Twin Lakes Beach Association Inc.

Annual General Meeting - July 21, 2019

Minutes

1) **Call to Order** - 10:08 AM. Meeting chaired by Treasurer, Bob Cox. Sadley Marcinyk volunteered to be recording secretary for the Meeting. Approximately 90 members in attendance, therefore per Article 9.1 of the Constitution, requiring 30 paying members for a Quorum, a Quorum is achieved.

2) **Adoption of Agenda** - motion by Alex Krawchuk, seconded by Larry Marquardson, to move Adoption of July 15, 2018 AGM Minutes further down the Agenda to after discussion of Class Action Lawsuit status. Approved.

3) **RCMP Report -** represented by Cst. Parnelli Parnes of Lundar Detachment

- per email notes to members, only 1 unfounded Break & Enter and 2 ATV calls reported in the Beach area since January, 2019;

- Reminder for ATV users that they are to be used off road, to licence, insure, follow speed limits;

- Reminder to watch your children when they're swimming, have them take swim lessons and wear life jackets in boats/watercraft for safety;

- Two recent medical calls, including person naked on beach, probably drug related. If you encounter, call 9-1-1. Also if concerned about other situations, you can maintain confidentiality by calling Crime Stoppers;

- Reminder to take valuables out of the cottage, when closing up for the season. Also, keep track of serial nos. or other distinguishing markings to track items if stolen;

- If you encounter an emergency/danger, such as a break-in, do not endanger yourself;

- Question - is it legal to drive golf carts on the beach road? Suggested call the Detachment during the week for clarification;

- Question - where can Quads be driven? These are for off road, so not legal on provincial roads or highways, but general understanding that will not be enforced on beach roads, unless call received because of style of driving, speed, etc. Noted that there is Municipal Bylaws not allowing motorized vehicles on beaches between the May long weekend and Thanksgiving long weekend;

- Question - about driving quads on Crown land beaches at south end of Twin Lakes Beach - Beach Bylaw mentioned above would apply;

4) **Derek Johnson, MLA Interlake**

- Noted with the upcoming Provincial Election called for September 10, 2019, the constituency boundaries have changed and he is seeking re-election in the new constituency of Interlake-Gimli;

- Main issue impacting the beach members is the construction of additional outflow channels

out of Lake Manitoba/Lake St. Martin watershed. The environmental consultation process for the construction is ongoing. Recent passage of federal Bill C-69 to overhaul Canada's regulatory process including changes to the Canadian Environmental Assessment Agency (CEAA) process. Now have to consult downstream communities about impacts of any upstream construction. Will mean 35 additional communities to be consulted regarding channels construction - could change after federal election in October, 2019;

- Engineering drawings for the channels are mostly complete - will be completed when .environment approval is received;

- Comments on concerns about the length of time the process is taking. When current gov't. was in opposition, they advocated for quicker construction, but now it is not moving any quicker;

- Comment that even if constructed, the new channels capacity would be much less than inflow capacity from Portage Diversion. Derek replied the gov't. is working with Sask. gov't. to encourage farmers to retain more water for farm use rather than draining into the various watersheds that flow into the Assiniboine River. Thus less water to divert into Lake Manitoba. Also, if it is known that more water could be diverted into Lake Manitoba, the control gates could be opened earlier to drain down the Lake to provide more capacity;

- Comment that Association of Lake Manitoba Stakeholders organization is satisfied with gov't. efforts to date;

- Comment about contamination flowing into Lake Manitoba from the Portage Diversion flows. Derek indicated there are plans, after completion of channels construction, to re-enforce the banks of the Assiniboine River east of the Portage Diversion to allow more water to flow east instead of being diverted. An engineering study is also underway on ground water and the re-charging of aquifers;

5) **R.M. of St. Laurent** - declined to attend this year;

6) **R.M. of Woodlands** - represented this year by **Councilors Carl Fleury, Wayne Yule, and Curtis Huff**

- Carl Fleury provided list of capital expenditures planned for 2019 (already provided in budget email to members earlier this year);

- Marcel Lesage is the new Public Works Foreman;

- R.M. has been notified that Geo Tubes must be removed by end of October. Frank Minaker being contracted to supervise and Lake Manitoba Restorers will do remove after Sept. long weekend. R.M. is looking at options for those who want to retain the Geo Tubes and Frank Minaker will be in contact with property owners involved;

- Question about why the Geo Tubes on private property have to be removed? Carl replied that there is a concern about R.M. responsibility for any environmental problems encountered if no involvement of Disaster Financial Assistance (DFA) - financial, legal concerns;

- Question about a deep water well now being protected from the lake by the Geo Tubes - said owner could add cribbing/casing on top of existing casing to protect against higher water levels;

7) **Manitoba Hydro represented by Ken Hiebert**

- provided information on Manitoba Hydro plans to upgrade service in the Twin Lakes Beach area, due to increasing demand for power. Also, moving the power lines to the road allowance for easier access to the equipment. Plan is to do it within next 1-2 years after Thanksgiving weekend when there is less impact on people. See memo attached.

- Question about obtaining underground service if it would eliminate the need for a pole and be less costly? Will be looked at. Ken has a preliminary map of the planned line route. He may be contacted through a message at Manitoba Hydro's 1-800 no. - 1-888-624-9376;

8) **Surinder Pal - Class Action Lawsuit Update**

- Surinder is the lawsuit members' contact with the legal counsel. He has obtained an update from Brian Meronek, the counsel. It is attached;

9) **Adoption of Minutes of July 15, 2018 AGM**

- Moved for adoption by J. Pisclevich, seconded by R. Renouf. No business arising from the Minutes. Minutes approved.

10) **Treasurer's Report - Bob Cox**

- Moved for adoption by B. Cox, seconded by J. Marcinyk

- Question - what is included in Executive expenses? This includes cost of the Volunteers Appreciation Dinner - decided a couple of years ago to patronize local businesses, so cost last year included food purchases from MTT and Lakeview Restaurant;

- Question - why were membership dues increased? Dues were increased because expenses were costing more and fees at $5, weren't covering costs. Also, interest revenues were mainly accruing to the Legal Fund, so received approval a few years back at an AGM, to cap the Legal Fund and record all bank interest as part of General Fund to help pay expenses;

- Question about why some members were prevented from receiving information? Beach email system has been under control of previous President, so not sure about this. However, if members declined to join the Association, then they're no longer included in email correspondence;

- Question - what is the status of the Legal Fund? Legal Fund is not being used and currently has a balance of $816, which is included within the Equity of $14,042 reported in the Balance Sheet. As well, there is a Contingency Note on the Balance Sheet, explaining that $22,000 has been provided to assist the Class Action Lawsuit and will be returned if there is a settlement. This money came from the Legal Fund. **Bob to provide a separate break out of the Legal Fund;**

Meeting then approved the Treasurer's Report and Financial Statements;

11) **2018/19 Association Activities - Bob Cox**

- briefly referred to the series of emails recently sent to the membership and delays in scheduling this AGM. No reasons were provided by other Executive members for delaying the AGM. But, the 2nd and 3rd weekends of July are when most of the members are available. So, that is why it was scheduled for today.

- Question - why not have the timing of the AGM, say 3rd Sunday in July/July 20, 2020 put in the Constitution? **Need to give 60 days Notice to amend the Constitution, so will take it under advisement for new Executive to consider for next AGM;**

- Question - why is the website no longer working? The company administering the website sold that part of their business to another company. This company was looking to provide services to update the website, but we weren't looking to make any changes. So, we were never sent a renewal invoice for the website and it was taken over by another enterprise;

- Question - in the R.M. of St. Laurent, there are some trees hanging over the beach road that could fall and cause damage. Who is responsible? RM has been informed, but has done nothing. If trees are on the road allowance, the responsibility is with the RM. If the trees are on private property, they would be the property owner's responsibility;

12) **Proposed Amendments to the Constitution**

- moved by Alex Krawchuk, seconded by Will Jones to delay discussion of these amendments until the next AGM, when a new Executive will be in place and a new website in place with details of the Constitution. Discussion ensued about the membership having received the proper notice to discuss these amendments at this AGM and proposed discussing them as 4 separate items - Housekeeping items, proposed new section 6.2, proposed new section 7.6, and proposed new section. Jack King on Point of Privilege asked if motion was accepted by Chair? Chair pointed out that the previous Executive had complied with notice requirements to bring these items forward at this AGM, so they could not be deferred. Back and forth discussion ensued and Chair then called for a vote on the motion, after explaining the question in more detail. After a vote, the motion was defeated and the discussion of the proposed amendments proceeded as follows:

a) Housekeeping amendments - spelling, language, locations, etc. - motion to discuss moved by K. Seifert-Clarkson, seconded by J. Marcinyk. No discussion, amendments voted on and approved;

b) Amend Article 6.2 to have property owners pay 2 consecutive years before receiving membership privileges - motion to discuss by W. Jones, seconded by K. Kist. A. Krawchuk spoke against the amendment. No other comments. On a vote, the amendment was defeated and will not go forward;

c) Add Article 7.6 to the Constitution to allow majority of members to remove another member - motion to discuss by L. Schneider, no seconder, so the motion is lost and the amendment will not go forward;

d) Amend Article 10 to provide for two year terms for Executive positions - Motion to discuss from A. Krawchuk, seconded by W. Jones. W. Krawchuk spoke against the motion and B. Cox pointed out the circumstances that occurred over the past year mandate that the membership should have an annual election of the Executive. On a vote, the amendment was defeated and will not go forward.

13) **Election of Officers -** the Chair called for Past President, Jack King to preside over the Election of Officers:

a) For President - Frank Clark and Will Jones were nominated and agreed to stand. Both gave short bios of their experience. On a vote, Frank Clark was elected;

b) For Vice-President - Larry Marquardson. No other nominations, Larry was acclaimed;

c) For Treasurer - Bob Cox. No other nominations, Bob was acclaimed;

d) For Secretary - Kelly Seifert-Clarkson. No other nominations, Kelly was acclaimed.

14) **New Business - President Frank Clark**

- J. King moved, W. Jones seconded the 2020 AGM to be held July 19, 2020, sub amended to subject to any exigencies;

- A. Krawchuk moved, seconded by W. Jones to re-created Beach website;

- N. Patey re: concern about members barred from receiving beach emails;

- Comment about more garbage cans required at the Public Beach, as garbage is overflowing the containers;

- Liaison to RM - not accepted??

15) **Adjournment** - meeting adjourned at 12:05 PM.

**Twin Lakes Beach Association Inc. 2019 AGM - July 21, 2019 - St. Laurent Rec Centre**

**Status of Class Action Lawsuit**

Since the last AGM, the legal counsel, Brian Meronek of DD West LLP, has gone to Court to fight the Province of Manitoba's appeal of a decision to allow the Class Action lawsuit to proceed. The following updates have been received in 2018/19:

1) Dec. 11/18 Update letter - the Court of Appeal dismissed the Province's appeal, allowing the Class Action lawsuit to proceed. The one exception is that any claimant wishing to proceed solely on a claim of economic loss caused by negligence still has to seek approval of the Court of Appeal to proceed, i.e. anyone who did not suffer flooding damage but only lost income as a result of the flood must still seek approval of the Court of Appeal to proceed;

2) March 12/19 Update letter - Justice McKelvey's Class Action Certification Order has been amended to abandon any claims for economic loss only. No one has come forward in this category, so the Province has now abandoned its Leave Application and the Class Action may now move forward;

3) July 19/19 Update email - Brian Meronek has been in contact with the government lawyers about discussing a settlement. The government lawyers said there is interest, but then questioned the government's liability by referring back to a MIT report saying the flooding would have occurred in any event. This is going backwards, so Brian has decided to have our hydrology expert challenge the MIT report and then share it with the government lawyers to get back on track. At the same time, a case management conference is being scheduled with the case management judge to move the litigation along on a parallel course.

Treasurer's Report:

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|  | |  | |  | |  | | 2018/19 Annual General Meeting - July 21, 2019 | |  | |  | |  | |  | |
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| For the 2018/19 year the Association had revenues of $2,699, an increase of approximately $400 | | | | | | | | | | | | | | | | | |
| due to an increase in membership collections and interest earned. Expenses totaled $1,881, an | | | | | | | | | | | | | | | | | |
| an increase of approximately $600. Additional expenses were incurred because 2018 was a | | | | | | | | | | | | | | | | | |
| municipal election year, in which we incurred expenses to provide information to our members | | | | | | | | | | | | | | | | | |
| on the election, including the candidates, voting procedures, sponsoring election forums to hear | | | | | | | | | | | | | | | | | |
| the candidates and providing information from the candidates on their candidacies. This | | | | | | | | | | | | | | | | | |
| expense is incurred only in election years every four years. In addition, expenses were incurred | | | | | | | | | | | | | | | | | |
| to replace the tires on the Beach Association sign. So, in 2018/19, the Association has a net | | | | | | | | | | | | | | | | | |
| surplus of $818. As a result, the Association now has a net equity position of $14,042 at | | | | | | | | | | | | | | | | | |
| April 30, 2019. | | | |  | |  | |  | |  | |  | |  | |  | |
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