



Affidavit #2 of John Thomas
December 22, 2025

No. 2512336
Victoria Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

**RE: THE VILLAGE OF SAYWARD IN THE MATTER OF SECTION 129 OF THE
COMMUNITY CHARTER, SBC 2003, C. 26**

1. I, John Thomas, Advisor and former Acting Chief Administrative Officer and Corporate Officer, of the Village of Sayward ("Village"), 652 H'Kusam Way, PO Box 29, Sayward, British Columbia V0P 1R0, swear that I have personal knowledge of the facts and matters referred to by me except where indicated to be on information and belief and where so stated I verily believe them to be true.
2. I make this Affidavit in response to Councillor Scott Burchett's and Councillor Susan Poulsen's Affidavits respectively sworn December 5 and December 8, 2025, and Councillor Burchett's and Councillor Poulsen's Response to Petition dated December 8, 2025 all of which were filed in these proceedings.
3. I make this Affidavit in support of the Village's application under sections 129(4) and 129(5) of the *Community Charter*, SBC 2003, c. 26 that the quorum for Village Council be reduced from three Councillors to two Councillors, being Councillors Debbie Coates and Jason Johnson, who may discuss and vote on whether to pass a resolution to:
 - (a) resume consideration of a motion of censure and related sanctions ("Motion of Censure and Related Sanctions") against Village Councillors Susan Poulsen and Scott Burchett (together, the "Two Councillors") for their respective possible contraventions of section 117 of the *Community Charter*, SBC 2003, c. 26, sections 2(b), 3, 4, 17, 19, 25 and 26 and possibly section 10 of the Village's *Code of Conduct Bylaw No. 442, 2018* ("**Code of Conduct**") and section 21(7) of the Village's *Council Procedure Bylaw No. 416, 2015* ("**Council Procedure Bylaw**"), and possibly also under the new *Code of Conduct Bylaw* adopted on January 21, 2025, and in relation to:
 - (i) the Two Councillors' possible unauthorized disclosure to third parties of information and documents received in confidence and information and documents discussed during closed Village Council meetings; and
 - (ii) the Two Councillors' likely disrespectful behaviour towards Keir Gervais, (now former) Chief Administrative Officer of the Village;

- (b) possibly commence court proceedings against at least one of the Two Councillors and Village staff for possible wilful misconduct and possibly against John France for possible wilful misconduct in assisting in such possible wilful misconduct; and
 - (c) for costs if the Village's application is opposed.
4. Between September 2024 and August 14, 2025 I was the Acting Chief Administrative Officer of the Village.
 5. As of August 15, 2025 I am an Advisor to the Village.
 6. As of August 18, 2025 Andrew Young is the Chief Administrative Officer and also the Corporate Officer for the Village.
 7. As of the date of swearing this my Affidavit, I am now the Chief Administrative Officer and Corporate Officer with another local government
 8. For convenience, unless otherwise defined in this Affidavit, all abbreviations within this my second Affidavit filed in these proceedings have the same meaning as the abbreviations within my first Affidavit, sworn October 3, 2025, and filed on October 14, 2025 in these proceedings ("**My First Affidavit**").

Village Application to Reduce Village Council Quorum

9. In response to the entire Response to Petition and in specific response to paragraphs 18, 19 and 20 of Part 4 and paragraph 29 of Part 5 of the Response to Petition, as the then Acting Chief Administrative Officer of the Village, I sought the Village to seek an order under *Community Charter* section 129(4), 129(5) and 129(6) for reduction of Village Council quorum so that two Councillors, being Councillors Coates and Johnson, may discuss and vote on whether to pass a resolution to:
 - (a) resume consideration of a Motion of Censure and Related Sanctions against the Two Councillors for their respective possible contraventions of *Community Charter* section 117 and sections 2(b), 3, 4, 17, 19, 25 and 26 and possibly section 10 of the *Code of Conduct* and section 21(7) of the *Council Procedure Bylaw* and possibly also under the new *Code of Conduct Bylaw* adopted on January 21, 2025, and in relation to:
 - (i) the Two Councilors' possible unauthorized disclosure to third parties of information and documents received in confidence and information and documents discussed during closed Village Council meetings; and

- (ii) the Two Councillors' likely disrespectful behaviour towards Keir Gervais, (now former) Chief Administrative Officer of the Village,

("together, the "Order that Village Council May Proceed to Consider a Censure Motion"); and

- (b) possibly commence court proceedings against at least one of the Two Councillors and Village staff for possible wilful misconduct and possibly against John France for possible wilful misconduct in assisting in such possible wilful misconduct ("Order that Village Council May Consider Commencing Court Proceedings"),

(the "Village Application to Reduce Quorum").

10. I made a decision to seek that the Village proceed with the Village Application to Reduce Quorum under *Community Charter* section 129 after:

- (a) consideration of allegations of Councillor Burchett's disrespectful behaviour towards Keir Gervais, the Village's then CAO;
- (b) obtaining and reviewing the restored and deleted emails of Councillor Burchett and Councillor Poulsen and former and current and soon to be departing Village staff, which are referenced in My First Affidavit and reveal that Councillors Poulsen and Councillor Burchett were:
 - (i) behaving disrespectfully towards Keir Gervais;
 - (ii) disclosing information to John France that the Village received in confidence and discussed during Village *in camera*/closed Council meetings; and
 - (iii) discussing with John France what steps to take against the Village, which in turn caused time and resources to be diverted away from business of the Village;
- (c) Councillor Burchett's refusal to take training recommended by Brian Carruthers, the Municipal Advisor engaged by the Ministry of Municipal Affairs. Attached and marked as **Exhibit "A"** is a copy of Brian Carruthers, Municipal Advisor's July 16, 2024 report to the Ministry of Municipal Affairs and the Village;

- (d) Councillor Burchett stated in a May 20, 2025 open Village Council meeting that he refused to attend any more *in camera*/closed Village Council meetings; and specifically stated:

In [Councillor Burchett's] opinion and without prejudice [Councillor Burchett] will not participate in the *in camera* portion of this meeting due to the harassment and corruption that [Councillor Burchett] have observed and been subject to, this is not a safe place or a fair place to conduct business and [Councillor Burchett] will not participate until further notice in any *in camera* proceedings with the Village of Sayward.

In response, and in the open May 20, 2025 Village Council meeting, I stated:

(...) when a member of Council on their own volition refuses to perform their duties of office (...) it is on their oath of office; and in doing so, it does not take away from the obligation of Council to fulfill their legal, lawful duty to the citizens that elected them. Councillor Burchett has declared his intention of not sitting in any more [closed] Council meetings (...); and, if a point arrives when quorum is called into question I may request that Council formally request from the Minister an adjustment to the quorum for the Village but we are not at that stage yet (...).

I vehemently and categorically disagree with the characterization that Councillor Burchett has been or is being bullied by anyone in the audience, by staff or what I am aware of by Council. I simply draw Council to the behaviour on November [18, 2024] that required Council to pause where Councillor Burchett himself felt it was not a safe environment that he created for other people and then recused himself from the meeting;

- (e) during an open Village Council meeting on November 18, 2024 Councillor Burchett was being extremely disruptive which prompted me to seek that the Mayor call a recess. During the recess, I observed Councillor Burchett engage in a heated discussion with Councillor Johnson, Councillor Coates and Mayor Baker; and, at one point Councillor Burchett charged at Councillor Johnson. I put myself between Councillor Johnson and Councillor Burchett to prevent a physical altercation. Following that incident, Councillor Burchett returned to Council chambers and asked me whether he should leave the meeting and I stated it was his choice. Councillor Burchett stated he had to remove himself from the meeting due to his temperament;
- (f) Councillor Burchett's repeating assertions within open and closed Village Council meetings that Mayor Baker is in a conflict in making decisions on any matters that are related to Councillor Burchett's behaviour;
- (g) Mayor Baker is a witness to Councillor Burchett's disrespectful behaviour towards Keir Gervais and both of Councillor Burchett's and Councillor Poulsen's breaches of confidentiality and it would be preferable for Mayor Baker to be a witness rather than an adjudicator of whether to proceed with

consideration of a Motion of Censure and Related Sanctions against each of Councillor Poulsen and Councillor Burchett;

- (h) in the early fall of 2023 Councillors Poulsen and Burchett were notified of the date of a Village Council *in camera*/closed meeting whereat Village Council would be considering issuance of a motion of censure and related sanctions against them and the process to be followed. Councillor Poulsen refused to provide her available dates for attendance at an *in camera*/closed Village Council meeting. Attached and marked as **Exhibit "B"** to this my Affidavit are certified and redacted copies of Village legal counsel's January 17 and 18, 2024 emails and a January 17, 2024 letter to Councillor Poulsen together with then Deputy Mayor Tinsley's September 16 and 25, 2023 letters to Councillors Burchett and Poulsen, the Village CAO's November 21, 2023 email to Councillors Poulsen and Burchett and their respective replies and the Village CAO's December 1, 2023 letter to Councillor Poulsen;
- (i) a closed Village Council meeting in relation to consideration of Censure and Related Sanctions against only Councillor Burchett ("Closed Censure Consideration Meeting") ended suddenly as a result of an electricity outage that affected all of Sayward and no decisions were made;
- (j) Mayor Baker informed me that Councillor Poulsen refused to leave the Closed Censure Consideration Meeting;
- (k) that on March 8, 2024 Councillor Burchett's legal counsel, Nathalie Baker, refused to provide Councillor Burchett's and Nathalie Baker's next available dates for an *in camera* Village Council meeting wherein Village Council would consider whether to pass a Motion of Censure and Related Sanctions against Councillor Burchett. Nathalie Baker, Partner of Eyford Partners LLP, informed Village legal counsel that Councillor Burchett would not be participating any further in the censure proceedings. Attached and marked as **Exhibit "C"** to this my Affidavit is a copy of Nathalie Baker's and Village legal counsel's March 6, 2024 email correspondence;
- (l) other than sections 129(4), 129(5) and 129(6) of the *Community Charter* there are no current legislative tools that the Province has delegated to the Village, as a local government, to help Village staff and Village Council deal with this situation. The Village must obtain an Order that Village Council May Proceed to Consider a Censure Motion and/or an Order that Village Council May Consider Commencing Court Proceedings (together, the "Two Sought Orders"). It is expected that Village Council would not sit idly by when a Village Council member has acted contrary to their own statutory obligations. Village Council has an obligation to regulate a Village Councillor's misconduct when there is a substantial falling away from the expected standard;

- (m) the only in house enforcement tool available to the Village is consideration of issuance of a Motion of Censure and Related Sanctions against each of Councillor Poulsen and Councillor Burchett. However, given at least the perception of Mayor Baker having a reasonable apprehension of bias or having another interest in this matter that constitutes a conflict of interest or disqualifying bias, which assertions have also been made by Nathalie Baker, now legal counsel for Councillor Burchett and also Councillor Poulsen, an application to the Supreme Court to reduce Village Council quorum is necessary; and
 - (n) the untenable position that all of the above places on Village staff and Village Council, including with respect to:
 - (i) responsible governance and fulfilling the Village's purpose under section 7 of the *Community Charter* including attending to the business of the Village;
 - (ii) seeking to adhere to the Village's obligations under section 33 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("**FIPPA**");
 - (iii) seeking to facilitate the recommendations within Brian Carruthers, Municipal Advisor's July 16, 2024 report to the Ministry of Municipal Affairs that all Village Councillors, including Councillor Burchett, receive training in governance processes and procedures, elected official roles, legal responsibilities and about a respectful workplace; and
 - (iv) seeking to retain and keep talented Village staff members and to reduce the risk of yet more Village staff members leaving the Village as a result of Councillor Burchett's and Councillor Poulsen's disrespectful behaviour towards Village staff.
11. The untenable situation is further exacerbated because each of Councillors Burchett and Poulsen have a conflict of interest and possible direct and pecuniary interest in whether the Supreme Court issues the Two Sought Orders in the Village Application to Reduce Quorum.
12. John France, and as former Village staff/CAO, may also have a possible direct and pecuniary interest in whether the Supreme Court issues the Two Sought Orders in the Village Application to Reduce Quorum.
13. Eyford Partners LLP represents not only Councillor Burchett and Councillor Poulsen in this matter but also John France in another matter being *Mark Baker v. John France*, SCBC, Duncan Registry No. S22667 (the "Defamation Proceedings").

14. In response to paragraphs 23 and 24 of Part 4 of the Response to Petition and paragraph 22 of the Affidavit of Councillor Burchett, sworn December 5, 2025, and paragraph 14 of Councillor Poulsen's Affidavit, sworn December 8, 2025:

(a) I informed Councillor Burchett on February 14, 2025, and after investigations that:

(i) Village Council does not condone and will not tolerate harassment in the workplace, disrespectful conduct towards Village staff, or the noncompliance with its Code of Conduct;

(ii) the Village will be taking all reasonable action moving forward to minimize any further harm and to support a productive and respectful environment;

(iii) Councillor Burchett will be notified of what steps Council will take in due course; and

(b) Councillor Poulsen has not provided her next available dates for attendance at an *in camera*/closed Village Council meeting for consideration of Motion of Censure and Related Sanctions against Councillor Poulsen; and, has asserted that Mayor Baker is in a conflict of interest and should not be involved in "actions taken against her and Councillor Burchett (see Exhibit "G" to the Affidavit of Mayor Baker, sworn October 7, 2025, and filed in these proceedings).

15. In response to paragraph 18 of Part 4 of the Response to Petition and paragraphs 29, 43, 48 and 50 of Part 5 of the Response to Petition, on June 3, 2025 I sought Village Council to approve providing direction to Village legal counsel to prepare the Village Application to Reduce Quorum.

16. In response to paragraphs 37 to 42, 46 and 47 of Part 5 of the Response to Petition and paragraph 16 of Councillor Poulsen's Affidavit, sworn December 8, 2025 and paragraph 24 of Councillor Burchett's Affidavit, sworn December 5, 2025, between June 3, 2025 and September 30, 2025:

(a) I spoke to Mayor Baker about declaring a conflict of interest in relation to the Two Sought Orders within the Village Application to Reduce Quorum;

(b) I considered whether to proceed with the Village Application to Reduce Quorum without notice as allowed under *Community Charter* section 129(6). I decided against doing so and decided to give notice to each of Councillors Burchett and Poulsen of the Village Application to Reduce Quorum as I anticipated that:

(i) Councillor Burchett and Poulsen would likely seek to set aside the orders if granted; and

- (ii) if the Two Sought Orders were granted, and Village Council comprising Mayor Baker and Councillors Johnson and Coates then decided to proceed and subsequently discussed and voted on whether to issue a motion of censure and related sanctions against Councillor Burchett and Poulsen, Councillor Burchett and his legal counsel, Nathalie Baker, would likely seek judicial review of any decision wherein such a motion was passed and based on their repeated assertions that Mayor Baker was in a conflict of interest and should not have participated in voting or discussion of such a motion.

17. In further response to paragraph 18 of Part 4 of the Response to Petition and paragraphs 29, 43, 44, 48 and 50 of Part 5 of the Response to Petition, and paragraph 7 of the Affidavit of Councillor Poulsen, sworn December 8, 2025, prior to swearing My First Affidavit I asked Village Council on September 30, 2025 to approve of the substance of the draft Affidavit of Mayor Baker, my draft Affidavit and the draft Petition and release to the public information that was discussed during *in camera*/closed Village Council meetings and referenced in Mayor Baker's and my draft Affidavits; and specifically that:

- (a) during closed Village Council meetings Village Council considered the allegations of one of the Councillors and a member of the public, considered investigation findings and closed the matter;
- (b) Councillors Burchett and Poulsen have objected to doing a rise and report of the allegations and information and documents related to the investigation of the allegations and Village Council's consideration of the allegations and investigation findings; and
- (c) Councillor Burchett's and Councillor Poulsen's learning in June 2023 of the cost of the investigation of the allegations before they sent their July 24, 2023 letter to the Village auditors.

18. As Advisor to the Village, and in further response to the entire Response to Petition and in specific response to paragraphs 18, 19 and 20 of Part 4 and paragraph 29 of Part 5 of the Response to Petition, I continue to seek that the Village proceed with the Village's Application to Reduce Quorum as a result of:

- (a) reviewing the statements within John France's Affidavit, sworn September 23, 2025, and filed in the Defamation Proceedings which Affidavit is attached and marked as **Exhibit "D"** to this my Affidavit. John France's September 23, 2025 Affidavit reveals that Councillor Burchett provided to John France information that the Village received in confidence and discussed during Village closed Council meetings: see paragraphs 59 and 64 and Exhibit "L" to John France's Affidavit, the documents that Councillor Burchett emailed to John France;
- (b) Councillor Burchett receiving information discussed during a June 16, 2025 *in camera*/closed Village Council meeting which Councillor Burchett did not

attend and about a matter that he declared a conflict of interest. Councillors Poulsen, Coates, and Johnson and Mayor Baker were present at the June 16, 2025 *in camera* Village Council meeting. Each of Councillors Coates and Johnson and Mayor Baker informed me that they did not share with Councillor Burchett the confidential information. Accordingly, I believe that Councillor Poulsen disclosed information to Councillor Burchett discussed at the June 16, 2025 *in camera*/closed Village Council meeting. Attached and marked as **Exhibit "E"** to this my Affidavit is a copy of my June 17, 2025 email to Councillor Burchett and in response to Councillor Burchett's June 16, 2025 letter to me;

- (c) Councillor Burchett making allegations that he intended to make yet another complaint to a regulatory body, the OIPC, and then about a member of the public's postings in Sayward Raves on June 6, 2025 about their observations of Councillor Burchett. I have informed Councillor Burchett that he has no authority, as one member of Village Council, to independently refer a matter to a regulatory body. Attached and marked as **Exhibit "F"** to this my Affidavit is a copy of Councillor Burchett's June 6, 2025 email to me and my June 9, 2025 reply email;
- (d) Councillor Burchett continuing to refuse to take the training recommended by Brian Carruthers, the Municipal Advisor engaged by the Ministry of Municipal Affairs, and the Village's training program in response to Brian Carruther's recommendations which includes cyber security best practices, effective communication, equality at work, mental health awareness, equality, diversity and inclusion awareness, privacy for organizations and an introduction to Canadian discrimination laws;
- (e) Councillor Burchett refusing to comply with my June 16, 2025 request for recall and production of all records in his possession relating to Jared Cummings' of Eyford Partners LLP's May 1, 2025 Freedom of Information (FOI) Request a copy of which is attached as Exhibit "I" to My First Affidavit. Attached and marked as **Exhibit "G"** to this my Affidavit is a copy of my June 16, 2025 email to Councillor Burchett, Councillor Burchett's reply email and my follow up email to Councillor Burchett on the same day and which I copied Nathalie Baker on;
- (f) Councillor Burchett and Councillor Poulsen not showing any remorse, being unapologetic and not taking responsibility for their disrespectful behaviour or disclosure of confidential information to John France; and
- (g) the sheer volume of complaints advanced by Councillor Burchett and Councillor Poulsen and working together at times with John France, and possibly with others, demonstrates a fundamental disregard for governance which places the Village in peril. Councillor Burchett's and Councillor Poulsen's behaviour shows disregard for the important work of the Village as

they were attempting to advance personal and political objectives with no apparent appreciation or care about the operational harm, financial cost, or institutional damage done to the reputation of the Village as a result of their behaviour which in effect amounts to administrative arson. Village staff time and resources were directed away from important business of the Village, including passing a budget in 2024 by the May 15, 2024 deadline, to Village staff dealing with Councillor Burchett's and Councillor Poulsen's complaints and having to prepare responses to various provincial agencies. Some of Councillor Burchett's complaints were about matters that were not even within the Village's jurisdiction to deal with yet Councillor Burchett sought the Village to assist him in furthering his personal interests. For example, Councillor Burchett made multiple meritless complaints to the Ministry of Environment about hydrocarbon/oil spills from the parking lot of the building in which he lives and sought to engage the Village's CAO (me) to weigh in and assist Councillor Burchett.

19. In response to paragraph 10 of Councillor Burchett's Affidavit, sworn December 5, 2025 and paragraphs 16 and 17 of Part 4 of the Response to Petition and Councillor Burchett's and Talia Clark's respective July 2024 complaints to the OIPC that the Village breached *FIPPA* section 33 (together, the "Complaints"):

- (a) on November 1, 2024 I informed the OIPC that Councillor Burchett's and Talia Clark's Complaints were disingenuous and retaliatory over how Village Council and Sayward RCMP, and possibly other provincial agencies dealt with their allegations of improper behaviour on the part of Mayor Baker towards Talia Clark. I informed the OIPC that:
 - (i) Councillor Burchett had likely disclosed to John France personal information, being Councillor Burchett's and Talia Clark's allegations of impropriety on the part of Mayor Baker against Talia Clark;
 - (ii) if there was disclosure of personal information in the Defamation Proceedings such personal information was already disclosed to the public as a result of John France's postings within social media, Sayward Rant and Rave also called Sayward Raves (and formerly called Rant and Rave);
 - (iii) the Village had already submitted on August 4, 2023 a privacy breach notification and potential breach of section 36.3(1) of *FIPPA* that Councillors Burchett and Poulsen likely disclosed to John France personal information discussed during *in camera/closed* Village Council meetings; and
 - (iv) the facts of this matter appear to be similar to what happened in *R v. Skakun*, 2014 BCCA 223 (CanLII), aff'g, 2012 BCSC 1103 (CanLII). Councillor Burchett, who was unhappy with how Village Council dealt with

the allegations of impropriety on the part of Mayor Baker, likely disclosed to John France the allegations, the results of the investigation and Mayor Baker's apology and John France published that information on social media;

- (b) Councillor Burchett submitted his complaint about alleged impropriety on the part of Mayor Baker towards Talia Clark pursuant to a Respectful Workplace Complaint;
- (c) Section 5.4 of the Village's *Village of Sayward Respectful Workplace Policy No. 200-03* ("**Respectful Workplace Policy**") required Councillor Burchett and all persons involved in a complaint under the Respectful Workplace Policy to ensure the matter is kept confidential in accordance with *FIPPA*. Attached and marked as **Exhibit "H"** to this my Affidavit is a certified copy of the Respectful Workplace Policy;
- (d) Section 5.2 of the Respectful Workplace Policy required Councillor Burchett to comply with and ensure that he understood the Respectful Workplace Policy; and
- (e) John France has confirmed within his Affidavit, sworn September 23, 2025, and filed in the Defamation Proceedings that both Talia Clark and Councillor Burchett disclosed to John France respectively on July 4, 2023 and October 17, 2023 their allegations of impropriety on the part of Mayor Baker:

59. Sometime between 04 April 2023 and 07 May 2023, Scott Burchett told [John France] that [Scott Burchett] and Talia Clark had each filed a complaint against Mr. Baker. He told me that their complaints each alleged Mr. Baker had sexually harassed Ms. Clark. [Councillor Burchett] told [John France] that Mr. Baker had issued an apology to each of them, but that they were not satisfied with the apologies.

63. Attached and marked as Exhibit "K" is a true copy of an email Talia Clark sent to [John France] on 04 July 2023, and one of the attachments.

64. Attached and marked as Exhibit "L" are true copies of documents that Scott Burchett emailed to [John France] on 17 October 2023.

20. In response to paragraphs 24, 37 to 42, 43, 46, 47, 48 and 50 of Part 5 of the Response to Petition, and paragraph 24 of the Affidavit of Councillor Burchett, sworn December 5, 2025 and paragraph 16 of the Affidavit of Councillor Poulsen, sworn December 8, 2025, Mayor Baker declared and during a September 30, 2025 special *in camera*/closed Village Council meeting through the statements at paragraphs 13 of 15 of his draft Affidavit presented to Village Council on September 30, 2025 that Mayor Baker has a conflict of interest on the basis of having another interest in the matter, being a reasonable apprehension of bias or disqualifying bias, and in relation to the Two Sought Orders within the Village Application to Reduce Quorum.

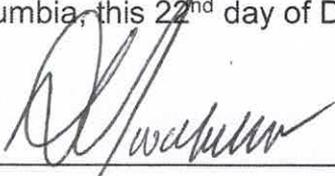
21. In response to paragraph 13 of Councillor Burchett's Affidavit sworn December 5, 2023, attached and marked as **Exhibit "I"** to this my Affidavit is a copy of my May 29, 2025 email to Mayor and Council about the June 3, 2025 open meeting and notifying Mayor and Council that there was a lot of matters for the June 3, 2025 *in camera/closed* Village Council meeting. Prior to the June 3, 2025 *in camera/closed* meeting I informed Councillor Burchett and Councillor Poulsen that they could review the redacted Village Council agenda for the June 3, 2025 *in camera/closed* Village Council meeting at the Village's office.
22. In response to the entirety of the Response to Petition, and in specific response to paragraph 18 of Part 4 and paragraph 48 of Part 5 of the Response to Petition, and paragraph 20 of Councillor Burchett's Affidavit, sworn December 5, 2025, and paragraph 13 of the Affidavit of Councillor Poulsen's Affidavit, sworn December 8, 2025, Village Council has not made any decisions and cannot do so unless and until the Supreme Court issues an order to reduce Village Council quorum so that Councillors Coates and Johnson may discuss and vote on whether to:
- (a) resume consideration of a Motion of Censure and Related Sanctions against the Two Councillors for their respective possible contraventions of *Community Charter* section 117 and sections 2(b), 3, 4, 17, 19, 25 and 26 and possibly section 10 of the *Code of Conduct* and section 21(7) of the *Council Procedure Bylaw* and possibly also under the new *Code of Conduct Bylaw* adopted on January 21, 2025, and in relation to:
 - (i) the Two Councillors' possible unauthorized disclosure to third parties of information and documents received in confidence and information and documents discussed during closed Village Council meetings; and
 - (ii) the Two Councillors' likely disrespectful behaviour towards Keir Gervais, (now former) Chief Administrative Officer of the Village; and
 - (b) possibly commence court proceedings against at least one of the Two Councillors and Village staff for possible wilful misconduct and possibly against John France for possible wilful conduct in assisting in such possible wilful misconduct.
23. In further response to the entirety of the Response to Petition and in specific response to paragraphs 29, 43, 44, 48 and 50 of Part 5 of the Response to Petition, unlike other provisions with the *Community Charter*, such as section 111 (Application to court for declaration of disqualification), section 129 of the *Community Charter* does not specifically state that Village Council must pass a resolution before proceeding with an application under *Community Charter* section 129(4). If Village Council was required to pass a resolution before commencing a court application to seek that the Supreme Court issue the sought orders within the Village Application to Reduce Quorum, the Village would be prevented from commencing the Village Application to Reduce Quorum as a result of Mayor

Baker's declared conflict of interest and Councillor Burchett's and Councillor's Poulsen's conflicts of interest and possible direct and pecuniary conflict of interest.

24. In response to paragraph 20 of Councillor Burchett's Affidavit, sworn December 5, 2025 and paragraph 13 of the Affidavit of Councillor Poulsen's Affidavit, sworn December 8, 2025, and without limiting what I stated in paragraph 23 of this my Affidavit, I was scheduled to be present at the October 7, 2025 *in camera/closed* Village Council meeting. There is no merit to Councillor Burchett's or Councillor Poulsen's assertions (with emphasis added) that "[they] believe that the matter that was on the agenda for the October 7, 2025 meeting that Mayor Baker and the CAO did not want [Councillor Burchett and Councillor Poulsen] to know about was this [Village Application to Reduce Council Quorum] and the plan to go ahead with the censure motion and to consider starting additional proceedings against [Councillor Burchett and Poulsen] and others". Andrew Young, the Village's CAO, informed me on October 7, 2025 that Councillor Burchett refused to leave the October 7, 2025 *in camera/closed* Village Council meeting. Andrew Young also informed me that the October 7, 2025 *in camera/closed* Village Council meeting was adjourned.
25. In response to paragraph 48 of Part 5 of the Response to Petition, paragraph 23 of the Affidavit of Councillor Burchett, sworn December 5, 2025, and paragraph 15 of the Affidavit of Councillor Poulsen, sworn December 8, 2025, regardless of whether Councillors Burchett and Poulsen had participated in a discussion of whether to proceed with the Village Application to Reduce Quorum, that would not have changed my decision or the resolutions that I sought Village Council to pass:
- (a) on June 3, 2025 to direct Village legal counsel to prepare the Village Application to Reduce Quorum; or
 - (b) on September 30, 2025 to approve the substance and form of the draft Affidavit of Mayor Baker and my draft Affidavit and the draft Petition presented to Village Council and the decision to do a rise and report through a press release of the information within the Petition and supporting Affidavits of Mayor Baker and myself after filing of the same with the Victoria Court Registry.
-

26. In further response to paragraph 48 of Part 5 of the Response to Petition, paragraph 23 of the Affidavit of Councillor Burchett, sworn December 5, 2025, and paragraph 15 of the Affidavit of Councillor Poulsen, sworn December 8, 2025, and without limiting my statements at paragraphs 23 and 25 of this my Affidavit, Councillors Burchett and Poulsen have a conflict of interest and possible direct and pecuniary conflict of interest in relation to this application under *Community Charter* sections 129(4) and 129(5). Moreover, based on Councillor Burchett's and Councillor Poulsen's previous behaviour they each would likely have refused to attend any meetings whereat there was discussion of whether to proceed with an application to the Supreme Court under *Community Charter* section 129 for the orders sought within the Village Application to Reduce Quorum.

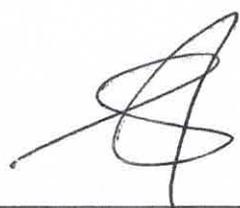
SWORN BEFORE ME at Victoria, British Columbia, in the Province of British Columbia, this 22nd day of December 2025)



A Commissioner for Taking Affidavits
in the Province of British Columbia)

Dana J. Goodfellow)

Print Name, Address and Contact Number)



JOHN THOMAS

Dana J. Goodfellow
Barrister & Solicitor
PHOENIX LAW CORPORATION
203 - 1005 Broad Street
Victoria, BC V8W 2A1
tel: 250-580-8807
email: dana@phoenixlaw.ca