital expenditures during that period, and determine the value of Annual Fees that will be directed to Reserve Funds accordingly.**



In addition to this amendment, we would like to propose one that permits sitting Board Members to stand for election beyond the limit of three years as stated in Bylaws presently. Given that all directors are required to stand for re-election each year, we would like to provide for the continuity of experience where a sitting board member may wish to continue in that role. To that end, we wish to table the following under “**Article 4: Governance of the Association, 4.1 The Board of Directors**”:

**4.1. (b) Board membership shall commence upon election or appointment to the Board and shall expire at the next succeeding Annual General Meeting, unless prior thereto the Board member resigns, becomes disqualified under clause 4.1 (a) hereof or is removed under clause 4.1 (c) hereof. Board members may be re-elected, but no person shall sit on the Board for longer than nine (9) successive terms of office.**

There are pros and cons to term limits. On the Pro side, it prevents one person from dominating the Board for a lengthy period; it enforces turnover and brings new ideas and perspective to the table. It allows more homeowners an opportunity to serve in this capacity and it may increase appeal for holding a board seat knowing it is for a limited term. On the Con side however, it can cause problems if no one steps up to run. It can oust a highly effective, knowledgeable and experienced board member who is serving the community well and enjoys their role. It takes time for new members to acclimate and having experienced members who know the HOA’s history can be beneficial. We will leave this up to our membership to ponder and vote upon at the AGM in June.

Finally, you will notice your Proxy Designation this year provides for a fully transparent vote on the matter of private play structures/water trampolines on the Lake. Tabled at last year’s AGM, this subject proved to be divisive and contentious. At that time, it was agreed that the incoming board would examine all aspects and report back to the community.

We met with legal counsel to seek clarity around the issue and received some very valuable guidance:

1. Private water trampolines and play structures on the Lake present a liability to the Association.
2. Should someone be hurt, or worse, the Association will likely be sued.
3. Should these structures be permitted, the Association should take steps to bolster its defense in the event of future litigation.

Our insurance provider was also consulted and confirmed the Association’s current liability insurance will provide coverage in the event of an incident.

Therefore, the Board proposes we open the floor to all residents in the community to express their position in this matter. If private play structures **are** to remain on the Lake, a package requiring the following measures will form part of that agreement without exception:

1. The homeowner will sign a waiver to indemnify the Association of all responsibility and will name the LAHPOA as a third-party insured on their personal homeowner’s insurance. A copy of this document will be provided to the Association.



2. The LAHPOA reserves the right to inspect any structure for acceptable anchoring or tethering to the homeowner's dock.
3. This package may be updated at any time in accordance with recommendations from the Association's legal counsel or insurance provider.
4. It is recommended that every owner introduce a personal liability waiver to any user of their structure, including friends or family.

In the spirit of transparency, and to ensure the Board of Directors remain at arms length from the outcome, Board members will recuse themselves from this vote. The vote will be based on the tally recorded via members in attendance and proxies submitted. Any proxy received that has not had a vote cast specific to this question will be set aside. The outcome of this vote will form the final decision in this matter.

Your Board of Directors hope the community at large sees this fully democratic process as the best way forward to mend fences between neighbours who clashed at last year's AGM. We are a small community and it serves us well to be united in our vision for making it the very best it can be, for all of us.

We look forward to your participation at the AGM on June 3<sup>rd</sup>. Again, should you be unable to attend, please designate a proxy on your behalf. Any questions you may have ahead of time, or would like the Board to address at the AGM, may be directed to Board Chair, Louise Ascah at [lascah@lahp.ca](mailto:lascah@lahp.ca).

Very best wishes from your Volunteer Board of Directors,

Louise Ascah	Don Francis	Heather Harris	Glenn Ruskin	Paul Taylor	Rick Gallant
Board Chair	Vice Chair	Treasurer	Secretary	Director	Director