

Friends of the Rossland Range BOARD MEETING Thursday Feb. 22nd, 2024
5:00pm MINUTES (for approval by March 9, 2024)

Present:

Bob Bechaud*, Troy Colautti*, Kim Deane*, Dan Derby*, Larry Doell*, Gerry Heacock*, Sheree Sonfield, Stewart Spooner*, John Stephens* *Director

[Meeting room at Prestige provided by Gabriella (Gabriella's Restaurants)].

Meeting called to order at 5:05pm

- 1) Quorum present? Yes – 8 Directors present.
- 2) Minutes of previous meeting January 18th, 2024 – Motion to approve. Carried.

- 3) Major discussion: Liability & Insurance (*nb: following tries to capture the discussion...Kim*)

Preamble:

A work-in-progress through 2024 driven by FoRR (as a Non-Profit Society) needing good management of this critical area; and, by renewal of the Partnership Agreement (“PA”) (led by Les).

(A) Two ‘Primary’ Areas:

- 1) General Liability: FoRR Actions: (a) minimize FoRR risk & (b) FoRR insurance coverage

- 2) Director’s legal costs & stress if caught up in a legal claim:

FoRR Actions: (a) Director’s & Officer’s (D&O) insurance, or equivalent? (b) Other?

(B) FoRR seeking RS&T assume all/max public user risk (minimize FoRR being named)

(C) FoRR understanding the Occupier’s Liability Act of BC – Province taking some responsibility

(D) FoRR managing its volunteers – including ‘risks’ involved

(A) (1) Discussion: General Liability

Q: RS&T’s \$2m coverage is only for volunteers – true? Does FoRR need additional insurance?

Q: Obtain examples of circumstances of FoRR ‘gross negligence’ and failures re: ‘duty of care’.

Similar Q: Request “circumstances in which I, as a volunteer Cabin Keeper, or as a Director of FoRR can be sued over any of my actions concerning the Rec Site”.

Meeting discussed the concepts of Prevention and Documentation to secure our standing.

Meeting supported in principle, a FoRR ‘Risk Management (“RM”)’ process, and accepted a proposal by Les to develop this with Director’s submitting to him, items for inclusion.

(2) Director’s legal costs & stress:

Q: Les’ note is very helpful. However, can broader D&O-type insurance be obtained?

Can FoRR evaluate general liability coverage that D&O insurance might provide?

Comment: the insurance agent of the Alpine Club of Canada might assist.

(B) Discussion: Meeting supported ‘pushing’ liability risk onto RS&T BC

Comment: To this end FoRR, in the event of a claim, FoRR will need to demonstrated that “RS&T knew” of the circumstance involved.

Stewart advised of a similar situation - a RS&T cabin in the Slocan managed by a volunteer Non-Profit Society. The latter submits an annual detailed report to RS&T (to ensure “they know”).

Noted: FoRR has not been submitting such a report to RS&T.

Q: To reinforce the approach in Stewart’s example, can RS&T be asked to confirm, in writing its understanding and acceptance of the contents of the report?

Q: Would a FoRR RM process with ‘sign offs’ by RS&T be a possibility?

Q: The PA uses words with FoRR acting as ‘operator’, ‘manager, and ‘partner’.

Q: Are these too 'strong' in that they attach some public risk to FoRR - from Rs&T?
(Comment at meeting – these words could be used in the PA, provided the PA language sufficiently clarifies FoRR's supporting (low-risk) role).
Comment: the PA should also provide for periodic reviewing (and approving) of 'Operational Standards' (per items in Schedule F of current PA).

(C) Discussion: Occupiers Liability Act:

Not discussed to any extent – we need to learn more. We have been told verbally the Province has settled cases 'out-of-court' (to avoid a judge's decision setting difficult precedents) of claims by recreation users on Crown Lands – most associated with bike accidents.

This Act is based on the principle of recreation being "Use At Your Own Risk".

Q: Should strong "Use At Your Own Risk" – type signs be installed in the Rec Site?

Meeting supported doing this forthwith. Action: Kim with John & Les (and RS&T).

(D) Discussion: FoRR Management of it's Volunteers:

FoRR has not been in compliance with the current PA with regard to managing its volunteers.

A specific issue is chainsaw use by FoRR volunteers – the PA requires a qualifying course.

The Meeting supported increased management – noting it fits within the PA renewal process

This Agenda item – broadly named 'Liability & Insurance' – will be continued through 2024.

Actions: Kim and Les to seek answers to the questions raised, and report back to the Board.

3) Igloo Cabin completion from last Board Meeting. Rob offered to lead this effort by developing a plan including an assessment, tasks, costs and a schedule. Any road & trail work involved could be incorporated with planning for the Plane Crash Site. The Board accepted Rob's proposal with thanks.

Two Director's offered their support.

Users reporting the Igloo Cabin floor is extremely slippery - a hazard in winter in ski boots

4) Capital Planning:

The meeting strongly supported FoRR utilizing a more inclusive and structured process involving all Directors, and possibly extending to FoRR members and the public.

This to include long-term visions of the Rec Site by FoRR and RS&T.

Recognized that a fuller process cannot be implemented for the upcoming 2024 work season: rather seek this fuller process for the 2025 work season.

For 2024, Kim (with Rob) to arrange an introductory Capital Planning Session for the next April 11th, 2024 Board Meeting. This will serve to inform development of the fuller process sought by the Board.

Prior to the April 11th, 2024 meeting Directors will be provided with information and be asked for input.

This to make the meeting itself as effective as possible.

5) Next meeting: April 11th, 2024 5:00pm at Prestige Hotel.

6) Meeting adjourned at 6:10 pm.

Some ongoing matters & Items not discussed at meeting:

- (i) Larry working on 'Cookie Painting Signs' (ii) Roma is setting up an 'Archive'
- (iii) Rob (at RS&T BC's request) is working on Plane Crash Site heritage designation, or other. He is in touch with the Museum (incl. Ron Dennett), and with the Canadian military.
- (iv) Rec Site boundary adjustment (Les) (v) FoRR join Outdoor Rec Council of BC ?? (Kim)