



Affidavit #1 of Mark Baker  
October 7, 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, Mark Baker, Mayor of the Village of Sayward ("Village"), 652 H'Kusam Way, PO Box 29, Sayward, British Columbia V0P 1R0, 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 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 vote and discuss 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 *Community Charter* section 117 and 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 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;
  - (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; and

(c) for costs if the Village's application is opposed.

3. At all material times, and since 2020 I have been the Mayor of the Village. From 2020 to 2025 I was a member of Village Council.
4. Since 2022 I have also been the Chairperson of the Strathcona Regional District.
5. As Mayor of the Village I am also the head of a public body under the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("FIPPA").
6. I have been a resident of Sayward since 2011.
7. I am 62 years old and have been married for 34 years and have two adult children.

#### **Village and Village Council**

8. Sayward is a small isolated community on Vancouver Island with a population of approximately 350 people that can only be accessed by way of a single lane small bridge.
9. Village Council is comprised of a Mayor and four Councillors being Councillors Debbie Coates, Jason Johnson, Susan Poulsen and Scott Burchett.
10. Councillors Debbie Coates and Jason Johnson became elected officials of the Village on August 1, 2024 in a by-election after the resignation of Kohen Gilken on March 11, 2024 and Tom Tinsley on May 10, 2024 as Village Council members.

#### **John France**

11. Between February 2017 and April 2018, September 2020 to November 2020 and August 2022 and January 2023 John France was the Acting Chief Administrative Officer of the Village.
12. John France is not a lawyer.

#### **Declaration of Conflict**

13. Up until May 2025 I did not believe that I had a disqualifying bias that would prevent me from being impartial and having an open mind to consider whether to resume consideration of possibly passing a Censure Motion and Related Sanctions against each of the Two Councillors.
14. As of the date of swearing this Affidavit I now question whether I could remain impartial and open minded to discuss, participate or vote on whether to:

- (1) resume consideration of a possible Censure Motion and Related Sanctions against each of the Two Councillors;
- (2) possibly commence court proceedings against at least one of the Two Councillors and possibly Village staff for possible wilful misconduct, and possibly against John France for assisting in such wilful misconduct,

after reviewing:

- copies of recently restored and deleted emails of the Two Councillors;
- further social media posts of members of the public and former Village staff, recently obtained communications between former Village staff and John France; and Jared Cummings of the law firm of Eyford Partners LLP's May 1, 2025 request for records ("FOI Request") under *FIPPA*,

all of which are referenced within and attached as Exhibits to the Affidavit #1 of John Thomas, Acting Chief Administrative Officer of the Village, sworn October 3, 2025, which Affidavit was produced and sworn to me, and the other documents that are referenced within and attached to both John Thomas' Affidavit, sworn October 3, 2025, and this my Affidavit.

15. As of the date of swearing this Affidavit, I also believe that if the sought order for reduction of quorum is granted that it would be in the best interests of the Village for me to be a witness and to provide evidence to support Village Council's decision on whether to: resume possible consideration of Censure and Related Sanctions against the Two Councillors; and, possibly commence court proceedings against at least one of the Councillors and possibly Village staff for possible wilful misconduct and possibly against John France for possible wilful conduct in assisting in such possible wilful misconduct.

### **Background**

16. One of the Two Councillors, who is one of five current members of Village Council, and a member of the public made allegations of inappropriate behaviour on my part towards a member of the public (the "Allegations").
17. During Closed Village Council meetings Village Council considered the Allegations of one of the Two Councillors and the member of the public and closed the matter.
18. The Allegations and information and documents related to the investigation of the Allegations and Village Council's consideration of the Allegations and investigation findings have not been released to the public through a rise and report. The Two Councillors have objected to doing a rise and report: release to the public of the Allegations and investigation findings that Village Council considered during closed Village Council meetings, which Allegations and investigation findings would if released to the public have redactions made in accordance with *FIPPA*.

19. I issued an apology to one of the Two Councillors and member of the public who also made the Allegations. Attached and marked as **Exhibit "A"** to this my Affidavit is a copy of my apology and with redactions to the names of the recipients in accordance with *FIPPA*.
20. On May 12, 2023 John France contacted me and stated that he spoke with the Two Councillors about the Allegations. Attached and marked as **Exhibit "B"** to this my Affidavit is a copy of my notes taken contemporaneously with John France's telephone call to me and with redactions made in accordance with *FIPPA*.
21. Three days after John France contacted me Sayward RCMP attended at my wife, Janet Baker's and my home. Sayward RCMP informed me that a member of the public provided to Sayward Royal Canadian Mounted Police ("Sayward RCMP") a copy of the member of the public's Allegations. My wife and I attended at Sayward RCMP's detachment. Sayward RCMP interviewed me. My wife was present during the interview. Sayward RCMP subsequently contacted and informed me that there was not enough evidence to support forwarding to Crown to Counsel a Report to Crown Counsel seeking that charges be laid against me on the basis of the member of the public's Allegations.
22. In June 2023 Keir Gervais, the then Chief Administrative Officer informed Village Council of the cost of the investigation of the Allegations.

#### **John France Postings on Social Media**

23. Attached and marked as **Exhibit "C"** to this my Affidavit are copies of John France's June 29, July 20, July 28, August 13, August 18, August 21, August 25, August 26, August 28, September 2, September 3, September 5, September 7, September 20, October 7, October 8, October 19, October 22 and October 28, 2023, January 15, 2024 and January 14, 2025 social media postings on social media postings on Sayward Rant and Rave, also called Sayward Raves (and formerly called Rant and Rave) (collectively, the "John France Social Media Posts").
24. I have a Facebook account and am able to log into my Facebook account from my wife's and my computer at our home.
25. In or about 2020 I became a member of the Sayward Rant and Rave, also called Sayward Raves (and formerly called Rant and Rave) social media platform.
26. I read each of the John France Social Media Posts soon after John France's postings of each of the John France Social Media Posts on Sayward Rant and Rave, also called Sayward Raves (formerly called Rant and Rave). I was also contacted by members of the public about the John France Social Media Posts.

27. My wife or I inserted some of John France Social Media Posts within emails to me rather than taking screenshots of social media postings.
28. Our computer was operating properly at the time I saw each of the John France Social Media Posts.
29. Each of the printed copies of the John France Social Media Posts and the emails with the John France Social Media Posts attached as Exhibit "C" to this my Affidavit accurately depict each of the John France Social Media Posts that I saw on Sayward Rant and Rave, also called Sayward Raves (formerly called Rant and Rave) and the dates when each of the John France Social Media Posts occurred.
30. Within John France's June 29, 2023 posting on social media, then called Rant and Rave, John France indicated that he was approached for advice in February 2023 on how to handle the Allegations. Within that posting, John France stated that he gave the appropriate advice.
31. John France continued to speak about the Allegations within his July 20, July 28, August 18, August 25, August 28, September 5, September 7, September 20, October 7, October 19, October 22 and October 28, 2023, January 15, 2024 and January 15, 2025 postings on social media, Sayward Rant and Rave, also called Sayward Raves (formerly called Rant and Rave), all of which postings are within Exhibit "C" to this my Affidavit.

#### **Councillor Poulsen's and Councillor Burchett's Possible Wilful Actions**

32. On July 24, 2023, and within less than a month of learning the cost of investigation of the Allegations, Councillor Poulsen and Councillor Burchett wrote to the Village's auditors, Chan Nowosad Boates, with an allegation pursuant to section 172 of the *Community Charter* that:
  - (a) the Village Council has made substantial unauthorized expenditures to consultants, legal and others; and
  - (b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities and financial obligations of the Village.

Attached and marked as **Exhibit "D"** to this my Affidavit is a copy of Councillor Poulsen's and Councillor Burchett's July 24, 2023 letter to the Village's auditors.

33. At an August 15, 2023 open Village Council meeting Councillor Poulsen handed out to members of the public at that open meeting a letter which referenced the allegations in Councillor Burchett's and her July 24, 2023 letter to the Village's auditors. After the August 15, 2023 open Village Council meeting, a member of the public handed to me a copy of Councillor Poulsen's letter which was in a stack of copies of the that letter and beside the public agenda. Attached and marked as

**Exhibit "E"** to this my Affidavit is a copy of Councillor Poulsen's August 15, 2023 letter.

34. John France's August 26 and September 3, 2023 posts on Sayward Raves, (which are within Exhibit "C" to this my Affidavit), reference Councillor Poulsen's August 15, 2023 letter.
35. As noted within John France's September 7 and 20, 2023 postings on Sayward Rant and Rave, in the fall of 2023 the Village issued a summons under *Community Charter* section 134 to John France to attend before Village Council to answer questions related to the administration of the Village. Attached and marked as **Exhibit "F"** to this Affidavit is a copy of the Affidavit of Service of Dave MacDonald, sworn August 22, 2023, with attached August 15, 2023 letter to John France and Appointment to Examine and with redactions made in accordance with *FIPPA*.
36. As noted within John France's September 20, 2023 posting on Sayward Raves, which posting is attached as Exhibit "C" to this my Affidavit, I attended a closed meeting with then Councillors Tinsley and Gilken and in relation to a consideration of Censure and Related Sanctions against one of the Two Councillors ("Closed Censure Consideration Meeting"). I did not believe that I had a disqualifying bias and a pecuniary interest in adjudicating whether to consider possible issuance of a motion of Censure and Related Sanctions against the Two Councillors. Village Council's consideration of a motion of Censure and Related Sanctions against the Two Councillors for their possible breaches of statutorily mandated confidentiality and disrespectful behaviour towards the (now former) Village Chief Administrative Officer Keir Gervais are separate and distinct issues from the Allegations. At that time I was capable of hearing with an open mind submissions from the Two Councillors and was able to freshly evaluate any further evidence, if submitted, by the Two Councillors as to why they may have asserted that the Village Council should not issue a motion of censure and related sanctions.
37. The Closed Censure Consideration Meeting ended suddenly as a result of hydro outage that affected all of Sayward and no decisions were made.
38. In late 2023 and early 2024, Nathalie Baker, legal counsel of Eyford Partners LLP, the law firm that represents Councillor Burchett vociferously asserted that I must not preside at a Closed Censure Consideration Meeting. Councillor Burchett's legal counsel threatened multiple times if a motion of Censure and Related Sanctions is issued at a Closed Censure Consideration Meeting in which I discuss and vote on issuance of such a motion, Councillor Burchett will commence a judicial review application. Legal counsel for Councillor Burchett has alleged that I have a disqualifying bias and that I have a direct pecuniary interest in the matter.
39. On October 3, 2023 Councillor Poulsen distributed by hand to approximately 12 to 15 members of the public at an open October 3, 2023 Village Council meeting a letter alleging that I was in a conflict of interest and should not be involved in

"actions taken against [Councillor Poulsen] and Councillor Burchett". I was present at that October 3, 2023 open Village Council meeting. Attached and marked as **Exhibit "G"** to this my Affidavit is a copy of Councillor Poulsen's October 3, 2023 letter.

40. On or about October 11, 2023 the then Village Chief Administrative Officer, Keir Gervais, who was monitoring the then former Village Chief Financial Officer's emails informed me that he saw Councillor Poulsen's email to Lisa Clark, the then Chief Financial Officer. October 11, 2023 emails among Councillor Poulsen, Village staff and John France indicate that Councillor Poulsen and Councillor Burchett were meeting with John France on October 11, 2023 and they were to bring documents to that meeting and they were planning to discuss "what [they] accomplished so far and where they were going from [there]". Attached and marked as **Exhibit "H"** is a copy of the October 11, 2023 emails among Councillor Poulsen, John France and Village staff.
41. The Village's Chief Administrative Officer is assigned the duties of managing the application of *FIPPA* pursuant to sections 5(a) and Schedule "A" of the Village's *Appointment of Officers Bylaw No. 488, 2022* ("*Bylaw No. 488*").
42. On October 11, 2023 Councillor Burchett submitted a FOI Request seeking the Village provide detailed information of expenditures for consultants, legal and others since February 1, 2023. Attached and marked as **Exhibit "I"** is a copy of Councillor Burchett's October 11, 2023 FOI Request.
43. On October 10, 2023 Councillor Poulsen submitted FOI Request also seeking the Village provide detailed information of expenditures for consultants, legal and others since February 1, 2023. Keir Gervais, then Village Chief Administrative Officer, responded:
  - (a) on October 27, 2023 to Councillor Poulsen's October 10, 2023 FOI Request and declined to provide the sought records on the basis of several sections of *FIPPA*;
  - (b) on November 3, 2023 and declined to provide to Councillor Poulsen an aggregate amount listing by vendors for all legal and professional Consulting (excluding engineer consulting) sought within Councillor Poulsen's revised October 30, 2023 FOI Request;
  - (c) On December 13, 2023 to a case review officer of the Office of the Information and Privacy Commissioner ("OIPC")'s December 8, 2023 Notice of Request for Review and in response to Councillor Poulsen's request for review of the Village's decision to deny provision of the sought records.

Attached and marked to this my Affidavit as **Exhibit "J"** is a certified copy of Keir Gervais' December 13, 2023 letter to the OIPC case review officer, the OIPC case review officer's December 8, 2023 Notice of Request for Review with attached copy

of Keir Gervais' October 27, 2023 and November 3, 2023 letters and Councillor Poulsen's October 10 and 30, 2023 FOI Requests.

44. John France referenced in his October 19, 2023 posting on Sayward Raves, which is within Exhibit "C" to this my Affidavit, a short list of actions in the works:

**FOI request for financial information**

**Request for an audit to investigate improper approval of financial resources not contained in the financial plan.**

(...)

Ombudsman complaint in process on incorrect council meeting processes and bias/incorrect processes under s.134 of the Community Charter  
Human rights complaints on harassment.

45. John France also asserted multiple times in Sayward Raves postings that there had to be an audit of all Village expenditures since February 1, 2023 and notes Freedom of Information requests have been submitted. Within the following postings of John France on Sayward Rant and Rave, also called Sayward Raves (and formerly called Rant and Rave) which are within Exhibit "C" to this my Affidavit, John France stated:

- (a) On August 19, 2023 that:

A resolution was introduced by one councillor to ask staff to provide council with a budget variance report (outlining all budgetary issues) (...).

There has to (sic) more transparency on the funds being spent on the inquisition (...)"

- (b) August 25, 2023 that:

(...) keep in mind this whole affair started with the mayor's misbehaviour and the investigation part should be in camera. However, this is the cover up phase.. and in my opinion should be open to the public to see the bad actions taken by the majority including all the monies spent to try to cover up the mayor's bad behaviour.

- (c) August 28, 2023 that:

(...) There has to be more transparency on the funds being spent on the inquisition itself. While I appreciate the initial harassment investigation needed to be in camera, once resolved, the community needs to know the facts. No one should be shielded by in camera privilege, the community needs to know about the behaviour of its council members and tax payer's dollars being spent on resolving the complaints.

- (d) On September 7, 2023:

Mayor and Council

Lisa Clark Corporate Secretary

I have received your summons to the Inquisition meeting which is in support of the gas lighting process being taken by the majority to try to hide the [Allegations]. Extremely disappointed that so many scare resources are being used in this charade ... (...). The majority's hiding of these expenditures from public scrutiny is not supported in law and

I am sure will be subject to a future legal challenge, including the question of your fitness to be on council.

(e) On September 9, 2023 that:

You will have to wait until December to find out how much money was spent by the majority (including the mayor) on gas lighting residents for the mayor's sexual harassment endeavors. I understand that disclosure of all amounts spent on consultants and lawyers year to date were requested for all council after the meeting and was again rejected.

46. In late November 2023 the then Village's Chief Administrative Officer's mother died. The Village Chief Administrative Officer went on bereavement leave from November 21 to November 30, 2023. I informed all of Village Council that Councillor Burchett and Councillor Poulsen were not to contact or copy the Village Chief Administrative Officer and that all communications were to go through the Deputy Mayor or me and would then be communicated to the Village Chief Administrative Officer.

47. On each of December 5, 2023 and January 16, 2024 I witnessed Councillor Burchett behave disrespectfully towards the Village Chief Administrative Officer Keir Gervais during open Village Council meetings. Links to the December 5, 2023 and January 16, 2024 open Village Council meetings are here:

- <https://www.youtube.com/watch?v=hZJ8hDneQQ8>
- <https://www.youtube.com/watch?v=3NKnXtQxeF0&t=18s>

(See approximate time stamps of 1:40:46 to 1:49:24, 1:50:23 to 150:49 and 1:53:55 to 1:58:28 of the recording of the December 5, 2023 open Village Council meeting. See the approximate time stamps of 18:47 to 20:41 and 26:11 to 27:20 of the January 16, 2024 open Village Council meeting).

48. On January 16, 2024 I also heard Keir Gervais report to Village Council about Councillor Burchett's behaviour towards Keir Gervais in a hallway wherein Councillor Burchett was aggressive towards Keir and swore at him.

49. On February 28, 2024 a former Village staff member contacted Councillors Burchett, Poulsen, Tinsley and me about a concern of an overpayment to them during the most recent pay period. At that time, in addition to all the other responsibilities that the then Chief Administrative Officer had pursuant to *Bylaw No. 488* and work related to responding to and dealing Councillor Poulsen's and Burchett's actions, the then Chief Administrative Officer was the only Village staff person available at that time to do payroll related work. The then Chief Administrative Officer made an accidental error and made an overpayment of pay to the former Village staff member. Nevertheless, Councillor Poulsen sent an email in reply to that former Village staff member's February 28, 2024 at 3:48 pm that day addressed to not only then Mayor and Council but to the former Village staff member indicating that the error in payroll was a "huge error in misappropriation of Village funds" and Councillor Poulsen made disparaging and

disrespectful comments about the then Chief Administrative Officer. In the meantime, and on February 28, 2024, the Chief Administrative Officer had contacted the Village's financial institution and found an option to resolve the accidental processing error which was to reconcile a pay period overpayment through the following pay period for that former Village staff member. Attached and marked as **Exhibit "K"** to this my Affidavit are copies of Councillor Poulsen's February 28, 2024 email to Mayor and then Village Council and the former Village staff member and the then Chief Administrative Officer's February 28, 2024 email sent at 6:40 pm to Mayor and Council and the former Village staff member (and with redactions made in accordance with *FIPPA*).

50. On March 11, 2024 Kohen Gilken resigned as a Village Council member over "childish" and "dysfunctional colleagues". Attached and marked as **Exhibit "L"** to this my Affidavit is a copy of a March 18, 2024 My Cowichan Now's article titled "One of Canada's youngest politicians resigns over "childish" and "dysfunctional colleagues" together with the social media post referenced in that article.

51. Attached and marked as **Exhibit "M"** to this my Affidavit are copies of John France's March 15 and April 24, 2024 emails to me. Within his March 15, 2024 John France stated:

A lot of water under the bridge since June, but like I said then maybe I have a few things for you to consider to at least stabilize the mess Sayward is in. Mark, it's getting worse and will worsen.

Taking advice is not bad ... at least it will stop my posts...

Within his April 24, 2024 John France stated:

Is the mess big enough for you yet, or are you playing the Titanic captain role to the end. (...) Your staying power is frankly amazing... but then you do know where the Titanic captain ended up, right?

52. On May 3, 2024 I commenced defamation proceedings against John France: *Mark Baker v. John France*, British Columbia Supreme Court, Duncan Registry No. DUN-S-S-22667 (the "Defamation Proceedings"). John France is the only defendant in those proceedings. Attached and marked as **Exhibit "N"** are copies of the Notice of Civil Claim and Response to Civil Claim filed in the Defamation Proceedings.

53. The Village is not funding the Defamation Proceedings. I also did not ask the Village to fund the Defamation Proceedings.

54. Andrew LaCroix represents me in the Defamation Proceedings. Andrew LaCroix is not legal counsel for the Village.

55. On May 10, 2024 Tom Tinsley resigned as a Village Council member and commented to media that there have been "an excessive number of council meetings with limited productivity over the last 18 months". Attached and marked

as **Exhibit "0"** to this my Affidavit is a copy of the Campbell River Mirror's March 15, 2024 article titled "Second Sayward Councillor resigns in as many months".

56. As a result of Kohen Gilken's and Tom Tinsley's resignations as Village Council members, the Village had to call and incur expenses in holding a by-election in July 2024.
57. John France sought to be elected as a Village Council member in the July by-election but was not elected.
58. On July 24, 2024 Councillor Burchett submitted to the OIPC a privacy complaint that the Village breached *FIPPA* section 30. Attached and marked as **Exhibit "P"** is a copy of Councillor Burchett's July 24, 2024 privacy complaint and the OIPC's September 23, 2024 Notice of Complaint from Councillor Burchett (and with redactions made in accordance with *FIPPA*).
59. In July 2024 Keir Gervais, Chief Administrative Officer went on leave and informed me that the reason for the leave was a result of the disrespectful behaviour of Councillor Burchett towards Keir Gervais. Mr. Gervais subsequently obtained employment elsewhere.
60. On August 1, 2024 Debbie Coates and Jason Johnson became elected officials of the Village.
61. On September 24, 2024 the member of the public who made the Allegations contacted me asserting that the member of the public's personal information, being the Allegations, were given in trust to the Village, Village Council, the Strathcona Regional District and the Strathcona Regional District Chief Administrative Officer. Attached and marked as **Exhibit "Q"** is a copy of the member of the public's September 24, 2024 email to me (and with redactions made in accordance with *FIPPA*).
62. On or about September 24, 2024, Tom Yates, the Strathcona Regional District Senior Manager Corporate Services, informed me that the member of the public handed a copy of the Allegations to him and did not indicate that the Allegations were given in trust or in confidence. Tom Yates informed me that the member of the public handed the copy of the Allegations to him and walked away.
63. In or about October 2024 the Village retained John Thomas as the Acting Chief Administrative Officer.

64. Within the restored and deleted emails of Councillor Poulsen and Councillor Burchett, which are attached to and marked as Exhibit H to Affidavit #1 of John Thomas, sworn October 3, 2025, I confirm:

- (a) That I have knowledge of and received and reviewed the Village auditor's October 9, 2023 email to all of Village Council. The Village auditor's October 9, 2023 email to all of the Village's Council members, which Councillor Poulsen forwarded to John France, is referenced in paragraph 27(e) of John Thomas' Affidavit #1, sworn October 3, 2025, and attached as Exhibit "H" to his Affidavit and is also attached as **Exhibit "R"** to this my Affidavit;
- (b) That I have knowledge of and received and reviewed Councillor Poulsen's November 23, 2023 email to Mayor and Council and with complaints and seeking clarity about the then Village Chief Administrative Officer's bereavement leave. Councillor Poulsen's November 23, 2023 email to Mayor and Council, which was forwarded to John France, is referenced within paragraph 27(f) of John Thomas' Affidavit #, sworn October 3, 2025, and attached as Exhibit "H" to his Affidavit and is attached as **Exhibit "S"** to this my Affidavit;
- (c) That I have knowledge of and did send on November 27, 2023 an email to Councillor Poulsen and Councillor Burchett to not contact the then Chief Administrative Officer. My November 27, 2023 email to Councillor Poulsen, which was forwarded to John France, is referenced in paragraph 27(g) of John Thomas' Affidavit #1, sworn October 3, 2025, and is attached as Exhibit "H" to his Affidavit and is also attached as **Exhibit "T"** to this my Affidavit.

I sent that November 27, 2023 email to Councillor Poulsen and Councillor Burchett because the then Village Chief Administrative Officer was on bereavement leave and I was concerned that Councillor Poulsen and Councillor Burchett may send emails to the then Village Chief Administrative Officer with disrespectful comments. My basis for that concern was due to Councillor Poulsen's Wednesday, November 21, 2023 email sent to Mayor and Council and the then Village Chief Administrative Officer complaining about the cancellation of an open Village Council meeting on Tuesday, November 21, 2023 and after the then Village Chief Administrative Officer's leaving the office during the afternoon on November 21, 2023 due to his ailing mother. The then Village Chief Administrative Officer's mother died the next day. The then Village Chief Administrative Officer was the only Village staff member at that time who had ability to operate the recording of a Village Council meeting and assist Village Council in answering any questions that the Village Council may pose during the scheduled November 21, 2023 Village Council open meeting. Attached and marked as **Exhibit "U"** to this my Affidavit is Councillor Poulsen's November 21,

2023 email to Mayor and Council and the then Village Chief Administrative Officer;

- (d) That I have knowledge of and received Councillor Poulsen's December 4, 2023 email to Councillors Burchett, Tinsley, Poulsen, the then Village Chief Administrative Officer and me and to Sayward residents. That December 4, 2023 email and my December 4, 2023 reply email which Councillor Poulsen forwarded to John France, is referenced in paragraph 27(i) of John Thomas' Affidavit #1, sworn October 3, 2025, and also attached as Exhibit "H" to his Affidavit and is also attached as **Exhibit "V"** to this my Affidavit;
- (e) That I have knowledge of and received and reviewed Councillor Poulsen's December 18, 2023 email to Mayor and Council and copied to the then Chief Administrative Officer with alleged list of errors and omissions in the minutes. Councillor Poulsen's December 18, 2023 email to Mayor and Council and copied to the then Chief Administrative Officer, which Councillor Poulsen forwarded to John France is referenced in paragraph 27(k) of John Thomas' Affidavit #1, sworn October 3, 2025, and is also attached as **Exhibit "W"** to this my Affidavit;
- (f) That I have knowledge of and received and reviewed Councillor Burchett's February 28, 2024 email to Mayor and Council about the then Village Chief Administrative Officer and with a forward of then Village Chief Administrative Officer's February 28, 2024 email and with privileged legal advice which is redacted. Councillor Poulsen did not have all of Village Council's authority to release to John France that privileged legal advice within the forwarded February 28, 2024 email from then Village Chief Administrative Officer to Mayor and Council. Councillor Burchett's February 28, 2024 email to Mayor and Council and with forward of the then Village Chief Administrative Officer's February 28, 2024 email, which Councillor Poulsen forwarded to John France, is referenced at paragraph 27(m) of Affidavit #1 of John Thomas' Affidavit #1, sworn October 3, 2025, and attached as Exhibit "H" to his Affidavit) and is also attached as **Exhibit "X"** to this my Affidavit;
- (g) That I have knowledge of and received and reviewed Councillor Poulsen's March 19, 2024 email to Mayor Baker and Councillors Burchett, Tinsley and Poulsen with complaints about the Village's then Chief Administrative Officer. Councillor Poulsen's March 19, 2024 email to Councillors Burchett, Tinsley and Poulsen and me, which Councillor Poulsen forwarded to John France, is referenced at paragraph 27(n) of John Thomas' Affidavit #1, sworn October 3, 205, and is attached as Exhibit "H" to his Affidavit and is also attached as **Exhibit "Y"** to this my Affidavit;
- (h) That I have knowledge of and received and reviewed Councillor Poulsen's April 3, 2024 email to Mayor and Council with complaints about the then

Village Chief Administrative Officer. Councillor Poulsen's April 3, 2024 email to Mayor and Council which Councillor Poulsen forwarded to John France is referenced at paragraph 27(o) of John Thomas' Affidavit #, sworn October 3, 2025, and is attached as Exhibit "H" to his Affidavit and is also attached as Exhibit "Z" to this my Affidavit; and

- (i) That I have knowledge of and did receive from Councillor Poulsen her July 11, 2024 email to Mayor and Council with complaints about the CAO and which was copied to Pei-Wing Wang at the Office of the Ombudsperson which is referenced at paragraph 27(q) of John Thomas' Affidavit #1, sworn October 3, 2025, and is also attached as Exhibit "AA" to this my Affidavit.

SWORN BEFORE ME at Sayward, British Columbia, in the Province of British Columbia, this 7<sup>th</sup> day of October, 2025

  
A Commissioner for Taking Affidavits

in the Province of British Columbia  
Andrew Young  
Chief Administrative Officer  
and Corporate Officer

Print Name, Address and Contact Number )  
Village of Sayward  
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MARK BAKER