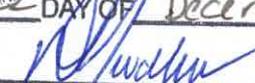


BDCA

BD CARRUTHERS
AND ASSOCIATES

THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF John Thomas
SWORN/AFFIRMED BEFORE ME AT Victoria
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 22 DAY OF December 2025

A Commissioner for taking Affidavits
in the Province of British Columbia

Village of Sayward

CONFIDENTIAL: Report of the Municipal Advisor

Prepared by: Brian Carruthers
BD Carruthers and Associates (BDCA)

Date: July 16, 2024

INTRODUCTION

Municipal Advisor Role

In response to a request from the Village of Sayward for external advisory services, BD Carruthers and Associates was engaged by the Ministry of Municipal Affairs on April 15, 2024 to serve as a Municipal Advisor (MA) to support the Village of Sayward Council and senior staff with effective governance and administration. In accordance with the service contract, the MA is a neutral, third-party who will serve as a support, mentor and liaison between Council and senior staff to help navigate issues and facilitate open, transparent, and clear communications. More specifically, the MA will:

- provide the Village with governance advisory services in close coordination with Council and senior staff;
- provide mentorship to senior staff and Council of the Village in relation to local government administration and decision-making; and
- assist senior staff and Council of the Village with the assessment and implementation of operational priorities, as required; and
- produce a report for Council, that provides recommendations and next steps for Council/staff to work on beyond the term of the Contractor

The role of the MA is not to function as an investigator or arbitrator, but rather to support Council and staff with their communications and governance moving forward. That is not to disregard the history and background that has contributed to the current state of affairs. However, the scope of work does not involve investigation or determination of past conduct, behaviour or conflicts between parties.

Context

The Village of Sayward Council is comprised of a Mayor and four Councillors. The current Council was elected in October of 2022 and have struggled to function as a cohesive Council for a majority of the term. Council has been divided with the Mayor and two Councillors consistently aligned on most matters, with the two other Council members typically aligned in the minority. Disputes and differences of opinion have been pervasive and have impacted the ability of Council to function effectively. The challenges with Council relations have ultimately contributed to two resignations from Council in 2024. With three members remaining, Council continues to be divided and meetings have consistently ended prematurely with a loss of quorum, resulting in many Council matters and decisions not being addressed.

A contributing factor to the challenges being experienced by the Village is staff capacity, particularly in the area of finance and legislative support. The contract with the former Finance/Corporate Officer was terminated in late 2023, resulting in the CAO assuming a majority of the duties of these positions. The services of an interim CFO were retained. However, that role was temporary and to date, the vacant position has not been filled, resulting in insufficient attention to, and a backlog of administrative duties and outputs.

A by-election to fill the two vacant seats on Council will take place on July 20, 2024, which will allow Council to govern with a full roster of members.

GENERAL OBSERVATIONS

1. Council Roles and Conduct

The Village of Sayward Council has struggled with their governance and relationships through most of the term of office and Council's effectiveness has diminished considerably since the resignation of two Councillors in recent months. All municipal Councils experience differences of opinions and/or challenging relationships among the members. However, the adversarial and disrespectful tone that permeates the Council appears to be influenced to a large degree by personal grievances, perceived unmet needs, and failure to follow proper process and best-practice in local governance. It is the observation of the MA that all members of the current Council have responsibility and accountability for the current state of dysfunction that Council is experiencing. While it appears that all members of Council are generally motivated by what they perceive to be best for the community, and have run for office to make the Village a better place, the hostility and mistrust between Mayor and Council is hindering effective and timely governance and decision-making.

Numerous inquiries and/or complaints have been filed by members of Council with external agencies including the Office of the Privacy Commissioner, BC Ombudspersons Office, Worksafe BC, and the Village's municipal auditor. It is understood that the complaints are being examined by the respective agencies. However, most of the complaints remain unresolved, perpetuating the negative tenor and mistrust among Council, and with staff. Members of Council have also contacted external agencies on various matters on behalf of Council, without Council's approval or direction.

Recommendations:

1.1 Democratic Process – Council governs as a body and makes decisions on the basis of a majority vote. All Council members must respect the democratic process, particularly when decisions of Council do not go in their favour.

1.2 Training – All members of Council, including those members elected in the July 20 by-election should receive timely training in governance processes and procedures; elected official roles, legal responsibilities and authorities; respectful workplace; and other pertinent topics. Members of Council should receive ongoing training through the balance of the term to reinforce concepts and foster effective relationships and decision-making.

1.3 Code of Conduct – Council should revisit and revise the Council Code of Conduct to ensure it meets current best-practices and contains adequate enforcement provisions that will allow members who contravene the Code of Conduct to be held accountable.

1.4 Strategic Priorities – Following the onboarding of the new Councillors to be elected in the July 20 by-election, Council should seek to review and update their strategic priorities to enable a more cohesive approach to governing the Village and establish collective expectations for the CAO and staff.

2. Council Meetings

Council meetings are the method by which Council makes decisions, exercises its authorities and carries out its responsibilities. In order to be effective, and have the confidence of the public, Council meetings must be conducted in accordance with the Village's Procedures Bylaw, and in compliance with the Community Charter. The MA has attended a number of Council meetings, both open and closed, and the following deficiencies and/or areas for improvement were noted:

Council chambers configuration – The configuration of Council Chambers is more similar to a public meeting than a Council meeting, and lacks the formality of a 'governance table'. The mayor sits at the end of a table with the Councillors sitting along one side of the table, facing the public gallery. Councillors cannot see each other during deliberations without straining and shifting, which impacts how Councillors engage during deliberations and the general tone of the meetings. It also appears to influence the dynamics between the public and members of Council.

Streaming/recording of Council meetings – Council chambers is equipped for video recording of Council meetings. However, Council meetings are not streamed live. Recorded video of Council meetings does not get posted to the Village's website in a timely manner, requiring members of the community to attend meetings in person to observe Council proceedings. (see recommendation 4.2)

Public participation – There can be a relatively large number of public attending Council meetings, depending on the topics on a Council agenda. The Procedures Bylaw provides for public input at the beginning of the meeting and a question period at the end of the meeting. However, guidelines for public participation at Council meetings are not addressed in the Procedures Bylaw, and there are no restrictions on the topics that the public may raise, other than not speaking to bylaws that are subject to a public hearing. Currently, the public are permitted to ask questions during public input period and provide statements during question-and-answer period, with no formality or structure. Statements and questions from the public are far-ranging and can often be inappropriate or disrespectful towards Council and/or staff. Individual Councillors engage directly with members of the public during these periods and the CAO is often required to answer questions of the public directly, occasionally resulting in banter or arguments. Public input and question period are consistently challenging, uncomfortable, adversarial and disrespectful. (see recommendation 4.2)

Meeting Minutes – The production and subsequent approval of Council meeting minutes has been deficient for some time, and is primarily due to the lack of a Corporate Officer and high workload of the CAO. Additionally, the details contained in meeting minutes exceeds what is typically recorded, such as statements from the public and other tangential matters.

The level of detail is not only time-consuming to record, but leaves the minutes open to errors or misinterpretation. Meeting minutes currently resemble transcripts rather than a formal record of decisions. (see recommendation 4.2)

Confidentiality – There have been a number of allegations that the confidentiality of closed meeting matters has been breached by different members of Council. Such conduct presents a high degree of risk and liability for Council by compromising personal privacy, exposing the Village to litigation, and eroding trust and confidence among Council and with the public. (see recommendation 1.2)

Private meetings - There have been numerous instances of Council members meeting outside of official Council meetings and discussing governance matters, personnel matters and engaging with external parties. More recently, these meetings have involved a quorum of Council which contravenes the requirement that all Council meetings must be conducted in public (unless duly closed), pursuant to the Procedures Bylaw and the Community Charter. (see recommendation 1.2)

Recommendations:

2.1 Reconfigure Council's seating arrangement so that the Mayor is seated at the centre of the table with two Councillors seated at either side of the Mayor, facing each other.

3. Staff/CAO Relations

The relationship between some members of Council and the CAO has been increasingly challenged, and in some cases adversarial and disrespectful. Some members of Council are concerned with the volume of outstanding tasks and deliverables, lack of communication from the CAO, and inattention to matters such as responding to complaints and providing financial updates to Council. It is observed that a number of critical administrative tasks and functions continue to be delinquent and the lengthy delay in filling the vacant CFO/CO position(s) has significantly impacted the CAO's ability to adequately fulfill the Village's administrative requirements and meet Council's service expectations. Concerns with the CAO's performance are often raised in public Council meetings, and at times, the public participate in criticism of the CAO during public input and question periods. The pointed and sometimes disrespectful criticisms and exchanges with the CAO do not support a healthy and productive relationship between Council and the CAO. Common and consistent expectations of the CAO are lacking and there have been differences of opinion among members of Council with respect to the CAO's performance. Alternatively, the CAO often receives direction or requests from individual members of Council, without the awareness of, or approval from Council.

Recommendations:

3.1 Council and CAO to jointly develop an annual performance plan for the CAO that identifies strategic objectives and operational expectations of the CAO.

3.2 Individual members of Council should refrain from providing direction to the CAO and refer their requests of the CAO to the Mayor or Council for approval.

3.3 Develop a protocol for elected officials requesting information from staff on operational or administrative matters. Consider using an 'administrative inquiry' form to ensure clarity of information being requested and provide a record for accountability.

3.4 Establish a system of regular, closed meetings between the CAO and Council that allow the CAO to provide updates on strategic and operational matters of interest to Council and allow members of Council to ask questions relative to the CAO's duties or other matters.

4. Policies and Processes

Municipal Councils require up-to-date policies, procedures and processes to support and enable effective and consistent decision-making and governance. In addition, individual Councillors must respect and adhere to the processes and policies, and hold the rest of Council accountable to follow its processes and policies. Many of the current areas of conflict or ineffectiveness with Council could be resolved or mitigated through better understanding of, and more disciplined adherence to Council's policies and procedures. With that said, there is the need to review and enhance existing policies and processes to ensure they better meet the needs of Council and incorporate best-practices in local governance. Subject areas requiring attention include:

Complaints – The Village has been the subject of numerous complaints filed by members of Council, staff and the public. The Village lacks procedures and policies for responding to complaints, with the exception of procedures that are prescribed in specific bylaws or policies. A lack of follow-up and reporting leads to mistrust on the part of complainants, as well as members of Council.

Code of Conduct – As discussed in Section 1, Council's Code of Conduct (CoC) was approved in 2018 and does not meet current standards of practice. The most glaring deficiency of the CoC is the absence of accountability and penalty provisions for elected officials who breach the CoC. A similar deficiency exists within the social media policy. (see recommendation 1.3)

Procedures Bylaw – The Procedures Bylaw generally meets current standards of practice. There are specific provisions of the bylaw that are deficient and include, but are not limited to: rules regarding public participation in Council meetings including limiting comments to items on the agenda; direction for structure and content of meeting minutes; procedures for members of Council to submit items for consideration at Council meetings; and recording and broadcast of Council meetings.

Financial management – Development of the 2024 budget experienced critical delays, resulting in an expedited process that fell short of Council's expectations and did not meet legislated requirements. Additionally, Council would benefit from more regular financial status reporting during the budget year.

Recommendations:

- 4.1 Develop a policy for managing complaints to include roles and responsibilities of staff and Council, requirements for updating complainants on the status of their complaint and reporting complaints to Council.
- 4.2 Review and amend Council's Procedures Bylaw 416 to address: rules regarding public participation in Council meetings (public input and question period); structure and content of Council meeting minutes; procedures for members of Council to submit items for consideration at Council meetings; video recording and broadcast/posting of Council meetings; and other subject areas as required.
- 4.3 Develop an annual budget preparation process and calendar for Council's approval, to commence in the fall of each year for the following budget year.
- 4.4 Develop a financial status reporting policy that includes a consistent format for presenting information and regular reporting frequency.

CONCLUSION

In summary, the current relationship and dynamics among Council, and between some members of Council and the CAO is significantly impacting the effectiveness of governance and administration of the Village of Sayward and is not serving the community well. All parties need to reflect on, and take responsibility for their individual actions and conduct that have contributed to the current situation.

In order for Council to move forward in a positive and productive manner, members of Council must put aside their personal grievances and interests, and practice more respectful and considerate behaviour towards their counterparts and staff. Council must rely on their governance processes and procedures to help them overcome the challenges being experienced. Adherence to the Community Charter and the Village's Procedures Bylaw will ensure more productive and professional meetings, and prevent much of the conflict that results from undisciplined meeting proceedings.

The new Council that will assemble following the July 20, 2024 by-election must receive appropriate training and orientation and all members should view the by-election as an opportunity for a reset, and to come together in a cohesive and congenial manner for the balance of the term. In order to prevent the circumstances that have contributed to the current state, the Village's policies, processes and procedures should be affirmed and implemented consistently across all functions of Council and all areas that have been identified for review and improvement should be addressed as a matter of priority. Council must also review and update its strategic goals and priorities for the balance of the term.

SUMMARY OF RECOMMENDATIONS

1.1 Democratic Process – Council governs as a body and makes decisions on the basis of a majority vote. All Council members must respect the democratic process, particularly when decisions of Council do not go in their favour.

1.2 Training – All members of Council, including those members elected in the July 20 by-election should receive timely training in governance processes and procedures; elected official roles, legal responsibilities and authorities; respectful workplace; and other pertinent topics. Members of Council should receive ongoing training through the balance of the term to reinforce concepts and foster effective relationships and decision-making.

1.3 Code of Conduct – Council should revisit and revise the Council Code of Conduct to ensure it meets current best-practices and contains adequate enforcement provisions that will allow members who contravene the Code of Conduct to be held accountable.

1.4 Strategic Priorities – Following the onboarding of the new Councillors to be elected in the July 20 by-election, Council should seek to review and update their strategic priorities to enable a more cohesive approach to governing the Village and establish collective expectations for the CAO and staff.

2.1 Reconfigure Council’s seating arrangement so that the Mayor sits in the centre of the table with two Councillors seated at either side of the Mayor, facing each other.

3.1 Council and CAO to jointly develop an annual performance plan for the CAO that identifies strategic objectives and operational expectations of the CAO.

3.2 Individual members of Council should refrain from providing direction to the CAO and refer their requests of the CAO to the Mayor or Council for approval.

3.3 Develop a protocol for elected officials requesting information from staff on operational or administrative matters. Consider using an ‘administrative inquiry’ form to ensure clarity of information being requested and provide a record for accountability.

3.4 Establish a system of regular, closed meetings between the CAO and Council that allow the CAO to provide updates on strategic and operational matters of interest to Council and allow members of Council to ask questions relative to the CAO’s duties or other matters.

4.1 Develop a policy for managing complaints to include roles and responsibilities of staff and Council, requirements for updating complainants on the status of their complaint and reporting complaints to Council.

4.2 Review and amend Council's Procedures Bylaw 416 to address: rules regarding public participation in Council meetings (public input and question period); structure and content of Council meeting minutes; procedures for members of Council to submit items for consideration at Council meetings; video recording and broadcast/posting of Council meetings; and other subject areas as required.

4.3 Develop an annual budget preparation process and calendar for Council's approval, to commence in the fall of each year for the following budget year.

4.4 Develop a financial status reporting policy that includes a consistent format for presenting information and regular reporting frequency.



Fw: Village of Sayward - In Camera Council Meeting for Consideration of Motion of Censure and Related Sanctions

From Dana Goodfellow <dana@phoenixlaw.ca>
Date Thu 1/18/2024 3:01 PM
To Sue Poulsen <sue.poulsen@saywardvalley.ca>
Bcc cao@saywardvalley.ca <cao@saywardvalley.ca>

2 attachments (405 KB)

D. Goodfellow 1.17.24 letter to Councillor Poulsen.pdf; Certified Resolution RIC2401 - Rescinding Motion IC23-76 and Recommended Revised Motion for Disclosure to Councillor Poulsen-1.pdf;

Dear Councillor Poulsen,

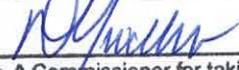
In follow up to our January 17, 2024 letter and email, please find attached a certified copy of the resolution passed during the January 16, 2024 *in camera* Council meeting.

Yours truly,

Dana J. Goodfellow
Barrister & Solicitor

PHOENIX LAW CORPORATION
working in affiliation with CARVELLO LAW CORPORATION
Planning, Development & Environmental Law
Practical Advice, Creative Options, Value for Local Government
203-1005 Broad Street (250) 580-8807
Victoria BC V8W 2A1 dana@phoenixlaw.ca

THIS IS EXHIBIT "B" REFERRED TO IN THE
AFFIDAVIT OF John Thomas
SWORN/AFFIRMED BEFORE ME AT Victoria
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 22 DAY OF December 2025


A Commissioner for taking Affidavits
in the Province of British Columbia

This communication, including any attachment, is protected by solicitor/client privilege. Any distribution, copying or other use of it by anyone other than the person to whom it is addressed without my express authorization is prohibited. If you have received this e-mail in error, please telephone me immediately and destroy this e-mail.

Ce message contient des renseignements confidentiels ou privilégiés et est destiné seulement à la personne à qui il est adressé. Si vous avez reçu ce courriel par erreur, S.V.P. le retourner à l'expéditeur et le détruire.

From: Dana Goodfellow <dana@phoenixlaw.ca>
Sent: Wednesday, January 17, 2024 2:26 PM
To: sue.poulsen@saywardvalley.ca <sue.poulsen@saywardvalley.ca>
Cc: cao@saywardvalley.ca <cao@saywardvalley.ca>
Subject: Village of Sayward - In Camera Council Meeting for Consideration of Motion of Censure and Related Sanctions

I hereby certify that this is a true copy of the original document
Dated this 22 day of December
in Sayward, BC CANADA

Andrew Young, AMCI, NPFP, CRC, SO, Village of Sayward
652 K'Husan Way, Box 25, Sayward, BC V0J 1R0

Dear Councillor Poulsen,

Please find attached our letter of today's date.

We look forward to your prompt reply.

Yours truly,

Dana J. Goodfellow
Barrister & Solicitor

PHOENIX LAW CORPORATION
working in affiliation with CARVELLO LAW CORPORATION
Planning, Development & Environmental Law
Practical Advice, Creative Options, Value for Local Government
203-1005 Broad Street (250) 580-8807
Victoria BC V8W 2A1 dana@phoenixlaw.ca

This communication, including any attachment, is protected by solicitor/client privilege. Any distribution, copying or other use of it by anyone other than the person to whom it is addressed without my express authorization is prohibited. If you have received this e-mail in error, please telephone me immediately and destroy this e-mail.

Ce message contient des renseignements confidentiels ou privilégiés et est destiné seulement à la personne à qui il est adressé. Si vous avez reçu ce courriel par erreur, S.V.P. le retourner à l'expéditeur et le détruire.

I hereby certify that this is a true copy of the original document.
Dated this 16th day of December 2011
in Sayward, BC CANADA

Andrew Young, Mayor, Village of Sayward
652 Kilmarnock Way, Box 29, Sayward, BC V0P 1R0

PHOENIX LAW CORPORATION

Dana J. Goodfellow
Barrister & Solicitor

In affiliation with



Planning, Development & Environmental Law

203 – 1005 Broad Street
Victoria, BC V8W 2A1
cell: (250) 580-8807
dana@phoenixlaw.ca

January 17, 2024

Councillor Sue Poulsen
[Redacted]
Sayward, BC [Redacted]

Sent by email to:
sue.poulsen@saywardvalley.ca
with copy to:
cao@saywardvalley.ca

**Re: Councillor Poulsen, Hearing and *In Camera* Council Meeting for
Consideration of a Motion of Censure and Related Sanctions**

Dear Councillor Poulsen:

We are legal counsel for the Village of Sayward.

We write further to Deputy Mayor Tinsley's September 16 and 25, 2023 letters and Keir Gervais, Chief Administrative Officer ("CAO") of the Village of Sayward's December 1, 2023 letter and November 21, 2023 email to you.

As noted in the CAO's December 1, 2023 letter, the Village of Sayward is seeking to set down a date for rescheduling the *in camera* Council meeting and hearing of the Village of Sayward Council's consideration of a motion of censure and related sanctions against you. Please promptly provide to the undersigned and the CAO dates and times of your availability to attend in person at such hearing and *in camera* Council meeting.

Although the Village of Sayward has strongly suggested that you retain legal counsel, the undersigned understands that you have chosen not to do so and are representing yourself. If that is not correct and you have retained legal counsel, please promptly provide the name of your legal counsel and their contact information.

Disclosure

The Village of Sayward continues to want to provide disclosure to you of the documents that the Village of Sayward Council will be considering at the to be scheduled hearing and *in camera* Council meeting and in a manner that reduces

12

I hereby certify that this is a true copy of the original document.
Dated this 17th day of January 2024
in Sayward, BC CANADA

Andrew Young, MGRP RPP, CAO, CO, Village of Sayward
658 K. Husam Way, Box 29, Sayward, BC V0P 1R0

13

the risk that privileged and confidential documents will be shared with third parties other than your legal counsel and without Village of Sayward Council's authorization to do so under *Community Charter* section 117. To facilitate such disclosure to you, and since it appears you are representing yourself, Village of Sayward Council rescinded the *in camera* motion passed on [redacted] related to disclosure of documents to your legal counsel upon accepted undertakings and replaced that [redacted] *in camera* motion with a new *in camera* motion.

Please confirm by way of a reply in writing to the undersigned and also to the CAO via email to cao@saywardvalley.ca that you agree to the conditions as noted within the *in camera* Council motion passed [redacted] which is excerpted below (and with emphasis added):

THAT Council of the Village of Sayward authorizes the release to Councillor Poulsen of:

- (a) the documents referenced in Appendix "A" to the [redacted] *in camera* legal opinion ("Legal Opinion"), including legal advice from [redacted], **provided that Councillor Poulsen accepts and agrees in writing that the Village of Sayward continues to assert privilege over the Legal Opinion and legal advice to the Village of Sayward;**
- (b) the following closed meeting agenda and minutes and where applicable staff reports and updates (collectively, "Confidential Information"):
 - i) [redacted] closed meeting agenda and minutes;
 - ii) [redacted] Village of Sayward Chief Administrative Officer ("CAO") verbal update at the closed [redacted] meeting;
 - iii) [redacted] *in camera* meeting agenda and minutes and staff report for the [redacted] *in camera* meeting;
 - iv) [redacted] closed meeting agenda and minutes including the [redacted] CAO verbal update;
 - v) [redacted] closed meeting agenda with copies of all the documents referenced in that agenda except for the [redacted] *in camera* legal opinion, a copy of which Councillor Poulsen was provided during the [redacted] *in camera* Council meeting;
 - vi) [redacted] closed meeting minutes,

provided that Councillor Poulsen accepts and agrees in writing that the Confidential Information will not be shared with any third parties other than Councillor Poulsen's legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, unless otherwise authorized by the Village of Sayward Council to do so; and

- (c) the recording of the *in camera* Council meeting on November 7, 2023 **provided that Councillor Poulsen accepts and agrees in writing that the recording of the [redacted] *in camera* Council meeting will not be shared with any third parties other than Councillor Poulsen's legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, unless otherwise authorized by the Village of Sayward Council to do so.**

Closing

Upon receipt of your written agreement to the above conditions within the *in camera* motion passed last night, we will attend to provision to you of disclosure

I hereby certify that this is a true copy of the original document.
Dated this 16th day of December 2023
In Sayward, BC C.A.R.A.D.A.

[Handwritten Signature]
Andrew Young, CIP, RPP, CRC, CO, Village of Sayward
652 K. Fugem Way, Box 29, Sayward, BC V0P 1R0

of the recording of the [REDACTED] *in camera* Council meeting and the documents referenced in the *in camera* motion passed [REDACTED].

The Village of Sayward continues to strongly suggest that you retain legal counsel. Again, if you have retained legal counsel, please provide the name and contact information for your legal counsel.

We look forward to your prompt reply.

Yours truly,

PHOENIX LAW CORPORATION

Per:



Dana J. Goodfellow

cc: Keir Gervais, CAO (via email)

I hereby certify that this is a true copy of the original document.
Dated this 16th day of December 2023
In Sayward, BC Canada

19

Andrew Young, M.C.I.P., R.P.P., C.A.O., C.C., Village of Sayward
652 K'Hulaim Way, Box 49, Sayward, BC V0P 1R0



Village of Sayward

December 1, 2023

Councillor Sue Poulsen

[Redacted]

Sayward, BC

[Redacted]

Councillor Poulsen:

I am writing to follow up on Deputy Mayor Tinsley's September 16 and 25, 2023 letters, copies of which are attached, and my November 21, 2023 email to you.

The Village of Sayward is seeking to set down a date for the *in camera* Council meeting and hearing of the Village of Sayward Council's consideration of a motion of censure and related sanctions against you.

The Village of Sayward seeks that you attend the hearing in person rather than by way of on-line attendance.

Please advise as soon as possible of your next available dates and times for your in person attendance at an *in camera* Council meeting and hearing before a majority of Village of Sayward Council for consideration of a motion of censure and related sanctions against you.

Since at least August 1, 2023 the Village of Sayward has strongly suggested that you retain legal counsel. The Village of Sayward has not received any communication from you whether you have retained legal counsel. If you have retained legal counsel, please immediately provide the name of your legal counsel.

Although the Village of Sayward strongly suggests that you not do so, if you intend on representing yourself at the hearing of a majority of Village of Sayward Council's consideration of a motion of censure and related sanctions against you, please advise as soon as possible and by way of a reply in writing.

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

I hereby certify that this is a true copy of the original document
Dated this 1st day of December 2023
in Sayward, BC CANADA
Andrew Young, Mayor RPP, CAO, Co. Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0



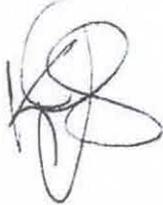
16

As also noted in Deputy Mayor Tinsley's September 16 and 25, 2023 letters, you will be provided a copy of draft resolutions for a motion of censure and related sanctions fourteen days prior to the date of the *in camera* Council meeting and hearing.

Please also confirm whether you have any preference as to whether Councillor Burchett may be present at the hearing of your submissions in response to Village of Sayward Council's consideration of a motion of censure and related sanctions against you. Otherwise, the Village of Sayward may proceed with a hearing of a motion of censure and related sanctions against Councillor Burchett and you on the same day.

I look forward to your prompt reply.

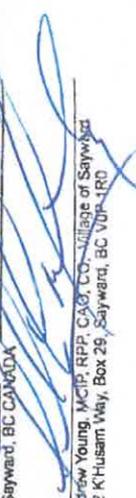
Yours truly,



Keir Gervais, CAO/CO

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

I hereby certify that this is a true copy of the original document.
Dated this 16th day of September 2023
in Sayward, BC CANADA

Andrew Young, MCIIP, RPP, CAO, CO, Village of Sayward
652 K'Husam Way, Box 29, Sayward, BC V0P-1R0

17

From: Keir Gervais
Sent: Tuesday, November 21, 2023 3:03 PM
To: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Subject: FW: Hearing on November 29, 2023 - Draft Further Revised Resolutions, Further Disclosure, Notice of Meeting

Councillor Poulsen,

Given your extended absence from the Village, please find attached a PDF copy of the draft resolutions for censure and related sanctions.

Regards,

Keir Gervais

I hereby certify that this is a true copy of the original document
dated this 16th day of December 2023
in Sayward, BC CANADA

Andrew Young, RCJ, RPP, CAO, CO, Village of Sayward
652 Kihuum Way, Box 29, Sayward, BC V0P 1K0

18

Chief Administrative Officer
Village of Sayward
652 H'Kusam Way, PO Box 29
Sayward, BC VOP 1R0
250-282-5512 Ext. 2 (office)
[cao@saywardvalley.ca]cao@saywardvalley.ca



I sometimes work hours outside of a typical workday; please keep in mind that you are not obligated to respond if you receive an email outside of your regular workday.

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

From: Keir Gervais
Sent: Tuesday, November 21, 2023 1:19 PM
To: Scott Burchett <scott.burchett@saywardvalley.ca>; Sue Poulsen <sue.poulsen@saywardvalley.ca>
Subject: RE: Hearing on November 29, 2023 - Draft Further Revised Resolutions, Further Disclosure, Notice of Meeting

Councillor's Burchett and Poulsen,

As initially referred to in Deputy Mayor Tinsley's September 25, 2023 letter to you, copies of the draft resolutions for censure and related sanctions being considered by Council at In-Camera meeting on **November 29 2023 at 5:00 PM** are ready for you to pick-up at the Village office. A copy of the draft resolutions for censure and related sanctions has been left for each of you, in a sealed manilla envelope, in your Councillor mailbox.

Regards,

Keir Gervais
Chief Administrative Officer
Village of Sayward
652 H'Kusam Way, PO Box 29
Sayward, BC VOP 1R0
250-282-5512 Ext. 2 (office)
[cao@saywardvalley.ca]cao@saywardvalley.ca



I sometimes work hours outside of a typical workday; please keep in mind that you are not obligated to respond if you receive an email outside of your regular workday.

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

I hereby certify that this is a true copy of the original document
Dated this 21st day of November 2023
In Sayward, BC CANADA

Andrew Young, Mayor, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC VOP 1R0

From: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Sent: Tuesday, November 21, 2023 1:01 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: Re: Hearing on November 29, 2023 - Draft Further Revised Resolutions, Further Disclosure, Office of Meeting

Please forward the information to me at [REDACTED] BC [REDACTED]
 Please send to the correct address so that I get the information on time to review.
 As I am not in Sayward until late January 2024.
 Thank you.
 Cllr Sue Poulsen

Sent from my iPhone

On Nov 21, 2023, at 12:50 PM, Keir Gervais <cao@saywardvalley.ca> wrote:

Councillor's Burchett and Poulsen,

I hereby certify that this is a true copy of the original document
 Dated this 19th day of December 2023
 In Sayward, BC CANADA
 Andrew Young, Mayor
 652 K'Usam Way, Box 28, Sayward, BC V0P 1R0

20

As initially referred to in Deputy Mayor Tinsley's September 25, 2023 letter to you, copies of the draft resolutions for censure and related sanctions being considered by Council at *In-Camera* meeting on **November 29 2023 at 5:00 PM** are ready for you to pick-up at the Village office. A copy of the draft resolutions for censure and related sanctions has been left for each of you, in a sealed manilla envelope, in your Councillor mailbox.

Regards,

Keir Gervais

Chief Administrative Officer

Village of Sayward

652 H'Kusam Way, PO Box 29

Sayward, BC V0P 1R0

250-282-5512 Ext. 2 (office)

[cao@saywardvalley.ca]cao@saywardvalley.ca

<image001.jpg>

I sometimes work hours outside of a typical workday; please keep in mind that you are not obligated to respond if you receive an email outside of your regular workday.

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

I hereby certify that this is a true copy of the original document
 Dated this 29 day of December 2023
 in Sayward, BC CANADA

[Signature]

Keir Gervais
 Chief Administrative Officer
 Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

2)

From: Scott Burchett <scott.burchett@saywardvalley.ca>
Sent: Tuesday, November 21, 2023 8:36 AM
To: Keir Gervais <cao@saywardvalley.ca>
Cc: Nathalie Baker <nbaker@eyfordpartners.com>
Subject: Re: Confirmation of In-Camera Hearing November 29, 2023

Get my address correct.
And furthermore, I was never given a proper summons.



I hereby certify that this is a true copy of the original document
Dated this 16th day of December 2023
in Sayward, BC, CANADA

[Handwritten Signature]
Andrew Young, MCIP, RPP, CAO, CO, Village of Sayward
652 K'Husam Way, Box 29, Sayward, BC V0P 1B0

2025-12-16, 10:32 a.m.

Scott Burchett
 Councillor
 Village of Sayward
 652 H'Kusam Way, PO Box 29
 Sayward, BC V0P 1R0
 250-282-5512 (office)
 604-818-5558 (cell)

22

I hereby certify that this is a true copy of the original document.
 Dated this 15th day of December 2023.
 in Sayward, BC CANADA.
 Andrew Young, Mayor, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

On Nov 20, 2023, at 7:16 PM, Keir Gervais <cao@saywardvalley.ca> wrote:

RE: Re: Councillors Scott Burchett and Sue Poulsen, Contraventions of Section 117 of the Community Charter, SBC 2003, c. 26, Contraventions of sections 4, 5, 17(2), 25, 26, 27 and 28 of the Code of Conduct Bylaw No. 442, 2018 ("Code of Conduct") and Possible Contravention of section 36.3 of the Freedom of Information and Protection of Privacy Act, RSBC 1996, c. 165 ("FIPPA")

Dear Councillor Burchett and Councillor Poulsen:

I am emailing in follow up to the attached September 25, 2023 letter and my October 11, 2023 email's (re adjournment of the October 12 hearing) confirming that the date of the *in camera* hearing is **November 29, 2023**.

Regards,

Keir Gervais
 Chief Administrative Officer
 Village of Sayward
 652 H'Kusam Way, PO Box 29
 Sayward, BC V0P 1R0
 250-282-5512 Ext. 2 (office)
 [cao@saywardvalley.ca]cao@saywardvalley.ca

I sometimes work hours outside of a typical workday; please keep in mind that you are not obligated to respond if you receive an email outside of your regular workday.

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.



Village of Sayward

23

Via Email (scott.burchett@saywardvalley.ca; sue.poulsen@saywardvalley.ca)

Councillor Scott Burchett

[REDACTED]
[REDACTED], BC
[REDACTED]

Councillor Sue Poulsen

[REDACTED]
Sayward, BC
[REDACTED]

September 25, 2023

Re: Councillors Scott Burchett and Sue Poulsen, Contraventions of Section 117 of the *Community Charter*, SBC 2003, c. 26, Contraventions of sections 4, 5, 17(2), 25, 26, 27 and 28 of the *Code of Conduct Bylaw No. 442, 2018* ("Code of Conduct") and Possible Contravention of section 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("FIPPA")

I hereby certify that this is a true copy of the original document.
Dated this 25th day of September 2023
Andrew Young, MCIC, RRB, CAO, C.O. Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Dear Councillor Burchett and Councillor Poulsen:

I am writing to inform you about a change to the date of the *in camera* Council meeting noted within my September 16, 2023 correspondence to you; **from October 10, 2023 to October 12, 2023.**

Pursuant to Village of Sayward ("Village") Council's [REDACTED] *in camera* Council motion [REDACTED] on **October 12, 2023 at 4:30 pm** Village Council will be considering passing a motion of censure and related sanctions against you as follows:

1. For each of your contraventions of section 117 of the *Community Charter* in disclosure of confidential information to John France, including:
 - (a) Councillor Burchett's February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023;
 - (b) Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement;

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

- (c) In *camera* Council motion [redacted] that Council accept the form of apology offered by Mayor Baker, the terms of which are described in [redacted] [redacted] report from the [redacted] ("[redacted]");
 - (d) Mayor Baker's letter of apology to each of Councillor Burchett and Talia Clark (the "Apology"); and
 - (e) Proposed motions received from Councillor Burchett sought to be placed on the agenda for the [redacted] regular and *in camera* Council meetings (the "Motions"). The Motions were not placed on the agenda for the [redacted] regular and *in camera* Council meetings. The Motions were discussed during an *in camera* Council meeting on [redacted]; and
2. For Councillor Burchett's contravention of section 4 of the *Code of Conduct* in making verbal attacks upon the character and professionalism of Keir Gervais, Chief Administrative Officer of the Village;
 3. For each of your contraventions of sections 5, 17(2), 25, 26, 27 and 28 of the Village's *Code of Conduct*.

The **October 12, 2023** *in camera* Council meeting will be closed to the public under sections 90(1)(c), 90(1)(f) and 90(1)(i) of the *Community Charter*.

At the **October 12, 2023** *in camera* Council meeting you will each have an opportunity to respond to the proposed resolutions for a motion of censure and related sanctions.

You will each be provided prior to the **October 12, 2023** *in camera* Council meeting a copy of draft resolutions for a motion of censure and related sanctions. In this regard, and in an effort to address security arrangement precautions discussed later in this letter, Keir Gervais, the Village's Chief Administrative Officer, will contact you and inform you of the date and time when you may each pick up from the Village's office the draft resolutions for censure and related sanctions. Subsequent to the change of the *in camera* meeting date, the draft resolutions for censure and related sanctions will now be provided to each you on or before **September 27, 2023** and in paper form with a special watermark unique to each of you.

If after a hearing during the **October 12, 2023** *in camera* Council meeting Council adopts a resolution for censure and related sanctions you will each have the ability to seek Council to reconsider the resolution under section 27 of the *Council Procedure Bylaw* and you also may seek to have the Supreme Court review the Council resolution pursuant to and in accordance with the requirements of section 623 of the *Local Government Act*.¹

I hereby certify that this is a true and correct copy of the original document.
 Dated this 14th day of September 2023
 in Sayward, BC CANADA
 Andrew Young, M.C.I.P. (P.P.) C.A.D., C.G. Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

¹ Section 623 of the *Local Government Act*, RSBC 2015, c. 1 reads:

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
 Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

POSSIBLE CONTRAVENTIONS OF FIPPA SECTIONS 30, 30.5 AND 36.3, REASONABLE SECURITY ARRANGEMENTS 25

For adherence to the Office of the Information and Privacy Commissioner ("OIPC")'s recommendations, the guidelines within the Office of the Information and Privacy Commissioner for British Columbia's February 2023 guidance document titled Privacy breaches: tools and resources

Part 16 — Municipal Provisions

Division 1 — Challenge of Municipal Bylaws and Other Municipal Instruments

Definition of "municipal instrument"

622 In this Division, "municipal instrument" in relation to a municipality means

- (a) a municipal bylaw, or
- (b) an order or resolution of the council.

Court application to set aside bylaw or other instrument

623 (1) An application to the Supreme Court to set aside a municipal bylaw or another municipal instrument may be made by

- (a) an elector of the municipality, or
- (b) a person interested in the bylaw, order or resolution, as applicable.

(2) On an application under subsection (1), the Supreme Court may

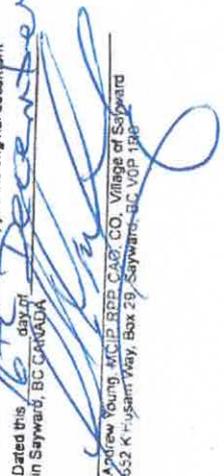
- (a) set aside all or part of the municipal instrument for illegality, and
- (b) award costs for or against the municipality according to the result of the application.

(3) Subsections (1) and (2) do not apply to a security issuing bylaw providing for the issue of debenture or other evidence of indebtedness to the Municipal Finance Authority of British Columbia.

(4) Notice of an application under subsection (1), stating the grounds of the application, must be served on the municipality as follows:

- (a) if the municipal instrument is an instrument requiring the assent of the electors and the council purported to adopt the instrument without assent, the notice may be served more than one month after the adoption of the instrument, but must be served at least 10 days before the hearing;
- (b) in any other case, the notice must be served at least 10 days before the hearing and not more than one month after the adoption of the municipal instrument.

(5) Except for a municipal instrument referred to in subsection (4) (a), an order under this section relating to a municipal instrument must not be made unless the application is heard within 2 months after the adoption of the instrument.

I hereby certify that this is a true copy of the original document.
Dated this _____ day of _____, 2022
in Sayward, BC CANADA

Andrew Young, AICP, BBA, CMC, CO, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC, V0P 1R0

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

for public bodies², and sections 30, 30.5³ and 36.3 of the *FIPPA*, the Village must take reasonable security arrangements to protect disclosure of personal information in its custody.

26

In follow up to the OIPC's recommendations and response to the Village's submission on August 7, 2023 of a possible breach of section 36.3 of the *FIPPA*⁴, the Village is taking precautions to mitigate the risk of a further possible breach of section 36.3.

Accordingly, the Village reminds you of your statutory obligations under *Community Charter* section 117 which read:

Confidentiality

² The Office of the Information and Privacy Commissioner for British Columbia's February 2023 guidance document titled *Privacy breaches: tools and resources for public bodies* can be found at this link: <https://www.oipc.bc.ca/guidance-documents/3750>

³ Sections 30 and 30.5 of *FIPPA* read:

Protection of personal information

30 A public body must protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized collection, use, disclosure or disposal

Notification of unauthorized disclosure

30.5 (1) [Repealed 2021-39-17.]

(2) An employee, officer or director of a public body, or an employee or associate of a service provider, who knows that there has been an unauthorized disclosure of personal information that is in the custody or under the control of the public body must immediately notify the head of the public body.

⁴ Section 36.3 of *FIPPA* reads (with emphasis added):

Privacy breach notifications

36.3 (1) In this section, "privacy breach" means the theft or loss, or the collection, use or disclosure that is not authorized by this Part, of personal information in the custody or under the control of a public body.

(2) Subject to subsection (5), if a privacy breach involving personal information in the custody or under the control of a public body occurs, the head of the public body must, without unreasonable delay,

(a) notify an affected individual if the privacy breach could reasonably be expected to result in significant harm to the individual, including identity theft or significant

- (i) bodily harm,
- (ii) humiliation,
- (iii) damage to reputation or relationships,
- (iv) loss of employment, business or professional opportunities,
- (v) financial loss,
- (vi) negative impact on a credit record, or
- (vii) damage to, or loss of, property, and

(b) notify the commissioner if the privacy breach could reasonably be expected to result in significant harm referred to in paragraph (a).

(3) The head of a public body is not required to notify an affected individual under subsection (2) if notification could reasonably be expected to

- (a) result in immediate and grave harm to the individual's safety or physical or mental health, or
- (b) threaten another individual's safety or physical or mental health.

(4) If notified under subsection (2) (b), the commissioner may notify an affected individual.

(5) A notification under subsection (2) (a) or (b) must be made in the prescribed manner.

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

2023
I hereby certify that this is a true copy of the original document.
Dated this 16th day of December
in Sayward, BC CANADA
Andrew Young, M.C.I.P., R.P.R., C.A.O., C.O., Village of Sayward
552 H'Kusam Way, Box 29, Sayward, BC, V0P 1R0

27

117 (1) A council member or former council member must, unless specifically authorized otherwise by council,

(a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and

(b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

(2) If the municipality suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or damage.

In view of the above, and in accordance with sections 5, 25 and 26 of the Village's *Code of Conduct* the Village also reminds you that you must not disclose to anyone confidential information held in confidence by the Village or information considered in any *in camera* Council meetings unless Council authorizes such disclosure. Moreover, you must not disclose this letter or the information or documents referenced within this letter to anyone other than:

- the undersigned;
- Mayor and Council;
- Keir Gervais, the Village's Chief Administrative Officer; and
- your own respective legal counsel pursuant to the respective accepted undertakings set out in Village Council's [redacted] *in camera* Motion [redacted] and [redacted], [redacted] *in camera* Motion [redacted] and [redacted] *in camera* motion [redacted].

Further, should each of you want to review the recording of the [redacted] *in camera* Council meeting, you must contact and make arrangements with Keir Gervais to attend at the Village's office to review the recording of the [redacted] *in camera* Council meeting and in the presence of Village staff at a time and date that is convenient to Keir Gervais, Village staff and each of you.

I hereby certify that this is a true copy of the original document.
 Dated this 1 day of [redacted] in Sayward, BC CANADA

Andrew Young, M.C.I.P., B.B.A., C.A.G., C.O. Village of Sayward
 652 K'usam Way, Box 29, Sayward, BC V0P-1R0

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
 Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

ENGAGEMENT OF LEGAL COUNSEL, ATTENDANCE AT THE OCTOBER 12, 2023 IN CAMERA COUNCIL MEETING AND REVIEW OF [REDACTED] IN CAMERA LEGAL OPINION

28

The Village strongly suggests that you each retain legal counsel and that you each may want to seek that your respective legal counsel attend the *in camera* Council meeting on October 12, 2023. Please note that the Village and its legal counsel have received no reply from Patrick Rippon of SLG Saanichton Law Group Corporation ("SLG") confirming acceptance of the undertakings set out in the [REDACTED] *in camera* Motion [REDACTED] and [REDACTED] *in camera* Motion [REDACTED].

Further, the Village and its legal counsel have received no correspondence from Patrick Rippon or SLG since August 1, 2023. At the date of this letter, the Village and its legal counsel do not know if Patrick Rippon or SLG continues to represent Councillor Scott Burchett. The Village asks that Councillor Burchett confirm in writing to the undersigned that Patrick Rippon or SLG continues to act as Councillor Burchett's legal counsel.

In any event, the Village reminds Councillor Burchett that if Councillor Burchett wants to share with his retained legal counsel the [REDACTED] *in camera* legal opinion and appendices and information and documents referenced in [REDACTED] *in camera* legal opinion, Councillor Burchett must first obtain his retained legal counsel's agreement to accept the undertakings set out in the [REDACTED] *in camera* Motion [REDACTED] and [REDACTED] *in camera* Motion [REDACTED].

The Village also reminds Councillor Poulsen that if Councillor Poulsen wants to share with her retained legal counsel the [REDACTED] *in camera* legal opinion and appendices, Councillor Poulsen must first obtain her retained legal counsel's agreement to accept the undertakings set out in the [REDACTED] *in camera* motion [REDACTED]. If Councillor Poulsen wants to share the information and documents referenced in [REDACTED] *in camera* legal opinion, Councillor Poulsen must first seek Village Council's authorization to do so and pursuant to such terms and conditions Council agrees upon.

The Village also reminds each of you that the [REDACTED] *in camera* legal opinion and appendices also contain personal information which the Village must protect from disclosure in accordance with section 30 of *FIPPA*.

Respectfully,

Deputy Mayor Tom Tinsley

cc: Mayor Baker, Councillor Gilkin and Keir Gervais, CAO (via email)

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

I hereby certify that this is a true copy of the original document
Dated this 6th day of December 2023
in Sayward, BC CANADA
Andrew Young, Village Clerk, Village of Sayward
652 K'usam Way, Box 29, Sayward, BC V0P 1R0



Village of Sayward

29

Via Email (scott.burchett@saywardvalley.ca; sue.poulsen@saywardvalley.ca)

Councillor Scott Burchett

[REDACTED]
[REDACTED] BC
[REDACTED]

Councillor Sue Poulsen

[REDACTED]
Sayward, BC
[REDACTED]

September 16, 2023

I hereby certify that this is a true copy of the original document.
Dated this 16th day of September 2023
In Sayward, BC CANADA

Andrew Young - W/CIP, RPP, CAC, CO, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Re: Councillors Scott Burchett and Sue Poulsen, Contraventions of Section 117 of the *Community Charter*, SBC 2003, c. 26, Contraventions of sections 4, 5, 17(2), 25, 26, 27 and 28 of the *Code of Conduct Bylaw No. 442, 2018* ("Code of Conduct") and Possible Contravention of section 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("FIPPA")

Dear Councillor Burchett and Councillor Poulsen:

Pursuant to Village of Sayward ("Village") Council's [REDACTED] *in camera* Council motion [REDACTED] on October 10, 2023 at 4:30 pm Village Council will be considering passing a motion of censure and related sanctions against you as follows:

1. For each of your contraventions of section 117 of the *Community Charter* in disclosure of confidential information to John France, including:
 - (a) Councillor Burchett's February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023;
 - (b) Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement;
 - (c) *In camera* Council motion [REDACTED] that Council accept the form of apology offered by Mayor Baker, the terms of which are described in [REDACTED] report from the [REDACTED] ("[REDACTED]");

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

(d) Mayor Baker's letter of apology to each of Councillor Burchett and Talia Clark (the "Apology"); and

(e) Proposed motions received from Councillor Burchett sought to be placed on the agenda for the ██████████ regular and *in camera* Council meetings (the "Motions"). The Motions were not placed on the agenda for the ██████████ regular and *in camera* Council meetings. The Motions were discussed during an *in camera* Council meeting on ██████████; and

2. For Councillor Burchett's contravention of section 4 of the *Code of Conduct* in making verbal attacks upon the character and professionalism of Keir Gervais, Chief Administrative Officer of the Village;
3. For each of your contraventions of sections 5, 17(2), 25, 26, 27 and 28 of the Village's *Code of Conduct*.

The October 10, 2023 *in camera* Council meeting will be closed to the public under sections 90(1)(c), 90(1)(f) and 90(1)(i) of the *Community Charter*.

At the October 10, 2023 *in camera* Council meeting you will each have an opportunity to respond to the proposed resolutions for a motion of censure and related sanctions.

You will each be provided prior to the October 10, 2023 *in camera* Council meeting a copy of draft resolutions for a motion of censure and related sanctions. In this regard, and in an effort to address security arrangement precautions discussed later in this letter, Keir Gervais, the Village's Chief Administrative Officer, will contact you and inform you of the date and time when you may each pick up from the Village's office the draft resolutions for censure and related sanctions. The draft resolutions for censure and related sanctions will be provided to each you on or before September 25, 2023 and in paper form with a special watermark unique to each of you.

If after a hearing during the October 10, 2023 *in camera* Council meeting Council adopts a resolution for censure and related sanctions you will each have the ability to seek Council to reconsider the resolution under section 27 of the *Council Procedure Bylaw* and you also may seek to have the Supreme Court review the Council resolution pursuant to and in accordance with the requirements of section 623 of the *Local Government Act*.¹

¹ Section 623 of the *Local Government Act*, RSBC 2015, c. 1 reads:

Part 16 — Municipal Provisions

Division 1 — Challenge of Municipal Bylaws and Other Municipal Instruments

Definition of "municipal instrument"

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

I hereby certify that this is a true copy of the original document.
Dated this 10th day of October
in Sayward, BC CANADA

Andrew Young, M.C.I.P. R.C.P. C.I.A.S. C.O., Village of Sayward
#52 K'usam Way, Box 29, Sayward, BC V0P 1R0

30

POSSIBLE CONTRAVENTIONS OF *FIPPA* SECTIONS 30, 30.5 AND 36.3, REASONABLE SECURITY ARRANGEMENTS

For adherence to the Office of the Information and Privacy Commissioner ("OIPC")'s recommendations, the guidelines within the Office of the Information and Privacy Commissioner for British Columbia's February 2023 guidance document titled Privacy breaches: tools and

622 In this Division, "municipal instrument" in relation to a municipality means

- (a) a municipal bylaw, or
- (b) an order or resolution of the council.

Court application to set aside bylaw or other instrument

623 (1) An application to the Supreme Court to set aside a municipal bylaw or another municipal instrument may be made by

- (a) an elector of the municipality, or
- (b) a person interested in the bylaw, order or resolution, as applicable.

(2) On an application under subsection (1), the Supreme Court may

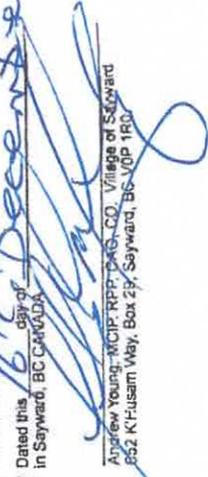
- (a) set aside all or part of the municipal instrument for illegality, and
- (b) award costs for or against the municipality according to the result of the application.

(3) Subsections (1) and (2) do not apply to a security issuing bylaw providing for the issue of debenture or other evidence of indebtedness to the Municipal Finance Authority of British Columbia.

(4) Notice of an application under subsection (1), stating the grounds of the application, must be served on the municipality as follows:

- (a) if the municipal instrument is an instrument requiring the assent of the electors and the council purported to adopt the instrument without assent, the notice may be served more than one month after the adoption of the instrument, but must be served at least 10 days before the hearing;
- (b) in any other case, the notice must be served at least 10 days before the hearing and not more than one month after the adoption of the municipal instrument.

(5) Except for a municipal instrument referred to in subsection (4) (a), an order under this section relating to a municipal instrument must not be made unless the application is heard within 2 months after the adoption of the instrument.

I hereby certify that this is a true copy of the original document.
 Dated this 16th December 2025
 In Sayward, BC Canada

 Andrew Young, M.C.I.P. R.P.P., C.A.G., C.O., Village of Sayward
 652 K'Kusam Way, Box 29, Sayward, BC V0P 1R0

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

resources for public bodies², and sections 30, 30.5³ and 36.3 of the *FIPPA*, the Village must take reasonable security arrangements to protect disclosure of personal information in its custody.

32

In follow up to the OIPC's recommendations and response to the Village's submission on August 7, 2023 of a possible breach of section 36.3 of the *FIPPA*⁴, the Village is taking precautions to mitigate the risk of a further possible breach of section 36.3.

Accordingly, the Village reminds you of your statutory obligations under *Community Charter* section 117 which read:

² The Office of the Information and Privacy Commissioner for British Columbia's February 2023 guidance document titled *Privacy breaches: tools and resources for public bodies* can be found at this link: <https://www.oipc.bc.ca/guidance-documents/3750>

³ Sections 30 and 30.5 of *FIPPA* read:

Protection of personal information

30 A public body must protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized collection, use, disclosure or disposal

Notification of unauthorized disclosure

30.5 (1) [Repealed 2021-39-17.]

(2) An employee, officer or director of a public body, or an employee or associate of a service provider, who knows that there has been an unauthorized disclosure of personal information that is in the custody or under the control of the public body must immediately notify the head of the public body.

⁴ Section 36.3 of *FIPPA* reads (with emphasis added):

Privacy breach notifications

36.3 (1) In this section, "privacy breach" means the theft or loss, or the collection, use or disclosure that is not authorized by this Part, of personal information in the custody or under the control of a public body.

(2) Subject to subsection (5), if a privacy breach involving personal information in the custody or under the control of a public body occurs, the head of the public body must, without unreasonable delay,

(a) notify an affected individual if the privacy breach could reasonably be expected to result in significant harm to the individual, including identity theft or significant

- (i) bodily harm,
- (ii) humiliation,
- (iii) damage to reputation or relationships,
- (iv) loss of employment, business or professional opportunities,
- (v) financial loss,
- (vi) negative impact on a credit record, or
- (vii) damage to, or loss of, property, and

(b) notify the commissioner if the privacy breach could reasonably be expected to result in significant harm referred to in paragraph (a).

(3) The head of a public body is not required to notify an affected individual under subsection (2) if notification could reasonably be expected to

- (a) result in immediate and grave harm to the individual's safety or physical or mental health, or
- (b) threaten another individual's safety or physical or mental health.

(4) If notified under subsection (2) (b), the commissioner may notify an affected individual.

(5) A notification under subsection (2) (a) or (b) must be made in the prescribed manner.

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, VOP 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

I hereby certify that this is a true copy of the original document
Dated this 16th day of December 2023
in Sayward, BC CANADA
Andrew Young, Mayor - Representative, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC VOP 1R0

Confidentiality

117 (1) A council member or former council member must, unless specifically authorized otherwise by council,

- (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
- (b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

(2) If the municipality suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or damage.

I hereby certify that this is a true copy of the original document dated this day of [redacted] in Sayward, BC CANADA

33

Andrew Young, MCIIP, RPP, CAO - SO, Village of Sayward
652 K'usam Way, Box 26, Sayward, BC V0P 1R0

In view of the above, and in accordance with sections 5, 25 and 26 of the Village's *Code of Conduct*, the Village also reminds you that you must not disclose to anyone confidential information in confidence by the Village or information considered in any *in camera* Council meetings unless Council authorizes such disclosure. Moreover, you must not disclose this letter or the information or documents referenced within this letter to anyone other than:

- the undersigned;
- Mayor and Council;
- Keir Gervais, the Village's Chief Administrative Officer; and
- your own respective legal counsel pursuant to the respective accepted undertakings set out in Village Council's [redacted] *in camera* Motion [redacted] and [redacted] *in camera* Motion [redacted] and [redacted] *in camera* [redacted]

Further, should each of you want to review the recording of the [redacted] *in camera* Council meeting, you must contact and make arrangements with Keir Gervais to attend at the Village's office to review the recording of the [redacted] *in camera* Council meeting and in the presence of Village staff at a time and date that is convenient to Keir Gervais, Village staff and each of you.

ENGAGEMENT OF LEGAL COUNSEL, ATTENDANCE AT THE OCTOBER 10, 2023 IN CAMERA COUNCIL MEETING AND REVIEW OF [redacted] IN CAMERA LEGAL OPINION

The Village strongly suggests that you each retain legal counsel and that you each may want to seek that your respective legal counsel attend the *in camera* Council meeting on October 10, 2023.

Please note that the Village and its legal counsel have received no reply from Patrick Rippon of SLG Saanichton Law Group Corporation ("SLG") confirming acceptance of the undertakings set out in the [redacted] *in camera* Motion [redacted] and [redacted] *in camera* Motion [redacted]

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

Further, the Village and its legal counsel have received no correspondence from Patrick Rippon or SLG since August 1, 2023. At the date of this letter, the Village and its legal counsel do not know if Patrick Rippon or SLG continues to represent Councillor Scott Burchett. The Village asks that Councillor Burchett confirm in writing to the undersigned that Patrick Rippon or SLG continues to act as Councillor Burchett's legal counsel.

In any event, the Village reminds Councillor Burchett that if Councillor Burchett wants to share with his retained legal counsel the [redacted] *in camera* legal opinion and appendices and information and documents referenced in [redacted] *in camera* legal opinion, Councillor Burchett must first obtain his retained legal counsel's agreement to accept the undertakings set out in the [redacted] *in camera* Motion [redacted] and [redacted] *in camera* [redacted].

The Village also reminds Councillor Poulsen that if Councillor Poulsen wants to share with her retained legal counsel the [redacted] *in camera* legal opinion and appendices, Councillor Poulsen must first obtain her retained legal counsel's agreement to accept the undertakings set out in the [redacted] *in camera* motion [redacted]. If Councillor Poulsen wants to share the information and documents referenced in [redacted] *in camera* legal opinion, Councillor Poulsen must first seek Village Council's authorization to do so and pursuant to such terms and conditions Council agrees upon.

The Village also reminds each of you that the [redacted] *in camera* legal opinion and appendices also contain personal information which the Village must protect from disclosure in accordance with section 30 of *FIPPA*.

Respectfully,

Deputy Mayor Tom Tinsley

cc: Mayor Baker, Councillor Gilkin and Keir Gervais, CAO (via email)

Sayward Village Office, 652 H'Kusam Way, PO Box 29, Sayward, BC, V0P 1R0
Phone: 250-282-5512 Fax: 250-282-5511 e-mail: village@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

2023-08-29
I hereby certify that this is a true copy of the original document.
Dated this 29th day of August 2023.
Andrew Young, Councillor, Village of Sayward
652 K'usam Way, Box 29, Sayward, BC V0P 1R0

35

Thursday, December 11, 2025 at 11:13:37 AM Pacific Standard Time

Subject: RE: Scott Burchett - Village of Sayward
Date: Friday, March 8, 2024 at 10:24:05 AM Pacific Standard Time
From: Nathalie Baker
To: Dana Goodfellow
CC: Lui Carvello
Attachments: image001.jpg

Good morning, Dana.

We write to advise that we will not be participating any further in the censure proceedings. In our view, the Mayor is clearly in a conflict on this matter and the Village has already committed serious breaches of its duty of fairness owed to Councillor Burchett that cannot be remedied.

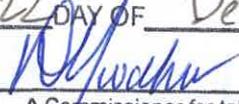
Unless we receive confirmation by **15 March 2024** that Council has rescinded its resolutions on motions RIC23/108 and RIC/109, we intend to bring an application for judicial review to quash them and any other related resolutions.

Best,

Nathalie J. Baker*

Partner

604 899 5232
604 899 5216

THIS IS EXHIBIT "C" REFERRED TO IN THE
AFFIDAVIT OF John Thomas
SWORN/AFFIRMED BEFORE ME AT Victoria
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 22 DAY OF December 2025

A Commissioner for taking Affidavits
in the Province of British Columbia

*Practising through a Law Corporation

This message, including any attachments, is confidential and may contain privileged information intended only for the person(s) named above. Any other distribution, copying, or disclosure is strictly prohibited. If you are not the intended recipient, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Dana Goodfellow <dana@phoenixlaw.ca>
Sent: Wednesday, March 6, 2024 1:08 PM
To: Nathalie Baker <nbaker@eyfordpartners.com>
Cc: Lui Carvello <lui@carvellolaw.ca>
Subject: Fw: Scott Burchett - Village of Sayward

Good afternoon Nathalie,

I write to follow up on my February 16 and 21, 2024 emails seeking your and your client's next available dates for the resumption of the hearing and *in camera* Council meeting.

Council, the Village of Sayward's CAO and I remain available on March 8, 13 and 14, 2024.

36

Please promptly confirm whether you and your client are available on any of those dates; and if not, your client's and your next available dates in April to attend the resumption of the hearing and *in camera* Council meeting.

Regards,
Dana

Dana J. Goodfellow

Barrister & Solicitor

PHOENIX LAW CORPORATION

working in affiliation with CARVELLO LAW CORPORATION

Planning, Development & Environmental Law

Practical Advice, Creative Options, Value for Local Government

203-1005 Broad Street (250) 580-8807

Victoria BC V8W 2A1 dana@phoenixlaw.ca

This communication, including any attachment, is protected by solicitor/client privilege. Any distribution, copying or other use of it by anyone other than the person to whom it is addressed without my express authorization is prohibited. If you have received this e-mail in error, please telephone me immediately and destroy this e-mail.

Ce message contient des renseignements confidentiels ou privilégiés et est destiné seulement à la personne à qui il est adressé. Si vous avez reçu ce courriel par erreur, S.V.P. le retourner à l'expéditeur et le détruire.

From: Dana Goodfellow <dana@phoenixlaw.ca>
Sent: Wednesday, February 21, 2024 4:46 PM
To: Nathalie Baker <nbaker@eyfordpartners.com>
Cc: Lui Carvello <lui@carvellolaw.ca>
Subject: Re: Scott Burchett - Village of Sayward

Good afternoon Nathalie,