



VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA

July 28, 2026

CLOSED MEETING

COUNCIL CHAMBERS

- 1. Call to Order**
- 2. Introduction of Late Items**
- 3. Approval of Agenda**

Recommended Resolution:

THAT the agenda for the Special In-Camera meeting of Council for July, 2026, be approved [as presented **or** as amended].

- 4. Minutes of Previous Meetings – None**
- 5. Petitions and Delegations – None**
- 6. Council Reports – None**
- 7. Mayor's Report – None**
- 8. Unfinished Business – None**
- 9. Staff Reports**

1. Rise and Report on In Camera Items (November 2022 to Present continued)

BACKGROUND

The following outlines the process for rising and reporting in-camera votes, ensuring transparency while safeguarding confidential information in accordance with municipal best practices and legislative requirements in British Columbia.

DISCUSSION

Municipal councils frequently hold in-camera (closed) meetings to discuss matters that require confidentiality. These meetings are governed by the Community Charter, which permits councils to deliberate in-camera on specific issues such as legal matters, labour relations, and land negotiations. While

decisions made in-camera must sometimes remain confidential, it is equally important to release information when it no longer affects ongoing matters.

It is important to differentiate between confidential information that has bearing on other ongoing matters and confidential information that no longer has any bearing on ongoing matters. If a matter is deemed to have importance to another ongoing matter, it is strongly advised that this information be withheld until such time as the ongoing matter is concluded.

Process for Rising and Reporting Votes:

1. **Council Decision to Rise and Report:** At the conclusion of an in-camera discussion, Council may pass a resolution to “rise and report” **on decisions that no longer require confidentiality.** Once a resolution to rise and report is adopted, staff will work to issue a press release with the corresponding information and post it online and in the package of the next Regularly Scheduled Council meeting.
2. **Determining What Can Be Released:** Staff will review in-camera decisions and recommend which items can be disclosed publicly. **Generally, Council decisions that no longer have a bearing on any existing or future matter before Council should be considered for release.**
3. **Formal Reporting:** **Once approved, in-camera decisions will be publicly reported** through Council meeting minutes or a summary report.
4. **Timing of Disclosure:** **Information should only be released when there is no risk to legal, financial, or strategic interests of the municipality.**

Information That Must Remain Confidential:

While transparency is a priority, certain in-camera matters must remain confidential to protect the interests of the municipality. These include:

- **Solicitor-Client Privilege:** Legal advice provided to the municipality must remain privileged unless explicitly waived by Council.
- **Labour Relations and Human Resources:** Discussions regarding personnel matters, contract negotiations, or disciplinary actions must be withheld to protect employee privacy and the integrity of municipal operations.
- **Land, Legal, and Financial Matters:** Information related to property transactions, **ongoing legal proceedings**, or sensitive financial negotiations **should not be disclosed until the matter is fully resolved.**

The proper rising and reporting of in-camera votes balances transparency with the need for confidentiality. Council should ensure that decisions are released when appropriate while continuing to safeguard sensitive information. Staff will

continue to monitor and provide recommendations on items suitable for public disclosure.

The foregoing matters were considered by Council as part of the April 1, 2025 In Camera Council Meeting agenda. After considering these matters Council adopted the following resolution (Resolution #18 April 1-2025 In Camera Meeting). A copy of the associated staff report is attached to this agenda for Council's reference (Attachment #1).

MOVED AND SECONDED

THAT Council endorse the outlined process for rising and reporting in-camera votes and direct staff to prepare a rise and report as soon as practicable covering the periods 2023 and 2024.

CARRIED (Unanimously)

PRESENT DAY – The need for Transparency

Following the May 8, 2026 decision by Justice Hamilton in *Baker v. France*, 2026 BCSC 850 (copy of that decision is attached to the June 9, 2026 Regular In-Camera Council Meeting agenda with sections highlighted – Attachment # 2), and Justice Hamilton's finding at paragraphs 98, 46, and 128 of that decision that there was a lack of transparency in how complaints about Mayor Baker were dealt with, and in follow up to Village Council's April 1, 2025 motion related to rising and reporting of *in camera* matters, staff are seeking that Village of Sayward Council consider rising and reporting on various *in camera* matters that have been dealt with by the current Council since it was sworn in on November 1, 2022. Not only will this help make many of the in-camera decisions made since then by Sayward Council transparent to the public, it will also help minimize the likelihood of potential future harms to the Village of Sayward in the event of unauthorized disclosure of in camera information. The Village Council can mitigate those risks as well by rising and reporting on as much as possible of its in-camera meeting agendas and associated minutes since the Council took office on November 1, 2022.

Justice Hamilton's May 8, 2026 decision in *Baker v. France*, 2026 BCSC 850 and John France's September 23, 2025 sworn Affidavit filed (Attachment #3 to the June 9, 2026 Regular In-Camera Council Meeting agenda) and Talia Clark's September 7, 2025 sworn Affidavit (Attachment #4 to the June 9, 2026 Regular In-Camera Council Meeting agenda) were considered in Justice Hamilton's decision and the following Affidavits were also presented to Justice Hamilton and filed in those proceedings: the Affidavit of Keir Gervais, sworn January 20, 2026, Affidavit of Tom Tinsley, sworn January 21, 2026, Affidavit of Kohen Gilken, sworn February 3, 2026, Affidavit of Mark Baker, sworn January 21, 2026,

Affidavit of Janet Baker, sworn January 21, 2026 and Affidavit of Melissa Holmes, sworn January 22, 2026.

Justice Hamilton's May 8, 2026 decision in *Baker v France*, 2026 BCSC 850 and the above mentioned Affidavits address the point of releasing (Rising and Reporting) information when it no longer affects ongoing matters or is confidential. As such, following a review of the Village's *in camera records* it is recommended that Sayward Council Rise and Report on the following In-Camera meeting records (copies of all of these documents are attached to this agenda for Council's reference).

1. 2023-04-12 - Certified Resolution - IC23-34 signed by KG 2023-09-28
2. 2023-04-20 - Notes Jerry Berry and Gary Nason re meetings with Mark Baker and Scott Burchett
3. 2023-05-24 - Invoice from CNB re Audit for 2022 Financials - Village of Sayward May 2023 Invoice
4. 2023-07-18 - IN CAMERA Agenda - July 18-2023 - Redacted
5. 2023-07-18 - IN CAMERA MINUTES July 18-2023 - Redacted
6. 2023-07-24 - Cllrs Burchett & Poulsen July 24-2023 Letter-1 to Village Auditors - Redacted
7. 2023-08-01 - Special In Camera CNCL meeting AGENDA with attachments and late item - Redacted
8. 2023-08-01 - Special In Camera CNCL meeting MINUTES -- Redacted
9. 2023-08-15 email -- from Derek Lamb to VoS re Phone Call from Sue & Scott
10. 2023-09-12 - Special In Camera Agenda pp 1-4. The following items listed as "a" to "t" were included in the September 12, 2023 Special In Camera Agenda package and are listed separately here to more clearly show what items were included in that Council package (pp. 5-46).
 - a. July 20, 2023 email from Lisa Clark to Keir Gervais with John France Rant and Rave post;
 - b. June 29, 2023 email from Janet Baker to Mark Baker re John France's June 29, 2023 Rant and Rave post
 - c. July 28, 2023 John France Rant and Rave post;
 - d. August 13, 2023 email from Mark Baker to Keir Gervais with John France's August 13, 2023 Rant and Rave post
 - e. August 19, 2023 email from Mark Baker to Keir Gervais with John France's August 19, 2023 Rant and Rave post
 - f. August 21, 2023 email from Mark Baker to Keir Gervais with John France's August 21, 2023 Rant and Rave post

- g. August 28, 2023 email to and from Mark Baker with John France's new Rant and Rave Post
 - h. August 25, 2023 emails from Mark Baker to Keir Gervais with John France new Rant and Rave Posts
 - i. August 26, 2023 email from Mark Baker to Keir Gervais with John France's August 26, 2026 Rant and Rave post
 - j. August 28, 2023 email from Mark Baker to Keir Gervais with John France's new Rant and Rave post
 - k. September 2, 2023 email from Mark Baker to Keir Gervais with September 2, 2023 Rant and Rave post
 - l. September 3, 2023 email from Mark Baker to Keir Gervais with John France's September 3, 2023 Rant and Rave post
 - m. September 7, 2023 email from John France to Mayor and Council and Lisa Clark re: receipt of summons issued to John France
 - n. September 7, 2023 email from Mark Baker to Keir Gervais with John France's September 7, 2023 Rant and Rave post
 - o. September 5, 2023 John France Rant and Rave post
 - p. Mayor Baker's May 12, 2023 re telephone call from John France
 - q. Councillor Burchett's May 23, 2023 email to Keir Gervais and Lisa Clark with attached motions for June 6, 2023 regular and IC meeting
 - r. Councillor Poulsen's August 15, 2023 letter distributed to members of public
 - s. Councillor Burchett's and Councillor Poulsen's July 24, 2023 letter to the Village's auditors
 - t. Councillor Poulsen's September 8, 2023 email to Keir Gervais re response to John France
11. 2023-09-12 - Special IN CAMERA MINUTES September 12-2023 - Redacted
 12. 2023-09-12 - Special OPEN Council Meeting MINUTES - September 12-2023 – Signed
 13. 2023-09-25 - Cllr Tinsley letter to Cllrs Poulsen and Burchett re hearing date change to 2023-10-12 - Redacted
 14. 2023-10-03 - Regular IN CAMERA Agenda - October 3-2023 - Redacted
 15. 2023-10-03 - Regular IN CAMERA MINUTES October 3-2023 - Redacted
 16. 2023-10-03 - RTC - Regular IC meeting agenda RTC pp 9-10 nb date error
 17. 2023-10-09 - letter from CNB to Village of Sayward re extra audit request
 18. 2023-10-10 - Cllrs Poulsen & Burchett email to CNB w letter-3 to Auditors
 19. 2023-10-10 emails between Burchett Poulsen France Aug 22 27 Sept 18 19 & Oct 10 – 2023 - Redacted

20. 2023-10-11 - Cllrs Poulsen and Burchett letter to CNB – Letter 3 to Village Auditors
21. 2023-10-17 -- IN CAMERA Agenda - October 17-2023 - no minutes - Redacted
22. 2023-10-23 - Invoice from CNB re phone calls with Council Members
23. 2023-10-24 - IN CAMERA Agenda - October 24-2023 – no minutes - Redacted
24. 2023-11-04 - email w bill -- FW_ Attached Image
25. 2023-11-07 - email re billings -- FW_ Invoice
26. 2023-11-08 - email cancel billings -- RE_ Attached Image
27. 2024-01-16 - IN CAMERA MINUTES - January 16, 2024 - Redacted
28. 2024-01-16 - RESTRICTED In-Camera Agenda for January 16-2024 RESTRICTED IC - Redacted
29. 2024-03-04 - Facebook Post by Cllrs Poulsen and Burchett re CAO Gervais - part of 2024-03-05 IC agenda
30. 2024-02-28 - February 28 2024 Accidental Payroll Overpayment - Redacted
31. 2024-04-25 Cllr Poulsen email to John France forwarding JFs 2022-11-22 report to Council
32. 2024-02-16 to 2024-03-08 emails Nathalie Baker and Village Legal Counsel - Redacted
33. 2024-09-09 - CNB Detailed Invoice - Village of Sayward Invoice September 2024 - Redacted

Please be advised there are still some portions of these documents that must remain In-Camera for the reasons provided earlier (i.e., Solicitor-Client Privilege: Legal advice provided to the municipality must remain privileged unless explicitly waived by Council; and Labour Relations and Human Resources: Discussions regarding personnel matters, contract negotiations, or disciplinary actions must be withheld to protect employee privacy and the integrity of municipal operations). Some of these documents have been redacted for these reasons.

Proposed Resolution/s

THAT SAYWARD COUNCIL authorizes the immediate public release of the following documents:

1. 2023-04-12 - Certified Resolution - IC23-34 signed by KG 2023-09-28
2. 2023-04-20 - Notes Jerry Berry and Gary Nason re meetings with Mark Baker and Scott Burchett
3. 2023-05-24 - Invoice from CNB re Audit for 2022 Financials - Village of Sayward May 2023 Invoice
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- p. Mayor Baker's May 12, 2023 re telephone call from John France
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 32. 2024-02-16 to 2024-03-08 emails Nathalie Baker and Village Legal Counsel - Redacted

10. New Business – None

11. Rise and Report

Proposed Resolution/s

- a. THAT SAYWARD COUNCIL approves the immediate rise and report of the July 28,
2026 In Camera agenda in its entirety.

12. Adjournment

- a. THAT the Village of Sayward Council adjourn its In-Camera meeting of July 28,
2026 at: _____ pm.



Village of Sayward

The following resolution was adopted by the Village of Sayward Council at April 12, 2023 in-camera Council meeting:

MOTION IC23/34

MOVED AND SECONDED

- 1.) THAT Council authorize that a mediated dispute resolution process under the direction of an independent third party be firstly attempted in an effort to bring an acceptable resolution to this matter and that the Municipal Solicitor be so advised and authorized to proceed accordingly with the appointment of a mediator and arrangement and general oversight of the process; and,
- 2.) THAT in the event the aforementioned process is unsuccessful in bringing resolution to this matter, the Municipal Solicitor be authorized to appoint an independent third party investigator to formally investigate the complaint(s), including the arrangement and general oversight of the process; and,
- 3) THAT at the appropriate time(s) and under the direction of the Municipal Solicitor, Council be provided with all pertinent background information and details with respect to the complaint(s) and be kept apprised of the status and outcomes of the processes referenced in points 1 and 2 above.

CARRIED

I hereby certify that this is a true copy of a resolution Council adopted on April 12, 2023.

Dated this 28th day of September 2023 in Sayward, BC

Keir Gervais, CAO

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.

Notes of the meeting held April 20, 2023

Gary Nason and Jerry Berry met with Mayor Baker and Councillor Burchett at 3:00 pm on Thursday April 20, 2023, pursuant to the last direction of Council.

We explained our intended approach for the session.

We reiterated that we had not been engaged to conduct a comprehensive investigation, and that none had been carried out.

The mandate from Council at this stage of the process was to attempt to mediate a satisfactory resolution.

Councillor Burchett was asked if he would please vacate while we discussed options for response by the respondent.

The following strategy was proposed, in writing, to the mayor for his consideration without prejudice.

"Bullying/Personal Harassment Allegations – Council (Meeting Specific and General)"

Proposed Actions:

- a) *Acknowledgement: I recognize that I can't "direct council members", and that "emotional responses" are never appropriate (by anyone).*
- b) *Apology: I am prepared to apologize to the complainants and council for my demeanor at a recent meeting. (Governance session to cover roles and expectations of the Mayor's Office as well as council members.)*

1. Personal Harassment/Sexual Harassment Allegations

Proposed Actions:

- a) *Commitment: I commit to stay apart from the complainant and his partner going forward and to have no non-council communication with either of them. Most particularly with Ms. Clark.*
- b) *Commitment: I commit to discuss perceived issues with council/ Councillor Gilken in a "safe" moderated session.*
- c) *Acknowledgement: I acknowledge that council has officially proposed to conduct a "governance" session to cover roles, responsibilities, duties, and expectations of ALL parties.*
- d) *Acknowledgement/Apology: I am prepared to consider a suggested statement along the following lines to the complainants and to council:*

I'm sorry to hear that you feel disrespected by my humor and/or my actions. It was not my intention to offend you or anyone else.

I acknowledge the perspective that you have expressed concerning your understanding of some recent events.

I understand that different people have different sensitivities and what may be entirely innocuous to one person may not be to another. I apologize if my responses or my actions were inappropriate or offensive to you or anyone else. I certainly want to abide by municipal policies and serve the council and the community in the best way possible.

I will do my best to avoid repeating any such actions in the future. I will always value constructive feedback and want to ensure that my responses are respectful and considerate of everyone's feelings.

Once again, I apologize for any offense that I may have caused you, Ms. Clark, or anyone else.

I am prepared to discuss this, along with any governance issues, together with council as a whole."

Each item was explained in turn, and the mayor was asked to indicate in each instance if he was prepared to agree to the proposed approach. The mayor advised that he was prepared to accept and to follow each recommended approach as presented, subject to this first being acceptable to the complainant(s) and the Council.

We then invited Councillor Burchett back in the room and Mr Nason outlined verbatim the actions and apologies the mayor was prepared to commit to.

Councillor Burchett advised that he was "unhappy", and "not willing to accept an apology on those terms." He reiterated that he "wanted a full investigation".

We acknowledged Councillor Burchett's position, and then proceeded to outline the views, in writing, that we would be reporting to Council. The parties were advised that this would include JB Consultants Inc's views on other components of the complainant's input set out to both parties, in writing, as follows:

"Items for consideration of all parties:

A. Disrespectful Conduct Allegations

1. Internally

Action: Proposed to be discussed by council in governance session.

2. Externally

Action: This aspect is considered a topic for discussion with council itself. The mayor serves at council's pleasure. The complainant's concerns on outside representation are, in the consultant's opinion, properly addressed with council.

Action: It is recommended that council-as-a-whole should receive professional guidance in governance best practices and the structural realities of elected office, including the law pertaining to regional appointments.

B. Respondent's Opportunity to Speak

Action: Despite two direct attempts to provide for the opportunity for direct discussion, the complainant has refused to speak to the respondent. The respondent is owed the chance to respond to the allegations. That can occur with the consultants acting as mediators and/or with council.

The respondent has made it clear to the consultants that he considers that the complainant's actions and timings are a direct political response to decisions that the complainant didn't like.

The respondent alleges that political and/or personal malice and retribution is at play.

The respondent's perceptions are his own and, as such, have just as much validity as those held by others.

The complainant's rhetoric is, itself, considered by the consultants to be highly inflammatory and derogatory and displays considerable personal enmity and a lack of respect. The complainant is unconcerned about the council's expressed desire to follow a progressive process or its concerns regarding efficacy.

Many of the complainant's expectations regarding the imposition of sanctions are considered to lack proportionality and appear to present unrealistic understandings/ expectations. Most tellingly, the varied sanctions the complainant seeks are not expected

(nor apparently intended) to lead to constructive corrective actions and, in any case, they are all at the discretion of council and should properly be considered there.

Each member of council is duly elected and, while it is not required that council members like one another, it is required that they work together for the benefit of the community.

Action: As above, it is recommended that council as a whole should receive professional guidance in governance best practices and the structural realities of elected office and board relationships.

C. Respectful Workplace Policy/Code of Conduct

The process has revealed many issues/inconsistencies with the current policy documents, which would seem to purport to remove council from its fundamental responsibilities respecting fiscal stewardship of taxpayer resources and collective and shared management of intra-council relationships.

Action: It is recommended that both the Code of Conduct and the Respectful Workplace Policy be referred to the solicitors for review and subsequent recommendations to council for updating.

All parties are reminded once again of their personal obligations and duties regarding:

- Respect for due process*
- Confidentiality*
- No Retribution/Revenge*

Finally, all parties are reminded that everyone has the right to a presumption of innocence and that there has been no formal investigation conducted at this juncture.

Following a reading of all of the above, both parties were each provided with written copies of the proposal for moving forward.

The parties were asked if they had any questions on these statements?

Councillor Burchett stated that he had nothing to say but that, “we seem to be making decisions before all the cards are on the table”. He objected to any references to the costs of the process.

*We repeated once again that the issue Council had raised was not cost *per se*, but rather effective use of taxpayer resources and damage to working relationships through punitive*

versus remedial actions. We reiterated the direction from Council to attempt to seek a positive resolution which would, as best as possible, allow for Council to best serve the public. Councillor Burchett stated that "money and time can have no effect on my integrity."

The parties were excused after being cautioned yet again about confidentiality and retribution. Both parties were specifically advised not to discuss this matter with other parties, except at a formal meeting for that purpose.

The meeting closed at 4:15pm.

Next Step

Ms. Clark has withdrawn her agreement for her complaint(s) to be handled within Councillor Burchett's. At her request, her complaint(s) have been provided to the respondent. As such she is, once again, considered to have individual standing.

We would propose now to advise her of the respondent's position on acknowledgement / apology / response/ redress as obtained at today's meeting, to obtain her individual stance as a complainant prior to reporting to Council.

Gerald D. Berry for JB Consultants Inc.

April 21, 2023

CHAN NOWOSAD BOATES
CHARTERED PROFESSIONAL ACCOUNTANTS



VILLAGE OF SAYWARD
PO Box 29
Sayward BC V0P 1R0

Invoice Date 2023-05-24
Due Date Due on receipt
Invoice Number 2500
Client Code 102782.0
Page 1
GST No. 739565497RT0001

Description	Total
Professional services rendered for the financial statements audit of the year ended December 31, 2022, including but not limited to: - Year-end audit field work performed on site. - Completion of audit work around year-end balances including the issuance of an audit report for the year ended December 31, 2022. - Preparation of the Audit Findings Report for Council and Management. - Preparation of the Financial Statements, Financial Statement Notes, and Financial Statement Schedules. - Presentation to Mayor and Council.	
Our fee for services rendered:	16,900.00
	Subtotal 16,900.00
	GST 845.00
	Total \$17,745.00

We accept payment by etransfer to cnb@cnbcpa.ca, credit card in person or by phone, and cheque.
Interest charged at 2% per month after 30 days

Campbell River Office: 980 Alder Street, Campbell River, BC V9W 2P9 | Tel: 250.286.0744 | Fax: 250.286.1067 | Toll Free: 1.888.262.4829

Courtenay Office: #201 – 1532 Cliffe Avenue, Courtenay, BC V9N 2K4 | Tel: 778.225.1010 | Fax: 778.225.1011

Email: cnb@cnbcpa.ca | www.cnbcpa.ca

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**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
JULY 18, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

- 1. Call to Order**
- 2. Introduction of Late Items**
- 3. Approval of Agenda**

Recommended Resolution:

THAT the agenda for the In-Camera meeting of Council for July 18, 2023, be approved.

- 4. Minutes of Previous Meetings**

Recommended Resolutions:

THAT the minutes from the In-Camera meeting of Council held on April 12, 2023, be adopted.

THAT the minutes from the In-Camera meeting of Council held on June 6, 2023, be adopted.

THAT the minutes from the In-Camera meeting of Council held on June 20, 2023, be adopted.

- 5. Delegations - None**
- 6. Council Reports - None**
- 7. Mayor's Report - None**
- 8. Unfinished Business - None**
- 9. Staff Reports**

- a) Verbal Report – Update from CAO RE: Recording In-Camera Meetings – Keir Gervais, CAO**

Recommended Resolutions:

THAT Council receive the CAO's Verbal Report – Update from CAO RE: Recording In-Camera Meetings for information and discussion.

b) [REDACTED]
[REDACTED]

Recommended Resolutions:

[REDACTED]
[REDACTED]

THAT Council of the Village of Sayward ("Village") authorizes Councillor Scott Burchett's release of the [REDACTED] ("Legal Opinion") to Councillor Burchett's retained legal counsel, being a practicing lawyer and member in good standing with the Law Society of British Columbia, subject to the following accepted undertakings between Councillor Burchett's retained legal counsel and the Village of Sayward's legal counsel that the Legal Opinion is released to Councillor Burchett's retained legal counsel:

a) for the sole purpose of Councillor Burchett's response to a possible Village Council motion of censure and related sanctions against Councillor Burchett and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:

- i) in any other forum whatsoever; or
- ii) for any other purpose,

unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;

b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Burchett's retained legal counsel for the limited purpose set out in this motion; and

c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165; and,

[REDACTED]
[REDACTED]

10. New Business

11. Rise

12. Adjournment



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING MINUTES
JULY 18, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

Present: Mayor Mark Baker
Councillor Scott Burchett
Councillor Kohen Gilkin
Councillor Sue Poulsen
Councillor Tom Tinsley

In Attendance: Keir Gervais, CAO
Lisa Clark, CFO/CO

1. Call to Order

The meeting was called to order at 9:15 pm.

2. Introduction of Late Items

a) July 18, 2023 Agenda Order Amendment

MOTION IC23/57

MOVED AND SECONDED

THAT staff report 9 a) be considered the first order of business for Council.

Opposed Cllr Burchett

CARRIED

3. Approval of Agenda

MOTION IC23/58

MOVED AND SECONDED

THAT the agenda for the In-Camera Meeting of Council for May 3, 2023, be approved as amended.

CARRIED

4. Verbal Report – Update from CAO RE: Recording In-Camera Meetings – Keir Gervais, CAO

MOTION IC23/59

MOVED AND SECONDED

THAT Council receive the CAO's Verbal Report – Update from CAO RE: Recording In-Camera Meetings for information and discussion.

CARRIED

MOTION IC23/60
MOVED AND SECONDED

THAT in camera meetings be recorded effective July 18, 2023; and,
THAT Council revisit this issue in 4 months.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

5. Minutes of Previous Meetings

MOTION IC23/61
MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on April 12, 2023 be adopted.
Opposed Cllr Burchett **CARRIED**

MOTION IC23/62
MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on June 6, 2023 be adopted.
Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION IC23/63
MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on June 20, 2023 be adopted.
Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

6. Petitions and Delegations - None

7. Council Reports - None

8. Mayor's Report - None

9. Unfinished Business - None

10. Staff Reports

MOTION IC23/64
MOVED AND SECONDED

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION IC23/65
MOVED AND SECONDED

THAT Council of the Village of Sayward ("Village") authorizes Councillor Scott Burchett's release of the [REDACTED] ("Legal Opinion") to Councillor Burchett's retained legal counsel, being a practicing lawyer and member in good standing with the Law Society of British Columbia, subject to the following accepted

undertakings between Councillor Burchett's retained legal counsel and the Village of Sayward's legal counsel that the Legal Opinion is released to Councillor Burchett's retained legal counsel:

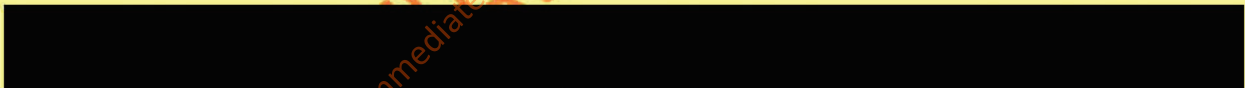
- a) for the sole purpose of Councillor Burchett's response to a possible Village Council motion of censure and related sanctions against Councillor Burchett and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:
 - i) in any other forum whatsoever; or
 - ii) for any other purpose,
unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Burchett's retained legal counsel for the limited purpose set out in this motion; and
- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

Opposed Cllr Poulsen

CARRIED

MOTION IC23/66

MOVED AND SECONDED



Opposed Cllr Burchett, Cllr Poulsen

CARRIED

11. New Business - None

12. Rise

13. Adjournment

MOTION IC23/67

MOVED AND SECONDED

THAT the In-Camera meeting of Council for June 20, 2023 be adjourned.

CARRIED

The meeting was adjourned at 10:27 pm

Mayor

Corporate Officer



July 24, 2023

Chan Nowosad Boates Accounting Firm
980 Alder Street, Campbell River, BC V9W 2P9

Dear Chan Nowosad Boates Accounting Firm:

As you are the official Village of Sayward auditors, we wish to make a complaint under section 172 of the Community Charter, pursuant to subsections:

- (a) a disbursement, expenditure, liability, or other transaction is not authorized under this or another Act, or
- (b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities, and financial obligations of the municipality.

We believe that both subsections may apply. Council has made substantial expenditures to consultants, legal and others, which are not included in the financial plan nor has Council provided a rationale or formal approval for these expenditures. These unauthorized expenditures put services to Sayward residents and families at risk simply because they are unaffordable and unsustainable.

We appreciate this is a difficult request, but we wish it known that the majority on Council have effectively curtailed our rights to ask questions on this and many other issues. Therefore, we want an immediate investigation into the financial affairs of the Village with the appropriate recommendations and public accountability. We look forward to hearing from you and in getting your help in bringing resolution and transparency to this complaint. Residents need to know that Council is working for them in an open and legal fashion.

Sincerely,

Sue Poulsen, Councillor, Village of Sayward [Redacted] Sayward BC VOP 1R0	Scott Burchett, Councillor, Village of Sayward [Redacted] Sayward BC VOP 1R0
---	--

CC Mayor and Council, Village of Sayward



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
AUGUST 1, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

1. Call to Order [REDACTED]

2. Introduction of Late Items [REDACTED]

3. Approval of Agenda [REDACTED]

Recommended Resolution:

THAT the agenda for the Special In-Camera meeting of Council for August 1, 2023, be approved [REDACTED]

4. Minutes of Previous Meetings

Recommended Resolution:

THAT the minutes from the In-Camera meeting of Council held on July 18, 2023, be adopted.

5. Delegations - None

6. Council Reports - None

7. Mayor's Report - None

8. Unfinished Business

THAT the Information and Privacy Commissioner be notified of a potential breach of section 36.3(1) of *FIPPA* on the basis that Councillor Burchett's (and possibly Councillor Poulsen's) disclosure to John France of at least the February 22, 2023 *Respectful Workplace* complaint with allegations of sexual misconduct against Mayor Baker may cause at least some of the types of harm listed in section 36.3(2) of *FIPPA* including humiliation and damage to the reputation of Mayor Baker, damage to relationships among Council members; and harm to a public body, being the Village of Sayward, and Sayward resident's loss of trust in the Village of Sayward and its Council to make decisions collectively and to govern in the best interests of the community.

9. Staff Reports - None

10. New Business

- a) (1) Correspondence received from Councillor Poulsen and Councillor Burchett RE: Letter to Chan Nowosad Boates Accounting Firm RE: complaint under section 172 of the *Community Charter*, pursuant to subsections:

(a) disbursement, expenditure, liability, or other transaction is not authorized under this or another Act, or

(b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities, and financial obligations of the municipality.

- (2) July 31, 2023 correspondence from Councillor Poulsen RE: *Request for financial audit*

Recommended Resolution:

THAT Council receives correspondence received from Councillor Poulsen and Councillor Burchett RE: Letter to Chan Nowosad Boates Accounting Firm for information and discussion.

THAT Council receives correspondence received from Councillor Poulsen RE: Request for financial audit.

THAT Council direct staff to respond to Councillor Burchett's and Councillor Poulsen's July 24, 2023 letter to Chan Nowosad Boates that Council sought each of Councillors Burchett and Poulsen to produce documents and information that support the allegations of breaches of section 172(1)(a) and 172(1)(b) of the *Community Charter*; and following such request and reply, Council has determined that the subject matter of Councillor Burchett's and Councillor Poulsen's complaints within their July 24, 2023 letter relate to:

- matters that are privileged and information that has been discussed and received during *in camera* Council meetings; and
- expenditures authorized pursuant to *in camera* Council motions.

- b) Letter from Councillor Tinsley RE: issuance of summonses, motions of censure,

Recommended Resolution:

THAT Council receives correspondence received from Councillor Tinsley RE: issuance of summonses for information and discussion; and,

THAT Council authorize Mayor Baker or the Deputy Mayor to proceed with the issuance of a summons to each of Councillors Burchett and Poulsen and also John France under section 134 of the *Community Charter* to attend before Council and be examined on oath on (insert date) respecting matters related to the administration of the Village of Sayward, and communications with John France

about records held in confidence by the Village and considered during *in-camera* Council meetings; and,

THAT Council of the Village authorize Councillor Poulsen's release of the [REDACTED] ("Legal Opinion") to Councillor Poulsen's retained legal counsel, subject to accepted undertakings between Councillor Poulsen's retained legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, and the Village of Sayward's legal counsel which are similar to those required in [REDACTED] for Councillor Burchett's release of the Legal Opinion:

- a) for the sole purpose of Councillor Poulsen's response to a possible Village Council motion of censure and related sanctions against Councillor Poulsen and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:

- i) in any other forum whatsoever; or
 - ii) for any other purpose,

unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;

- b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Poulsen's retained legal counsel for the limited purpose set out in this motion; and
- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

- c) THAT a special in-camera council meeting be scheduled for September [REDACTED] 2023 (September 5, 7, 8, 11, 12, 13, 14?) for John France, Councillor Burchett and Councillor Poulsen to appear before Council pursuant to *Community Charter* section 134 to be examined under oath respecting matters related to the administration of the Village and communications with John France about records held in confidence by the Village and considered during *in-camera* Council meetings;

d) [REDACTED]

e) [REDACTED]

11. Rise

12. Adjournment [REDACTED]



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING MINUTES
JULY 18, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

Present: Mayor Mark Baker
Councillor Scott Burchett
Councillor Kohen Gilkin
Councillor Sue Poulsen
Councillor Tom Tinsley

In Attendance: Keir Gervais, CAO
Lisa Clark, CFO/CO

1. Call to Order

The meeting was called to order at 9:15 pm.

2. Introduction of Late Items

a) July 18, 2023 Agenda Order Amendment

MOTION IC23/57

MOVED AND SECONDED

THAT staff report 9 a) be considered the first order of business for Council.

Opposed Cllr Burchett

CARRIED

3. Approval of Agenda

MOTION IC23/58

MOVED AND SECONDED

THAT the agenda for the In-Camera Meeting of Council for May 3, 2023, be approved as amended.

CARRIED

4. Verbal Report – Update from CAO RE: Recording In-Camera Meetings – Keir Gervais, CAO

MOTION IC23/59

MOVED AND SECONDED

THAT Council receive the CAO's Verbal Report – Update from CAO RE: Recording In-Camera Meetings for information and discussion.

CARRIED

MOTION IC23/60
MOVED AND SECONDED

THAT in camera meetings be recorded effective July 18, 2023; and,
THAT Council revisit this issue in 4 months.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

5. Minutes of Previous Meetings

MOTION IC23/61
MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on April 12, 2023 be adopted.
Opposed Cllr Burchett **CARRIED**

MOTION IC23/62
MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on June 6, 2023 be adopted.
Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION IC23/63
MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on June 20, 2023 be adopted.
Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

6. Petitions and Delegations - None

7. Council Reports - None

8. Mayor's Report - None

9. Unfinished Business - None

10. Staff Reports

MOTION IC23/64
MOVED AND SECONDED

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION IC23/65
MOVED AND SECONDED

THAT Council of the Village of Sayward ("Village") authorizes Councillor Scott Burchett's release of the [REDACTED] ("Legal Opinion") to Councillor Burchett's retained legal counsel, being a practicing lawyer and member in good standing with the Law Society of British Columbia, subject to the following accepted

undertakings between Councillor Burchett's retained legal counsel and the Village of Sayward's legal counsel that the Legal Opinion is released to Councillor Burchett's retained legal counsel:

- a) for the sole purpose of Councillor Burchett's response to a possible Village Council motion of censure and related sanctions against Councillor Burchett and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:
 - i) in any other forum whatsoever; or
 - ii) for any other purpose,
unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Burchett's retained legal counsel for the limited purpose set out in this motion; and
- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

Opposed Cllr Poulsen

CARRIED

MOTION IC23/66

MOVED AND SECONDED



Opposed Cllr Burchett, Cllr Poulsen

CARRIED

11. New Business - None

12. Rise

13. Adjournment

MOTION IC23/67

MOVED AND SECONDED

THAT the In-Camera meeting of Council for June 20, 2023 be adjourned.

CARRIED

The meeting was adjourned at 10:27 pm

Mayor

Corporate Officer

RECEIVED

JUL 28 2023

July 24, 2023

Chan Nowosad Boates Accounting Firm
980 Alder Street, Campbell River, BC V9W 2P9

Dear Chan Nowosad Boates Accounting Firm:

As you are the official Village of Sayward auditors, we wish to make a complaint under section 172 of the Community Charter, pursuant to subsections:

- (a) a disbursement, expenditure, liability, or other transaction is not authorized under this or another Act, or
- (b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities, and financial obligations of the municipality.

We believe that both subsections may apply. Council has made substantial expenditures to consultants, legal and others, which are not included in the financial plan nor has Council provided a rationale or formal approval for these expenditures. These unauthorized expenditures put services to Sayward residents and families at risk simply because they are unaffordable and unsustainable.

We appreciate this is a difficult request, but we wish it known that the majority on Council have effectively curtailed our rights to ask questions on this and many other issues. Therefore, we want an immediate investigation into the financial affairs of the Village with the appropriate recommendations and public accountability. We look forward to hearing from you and in getting your help in bringing resolution and transparency to this complaint. Residents need to know that Council is working for them in an open and legal fashion.

Sincerely,

Sue Poulsen

Scott Burchett

Sue Poulsen, Councillor, Village of Sayward

Scott Burchett, Councillor, Village of Sayward

CC Mayor and Council, Village of Sayward

Keir Gervais

From: SUE POULSEN [REDACTED]
Sent: July 31, 2023 10:56 PM
To: Mayor and Council; Keir Gervais; Lisa Clark
Subject: Request for financial audit

August 1st, 2023

Mayor Baker and Council

Thank you for your e-mail of July 28, 2023. The explanation of the complaint to the auditor is clear. We feel that the expenditures not properly authorized by Council are not in the financial plan.

Furthermore, these expenditures appear to have been used to defend you against harassment allegations, which pursuant to 458 and processes under that bylaw, have not been followed correctly. There is also the question of repayment of funds by you that were/ may be paid on your behalf, as your behavior was "willful."

It is not up to us to provide you with this information. The process is in the hands of the auditor, and we await the opportunity to speak with them.

To quote our complaint:

"Council has made substantial, unauthorized expenditures to consultants, legal, and others which are not included in the financial plan, nor has Council provided a rationale or formal approval for these expenditures. These unauthorized expenditures put services to Sayward residents and families at risk simply because they are unaffordable and unsustainable".

In May, 2023, Council was given a "ball-park" figure of "about \$20,000.00 for the legal costs thus far, and another possible \$5,000.00 once bills came in at the end of the month.

The following is a resolution we wanted to present to Council in June 2023, because at that time we felt significant, unauthorized expenditures were being made, and it is our "guess" that these expenditures have grown significantly since that time:

That Council directs staff to an accounting on all funds spent year to date on consulting, legal and training provided to and for council /staff.

However, despite not even hearing the resolution, Council did not let it be read out in the meeting for consideration. We were effectively silenced without proper process pursuant to our bylaws.

Taxpayers have a right to know about these expenditures and how it will affect them through reduced services. We expect full disclosure of the reasons and outcome of this process to be made public.

Please include this letter in the next regular council meeting open session in August 2023.

Councillor Scott Burchett

Councillor Sue Poulsen

Sent from my iPhone

On **August 1, 2023**, the Village of Sayward ("Village") will be considering and discussing during an *in-camera* Council meeting, which will be closed under section 90(1)(i), 90(1)(c) and 90(1)(f) of the *Community Charter* whether Council pass a resolution/motion for issuance of a summons to each of Councillors Burchett and Poulsen and also John France under section 134 of the *Community Charter* to attend before Council and be examined on oath on _____ (insert date) respecting matters related to the administration of the Village of Sayward, and communications with John France about records held in confidence by the Village and considered during *in camera* Council meetings.

Depending on the answers given during Councillors Burchett's and Poulsen's and John France's appearance before Council on _____ (insert date) pursuant to the summons issued under *Community Charter* section 134, and following notification to each Council member, Council may resolve to consider on _____ (at a *subsequent in camera* Council meeting in September 2023) closed under sections 90(1)(i), 90(1)(c) and 90(1)(f) of the *Community Charter*:

a) a motion of censure and related sanctions against Councillor Burchett and possibly Councillor Poulsen at a *subsequent in camera* Council meeting at a date to be considered for contravention of:

- i) section 117 of the *Community Charter* in disclosure to John France of information considered during *in camera* Council meetings, including:
 - o Councillor Burchett's *Respectful Workplace Complaint* dated February 22, 2023 with his attached letter dated February 20, 2023;
 - o Talia Clark's February 22, 2023 *Respectful Workplace Complaint* with her attached February 19, 2023 statement; and
 - o Jerry Berry, Senior Advisor of JB Consultants Inc.'s mediation of the issues alleged within Councillor Burchett's and Talia Clark's complaints and recommended next steps, including an apology from Mayor Baker to Council members, including Councillor Burchett, and Talia Clark;
- ii) sections 5, 17(2), 25, 26, 27 and 28 of the *Code of Conduct Code of Conduct Bylaw No. 442, 2018 ("Code of Conduct")*; and
- iii) possibly contraventions of sections 22(7)(d) and 27(7)(e) of the *Code of Conduct*.

If Council resolves to consider a motion and related sanctions at a further, second, *in camera* Council meeting (at a date to be determined) closed under sections 90(1)(i), 90(1)(c) and 90(1)(f) of the *Community Charter*:

- Councillor Burchett and, if applicable, Councillor Poulsen will have an opportunity to respond to the proposed motion of censure and related sanctions at a further, third, *in camera* Council meeting (at a date to be determined two weeks after the second *in camera* Council meeting);
- Councillor Burchett and, if applicable, Councillor Poulsen, will be provided a copy of draft proposed resolutions prior to the further, third, *in camera* Council meeting and in accordance with the *Council Procedure Bylaw No. 416, 2015 ("Council Procedure Bylaw")*;

- if after a hearing during the further, third, *in camera* Council meeting (at a date to be determined) Council adopts a resolution for censure and related sanctions, Councillor Burchett and if applicable, Councillor Poulsen make seek:
 - Council to reconsider the resolution under section 27 of the *Council Procedure Bylaw*; and
 - 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]}

Engagement of Legal Counsel [REDACTED]

The Village strongly recommends that Councillor Poulsen and Councillor Burchett retain legal counsel and may want to seek that their respective legal counsel attend the *in camera* Council meeting on September ____, 2023 at ____ pm and if applicable, a further *in camera* Council meeting if Council resolves at a subsequent *in camera* Council meeting to proceed with voting on a resolution of censure and sanctions at a further, third, *in camera* Council meeting.

If Councillor Poulsen wants to share the [REDACTED] with legal counsel Councillor Poulsen must seek Council's authorization to do so and upon such terms with Councillor Poulsen's legal counsel to assist in compliance with sections 30 and 36.3 of FIPPA and to protect privilege over the *in camera* legal opinion. The Village also reminds Councillor Poulsen that pursuant to *Community Charter* section 117, if Councillor Poulsen wants to share with anyone else copies of the [REDACTED] Councillor Poulsen will first need Council's authorization to do so.

With respect to Councillor Poulsen's release of the [REDACTED] ("Legal Opinion") to retained legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, a motion will be presented on August 1, 2023 that:

Council of the Village authorize Councillor Poulsen's release of the Legal Opinion to Councillor Poulsen's retained legal counsel, subject to accepted undertakings between Councillor Poulsen's retained legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, and the Village of Sayward's legal counsel which are similar to those required in [REDACTED] for Councillor Burchett's release of the Legal Opinion:

- a) for the sole purpose of Councillor Poulsen's response to a possible Village Council motion of censure and related sanctions against Councillor Poulsen and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:
 - i) in any other forum whatsoever; or

- ii) for any other purpose,
unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Poulsen's retained legal counsel for the limited purpose set out in this motion; and
- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

Yours truly,

Councillor Tom Tinsley, Deputy Mayor

¹[1] Section 623 of the *Local Government Act*, RSBC 2015, c. 1 reads (with emphasis added):

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.

Late Item

Verbal Report by CAO RE: Council Authorization to release of documents referenced in the [REDACTED]
[REDACTED] to Patrick Rippon, Barrister and Solicitor

be added as item 10 f)

Recommended Resolutions:

That Council of the Village of Sayward ("Village") authorizes Councillor Scott Burchett's release of the [REDACTED] ("Legal Opinion") and [REDACTED] ("Documents") to Councillor Burchett's retained legal counsel, being a practicing lawyer and member in good standing with the Law Society of British Columbia, subject to the following accepted undertakings between Councillor Burchett's retained legal counsel and the Village of Sayward's legal counsel that the Legal Opinion is released to Councillor Burchett's retained legal counsel:

- a) for the sole purpose of Councillor Burchett's response to a possible Village Council motion of censure and related sanctions against Councillor Burchett and the Legal Opinion and Documents may not be used, released to or discussed with anyone else other than Village Council:
 - i) in any other forum whatsoever; or
 - ii) for any other purpose,unless Council first authorizes release of the Legal Opinion and Documents to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion and Documents notwithstanding the disclosure of the Legal Opinion and Documents to Councillor Burchett's retained legal counsel for the limited purpose set out in this motion; and
- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING MINUTES
AUGUST 1, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

Present: Mayor Mark Baker
Councillor Scott Burchett
Councillor Kohen Gilkin
Councillor Sue Poulsen
Councillor Tom Tinsley

In Attendance: Keir Gervais, CAO / Recording Secretary

1. Call to Order

The meeting was called to order at 6:10 pm

Mayor Baker called a recess of the Regular Council Meeting at 6:11 pm

The Regular Council Meeting reconvened at 6:21 pm

The attendance of Council and Staff was the same as at the time the recess was called.

2. Introduction of Late Items

- a) Verbal Report by CAO RE: Council Authorization to release of documents referenced in [REDACTED] to Patrick Rippon, Barrister and Solicitor.

MOTION IC23/68

MOVED AND SECONDED

Opposed Cllr Burchett, Cllr Poulsen

CARRIED

3. Approval of Agenda

MOTION IC23/69

MOVED AND SECONDED

THAT the agenda for the In-Camera Meeting of Council for August 1, 2023, be approved as amended.

Opposed Cllr Burchett, Cllr Poulsen

CARRIED

4. Minutes of Previous Meetings

MOTION IC23/70

MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on July 18, 2023 be adopted.

Opposed Cllr Burchett

CARRIED

5. Delegations - None

6. Council Reports - None

7. Mayor's Report - None

8. Unfinished Business - Verbal Report by CAO RE: Council Authorization to release of documents [REDACTED] to Patrick Rippon, Barrister and Solicitor.

THAT the Information and Privacy Commissioner be notified of a potential breach of section 36.3(1) of *FIPPA* on the basis that Councillor Burchett's (and possibly Councillor Poulsen's) disclosure to John France of at least the February 22, 2023 *Respectful Workplace* complaint with allegations of sexual misconduct against Mayor Baker may cause at least some of the types of harm listed in section 36.3(2) of *FIPPA* including humiliation and damage to the reputation of Mayor Baker, damage to relationships among Council members; and harm to a public body, being the Village of Sayward, and Sayward resident's loss of trust in the Village of Sayward and its Council to make decisions collectively and to govern in the best interests of the community.

Councillor Burchett left Council Chambers at 7:11 pm.

Councillor Poulsen left Council Chambers at 7:14 pm.

9. Staff Reports – None

10. New Business

a) (1) Correspondence received from Councillor Poulsen and Councillor Burchett RE: Letter to Chan Nowosad Boates Accounting Firm RE: complaint under section 172 of the *Community Charter*, pursuant to subsections:

(a) disbursement, expenditure, liability, or other transaction is not authorized under this or another Act, or

(b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities, and financial obligations of the municipality.

(2) July 31, 2023 correspondence from Councillor Poulsen RE: *Request for financial audit*

MOTION IC23/71

MOVED AND SECONDED

THAT Council receives correspondence received from Councillor Poulsen and Councillor Burchett RE: Letter to Chan Nowosad Boates Accounting Firm for information and discussion.

CARRIED

**MOTION IC23/72
MOVED AND SECONDED**

THAT Council receives correspondence received from Councillor Poulsen RE: Request for financial audit.

CARRIED

**MOTION IC23/73
MOVED AND SECONDED**

THAT Council direct staff to respond to Councillor Burchett's and Councillor Poulsen's July 24, 2023 letter to Chan Nowosad Boates that Council sought each of Councillors Burchett and Poulsen to produce documents and information that support the allegations of breaches of section 172(1)(a) and 172(1)(b) of the *Community Charter*; and following such request and reply, Council has determined that the subject matter of Councillor Burchett's and Councillor Poulsen's complaints within their July 24, 2023 letter relate to:

- matters that are privileged and information that has been discussed and received during *in camera* Council meetings; and
- expenditures authorized pursuant to *in camera* Council motions.

CARRIED

**MOTION IC23/74
MOVED AND SECONDED**

THAT Council authorize [REDACTED] the CAO RE: correspondence to Chan Nowosad Boates Accounting Firm.

CARRIED

- b) Letter from Councillor Tinsley RE: issuance of summonses, motions of censure [REDACTED]

**MOTION IC23/75
MOVED AND SECONDED**

THAT Council receives correspondence received from Councillor Tinsley RE: issuance of summonses for information and discussion; and,

THAT Council authorize Mayor Baker or the Deputy Mayor to proceed with the issuance of a summons to each of Councillors Burchett and Poulsen and also John France under section 134 of the *Community Charter* to attend before Council and be examined on oath on September 12, 2023 respecting matters related to the administration of the Village of Sayward, and communications with John France about records held in confidence by the Village and considered during *in-camera* Council meetings; and,

THAT Council of the Village authorize Councillor Poulsen's release of the [REDACTED] ("Legal Opinion") to Councillor Poulsen's retained legal counsel, subject to accepted undertakings between Councillor Poulsen's retained legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, and the Village of Sayward's legal counsel which are similar to those required in [REDACTED] for Councillor Burchett's release of the Legal Opinion:

- a) for the sole purpose of Councillor Poulsen's response to a possible Village Council motion of censure and related sanctions against Councillor Poulsen and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:
 - i) in any other forum whatsoever; or
 - ii) for any other purpose,unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Poulsen's retained legal counsel for the limited purpose set out in this motion; and
- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

CARRIED

MOTION IC23/76

Moved and Seconded

- c) THAT a special in-camera council meeting be scheduled for September 12, 2023 for John France, Councillor Burchett and Councillor Poulsen to appear before Council pursuant to *Community Charter* section 134 to be examined under oath respecting matters related to the administration of the Village and communications with John France about records held in confidence by the Village and considered during *in-camera* Council meetings;

CARRIED

MOTION IC23/77

Moved and Seconded

d) [REDACTED]

CARRIED

MOTION IC23/78

Moved and Seconded

- e) THAT Council direct staff to arrange for Dana Goodfellow to attend the special in camera council meeting:
- i. On September 12, 2023 if and when John France, Councillor Burchett and Councillor Poulsen are to attend before Council to be examined under oath pursuant to section 134 of the *Community Charter*; and
 - ii. on September 12, 2023 at 4:30 PM.

CARRIED

MOTION IC23/79

MOVED AND SECONDED

- f) That Council of the Village of Sayward ("Village") authorizes Councillor Scott Burchett's release of the [REDACTED] ("Legal Opinion") [REDACTED] ("Documents") to Councillor Burchett's retained legal counsel, being a practicing lawyer and member in good standing with the Law Society of British Columbia, subject to the following accepted undertakings between Councillor Burchett's retained legal counsel and the Village of Sayward's legal counsel that the Legal Opinion and Documents are released to Councillor Burchett's retained legal counsel:
- a) for the sole purpose of Councillor Burchett's response to a possible Village Council motion of censure and related sanctions against Councillor Burchett and the Legal Opinion and Documents may not be used, released to or discussed with anyone else other than Village Council:
 - i. in any other forum whatsoever; or
 - ii. for any other purpose,
- unless Council first authorizes release of the Legal Opinion and Documents to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion and Documents notwithstanding the disclosure of the Legal Opinion and Documents to Councillor Burchett's retained legal counsel for the limited purpose set out in this motion; and
 - c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

CARRIED

MOTION IC23/80

MOVED AND SECONDED

- g) That Council authorize the disclosure of the motions approved at the August 1, 2023 in-camera meeting to Councillor Poulsen and Councilor Burchett through a letter from the CAO.

CARRIED

11. Rise

12. Adjournment

MOTION IC23/81

MOVED AND SECONDED

THAT the In-Camera meeting of Council for August 1, 2023 be adjourned.

CARRIED

The meeting was adjourned at 8:10 pm

Mayor

CAO / Recording Secretary

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda

From: [Derek Lamb](#)
To: [Lisa Clark](#); [Keir Gervais](#)
Subject: Phone Call from Sue & Scott
Date: Tuesday, August 15, 2023 12:10:26 PM
Attachments: [image001.png](#)

Hi Lisa & Keir,

I received a call today from Sue and Scott. They were both polite and respectful. I am providing you an update as the party that engages our firm – the Village, as this matter relates to yourselves and the Village as a whole.

Sue and Scott shared that the activities they are concerned about relate to subsequent to January 1, 2023. I shared that we have not audited that period, and at this point in time cannot do anything to review the transactions they are describing. I noted specifically that as part of our 2023 audit we would look at the transactions that they are concerned about, and be required to based on the information we have received from them, regardless of whether the concern is valid or not.

I described to Sue and Scott that we cannot simply show up and start auditing transactions – that we need to be engaged to do so if they wanted us to review specific classes of transactions right now, by an engaging party, and we need to have access to the information they are concerned about, so more likely than not the engaging party would have to be the Village for that to occur.

Should you have any questions with respect to the above please do not hesitate to let me know. If the contents of this email are being shared, I ask that the entire email be shared so that information is not taken out of context.

Derek M. Lamb, CPA, CA

derek@cnbcpa.ca

Phone: (250) 286-0744 ext. 111

Fax: (250) 286-1067

www.cnbcpa.ca

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CHARTERED PROFESSIONAL ACCOUNTANTS



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**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
SEPTEMBER 12, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

- 1. Call to Order**
- 2. Introduction of Late Items**
- 3. Approval of Agenda**

Recommended Resolution:

THAT the agenda for the Special In-Camera meeting of Council for September 12, 2023, be approved.

- 4. Minutes of Previous Meetings**

Recommended Resolution:

THAT the minutes from the In-Camera meeting of Council held on September 5, 2023, be adopted.

- 5. Delegations - None**
- 6. Council Reports - None**
- 7. Mayor's Report - None**
- 8. Unfinished Business**

[REDACTED]

[REDACTED]

- c) That Council proceed with the examination of John France at 7:00 pm pursuant to Deputy Mayor's August 15, 2023 letter and accompanying appointment served on John France on August 22, 2023 by Dave MacDonald, process server.**
- d) That Council proceed with the examination of Councillor Sue Poulsen at 8:15 pm pursuant to Deputy Mayor's August 15, 2023 letter and accompanying appointment served on Councillor Sue Poulsen on September 5, 2023 by Dave MacDonald, process server.**

- e) That Council proceed with the examination of Councillor Scott Burchett at 9:30 pm pursuant to Deputy Mayor's August 15, 2023 letter and accompanying appointment served on Councillor Scott Burchett on August 15, 2023 by CAO Keir Gervais at the August 15, 2023 in camera Council meeting.

9. Staff Reports - None

10. New Business.

- b) That Council receive and discuss the following copies of John France's postings on Sayward Raves, formerly Rant and Rave and communications with Council and Keir Gervais:

- i) John France's posting on June 29, 2023 on Rant and Rave (as set out in Janet Baker's June 29, 2023 email to Keir Gervais);
- ii) John France's posting on July 20, 2023 on Rant and Rave (as set out in Lisa Clark's July 20, 2023 email to Keir Gervais);
- iii) John France's posting on July 28, 2023 on Rant and Rave;
- iv) John France's posting on August 14, 2023 on Rant and Rave (as set out in Mayor Baker's August 14, 2023 email to Keir Gervais);
- v) John France's posting on August 19, 2023 on Rant and Rave (as set out in Mayor Baker's August 19, 2023 email to Keir Gervais);
- vi) John France's posting on August 21, 2023 on Rant and Rave (as set out in Mayor Baker's August 21, 2023 email to Keir Gervais);
- vii) John France's posting on August 25, 2023 on Rant and Rave (as set out in Mayor Baker's August 25, 2023 email to Keir Gervais);
- viii) John France's posting on August 26, 2023 on Rant and Rave (as set out in Mayor Baker's August 26, 2023 email to Keir Gervais);
- ix) John France's posting on August 28, 2023 on Rant and Rave (as set out in Mayor Baker's August 28, 2023 email to Keir Gervais);
- x) John France's posting on September 2, 2023 on Sayward Raves and with excerpt in Mayor Baker's September 2, 2023 email to Keir Gervais;
- xi) John France's posting on September 3, 2023 on Sayward Raves and with excerpt in Mayor Baker's September 3, 2023 email to Keir Gervais;
- xii) John France's September 7, 2023 email to Mayor and Council and Lisa Clark and posting on Sayward Raves;
- xiii) John France's September 8, 2023 email in reply to a September 8, 2023 email from Keir Gervais on behalf of Deputy Mayor Tinsley;
- xiv) John France's September 8, 2023 posting on Sayward Raves; and
- xv) John France's September 9, 2023 posting on Sayward Raves.

- c) That Council receive and discuss:
- i) a May 12, 2023 memo to file of Mayor Baker;
 - ii) Councillor Scott Burchett's May 23, 2023 email to Keir Gervais with proposed motions for the June 6, 2023 Regular and In Camera Agenda;
 - iii) a letter placed by Sue Poulsen within Council Chambers on August 15, 2023 and with a copy of Councillor Paulsen's and Scott Burchett's July 24, 2023 letter to Chan Nowosad Boates Accounting Firm; and
 - iv) Councillor Paulsen's September 8, 2023 email to Keir Gervais.
- d) That Council resolve to consider passing a motion of censure and related sanctions against Councillor Sue Poulsen and Councillor Burchett for contraventions of section 117 of the *Community Charter*, sections of 5, 17(2), 26, 27 and 28 of the *Code of Conduct Bylaw No. 442, 2018* and possibly sections 22(7)(d) and 27(7)(e) of the *Council Procedure Bylaw No. 416, 2015*.
- e) If Council resolves to consider a motion and related sanctions at an *in camera* Council meeting on a date to be determined, that the Village write to Councillors Sue Poulsen and Scott Burchett prior to that *in camera* Council meeting to inform each of them that:
- i) they will each have an opportunity to respond to the proposed motion of censure and related sanctions at a further *in camera* Council meeting (at a date to be determined);
 - ii) they will each be provided a copy of draft proposed resolutions prior to the *in camera* Council meeting; and
 - iii) if after a hearing during the *in camera* Council meeting (at a date to be determine) Council adopts a resolution for censure and related sanctions they will have the ability to seek Council to reconsider the resolution under section 27 of the *Council Procedure Bylaw* and 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

¹Section 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"

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.

11. Rise

12. Adjournment

(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.

Keir Gervais

From: Lisa Clark
Sent: July 20, 2023 11:42 AM
To: Keir Gervais
Subject: JF Rant & Rave post

Thursday July 20 11:32am

Good day...I signed into the Council meeting (July 18); I was late signing on but thought I would share a few comments.

The split on Council is again evident as is the majority's determination to silence the minority. The mayor had a difficult time following the agenda and proper process, nothing new there. At one point during the discussion on Sayward Council attendance at the UBCM, the mayor had to wake up one Councillor because he missed his cue to chime in. After another Councillor volunteered to attend, Mr. Sleepy wasn't sure he could attend but was somewhat interested. Apparently hunting trips are more important than doing important Sayward business at UBCM, but clearly the majority do not want to see one of the minority attending the UBCM meeting.

There was an important request for Staff to do a report to Council on identifying options to open the Kelsey Centre earlier than planned for family programs. It was a report request, but quickly descended into a charade. One Councillor raised concerns on budget, budget is of course important, but this same party has (I am guessing here) acquiesced to \$70,000+ of unbudgeted expenditures to support the mayor's alleged bad behaviour. I guess that's where his priorities lie!?! A Staff member raised concerns about Staff time needed to do the report, now in my experience you can only use this excuse sparingly and certainly not for an important report which has the potential of helping many families in the Valley and Village. It was a report people, a report that would look at options to help families at which point Council could decide next steps...no brainer, approve and move on...it turned into a sad farce.

Then there was the CAO report on Council appointments, all good laying out the rules, could have done it sooner and with less drama. Never, never ever, should a staff person limit the input of a Councillor by omitting their report to Council (which should have been attached to his report, as requested). If there is something wrong with the Councillor report, that discussion is for the open meeting and not by staff censoring behind the scenes. Good job on this one Mr. mayor...full report will be at the next meeting. CAO, consider this a free and valuable piece of advice.

I hope someone is paying attention to all the funds being spent on the alleged issue involving the mayor. For something that is alleged, sure spending a lot of taxpayer money. I am guessing up to \$70,000 and where is it coming from...I am sure no one has a clue because it's not in the budget! Sad part is, what programs will have to be cut...is Sayward going to lose the Kelsey Centre because of the inappropriate spending spree. Questions need to be asked and Council should be held accountable. Maybe it's time for all of the Council to sit back and think about better ways to do their business together in making Sayward a better place and not by enriching consultants and lawyers...just saying, time for reflection.

You get what you don't pay attention to! Please do ask questions...Like why the May 16 meeting video has not been posted contrary to what was stated by the CAO at the meeting.

More to come, including the mystery of the fishing trip in the village pond???

Lisa Clark, CPA, CGA
Chief Financial Officer/Corporate Officer
Village of Sayward
652 H'Kusam Way, PO Box 29
Sayward, BC V0P 1R0
250-282-5512 Ext. 3 (office)

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From: Janet Baker [REDACTED]
Sent: Thursday, June 29, 2023 1:16:50 PM
To: Mark Baker <mark.baker@saywardvalley.ca>
Subject: re: John France post on Rant and Rave

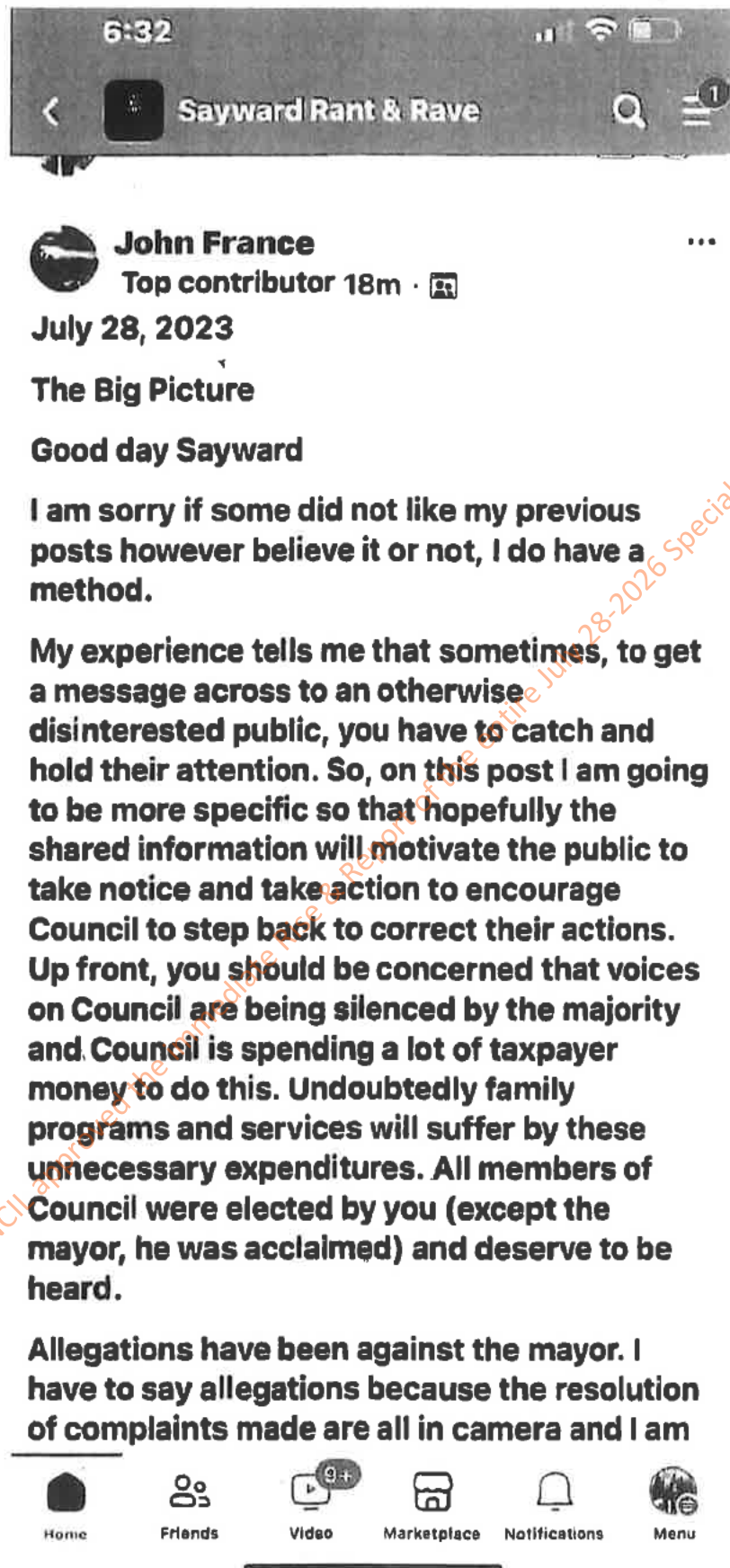
Today at June.29.23 by John France 12:55pm

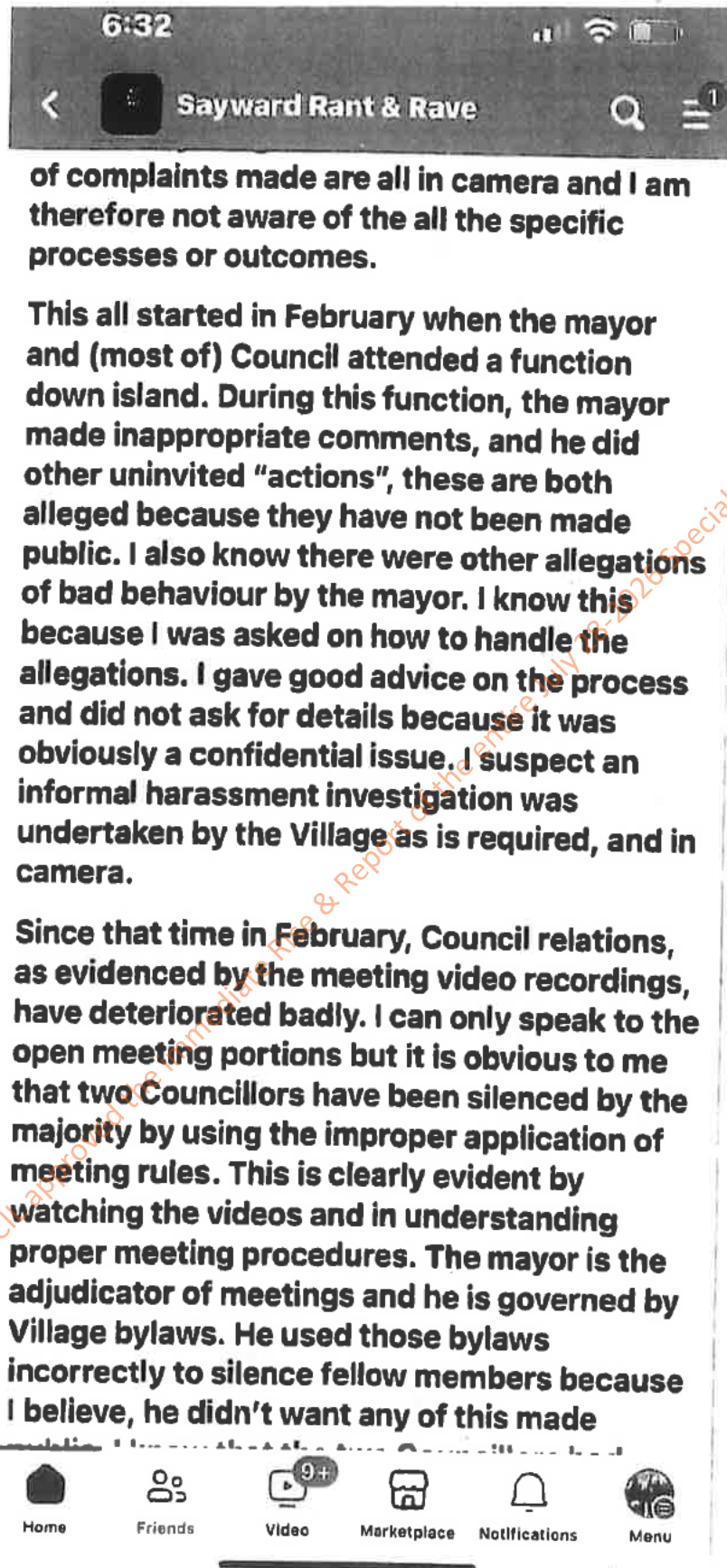
Hi Sayward! I have had a very memorable and professionally rewarding relationship with Sayward over the past 6 or so years, working with several Councils and a great staff as CAO. Unfortunately, seeing the current behaviour and actions on Council, I felt I had to speak up. I see a worsening progression in this behaviour which may have started in February of this year. At that time, I was approached for advice on how to handle an alleged incident of sexual misconduct by a Council member. I gave the appropriate advice and because of my past with Sayward, I hoped that the allegations would be resolved satisfactorily for all parties and with minimal expenditures of tax dollars. I have not asked for nor received any in camera information on the outcome or process...resolution of this issue is rightly an in-camera item. I do not know how it ended but I am curious if the bad

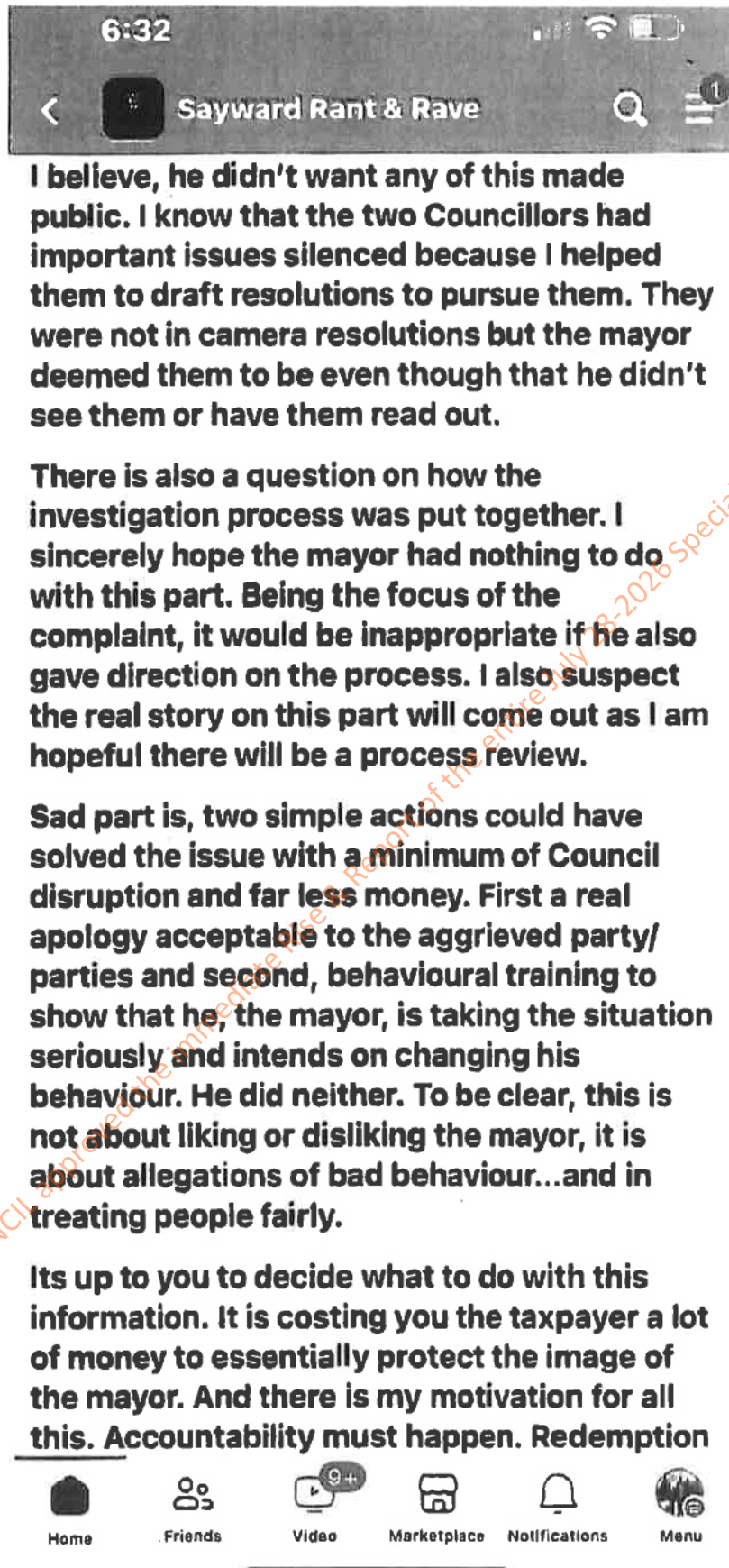
behaviour on Council is connected to the allegations. Several recent Council meetings have been marred by a particular nastiness, in behaviour by Council not following the rules of conduct policy and in not following the processes within the procedure bylaw. The policy and bylaw are designed to regulate the behaviour of all members of council and now is wrongly being used to silence Councillors that may have legitimate concerns. Its sad to see this poor behaviour, including being too openly misogynistic towards one Councillor and while another Councillor is silenced by the loud voices, physical threats and the improper application of the rules. This all happens with one Councillor being consensually silent and the Mayor not doing his job pursuant to Council rules, curious! Councillors trying to bring forward a motion have been silenced without proper due process...their rights have been effectively silenced! But silenced for what purpose? Sadly, that big tax increase paid by all residents this year doesn't appear to be going to pay for public services rather its

going to Council training, seminars, team building and costs associated with resolving the allegations (???). I suspect these costs may be in the \$50,000 range. I think its time for Council to make clear to the public where and how funds are being spent and how public services are being jeopardized through these unbudgeted expenditures. Hopefully all those funds invested on team building and governance will eventually show up in a positive way in Council meetings! Sorry for the long post.

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda









the mayor. And there is my motivation for all this. Accountability must happen. Redemption is possible, but it must be accompanied by contriteness and training. The mayor is your political rep to the outside world. Is this who Sayward wants representing them?

From: Mark Baker <mark.baker@saywardvalley.ca>
Sent: Monday, August 14, 2023 7:14 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: John France rant and rave post from today

August 13, 2023

The "inquisition" continues

The next Council meeting is on the 15th of August, read the agenda, not a lot there, but I hope residents will attend and ask questions. The noticeably absent parts are, 1, a staff report outlining all the projects Council has identified for village initiatives and improvements. It is an important report because it allows Council to see that staff are working on Council's priorities, it is a staff accountability issue. Unless Council gets this report, they have no idea what Staff are working on and the progress being made. The last report, was done a long time ago? And, 2, no budget variance report. Staff are accountable for the funds Council provides to get work done. It is also an opportunity to publicly discuss financial issues like overspending budgets as is the case

in the council/admin budgets where substantial amounts are being spent on the "inquisition". These amounts, I am surmising, are considerably more than budgeted and Council will undoubtedly have to make spending cuts if they are to balance the budget as is required by law. And finally, 3, no staff reports on all the program issues identified by the area director in the August newsletter. These are huge issues for Sayward, where is Council direction, where is Staff advice?

The "inquisition" is scheduled for the in-camera portion, so you won't be able to attend. Never In my 30 years of government experience, have I seen so many reasons quoted for going in camera. What makes this "inquisition" different is that instead of someone being burned at the stake (and yes, they are trying to metaphorically do exactly that), it is only tax payer dollars that are being burned for a silly face-saving vendetta. It is interesting that the person whose behaviour started this mess is no longer the focus, but rather the focus is on the victim. How disappointingly modern! Hopefully soon the whole truth will come out, genuine apologies will be made, behaviour corrected...then back to doing the village's business.

Yes, yes, I know...I am being negative again. There is not much that's positive with this Council/Staff at this time. I will be the first to congratulate when positivity returns and the "inquisition" is settled to everyone's satisfaction, within reason of course. In the meantime, I just try to report the news as factually as I can. Please attend the meeting, ask questions, be involved.

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From: Mark Baker <mark.baker@saywardvalley.ca>
Sent: Saturday, August 19, 2023 9:31 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: John France tonight's post on rant and rave

August 18 – The Inquisition continues

"In a far-off place people gathered around the table of transparency to discuss important issues, seating left to right, Snow White, Prince Florian, Sleepy, Dokey and Grumpy appearing by video... and some other character I couldn't name, perhaps Lord Farquaad, who did a lot of talking. No wait, wrong storey line...start again."

Councils should always be shown respect but if their actions show that respect is not warranted, sadly they then get what they deserve.

Fabulous job Sayward attending the meeting, 30 plus! Not much was accomplished, but let's set the tone first. A concerted effort was made the by majority to appear conciliatory and in control, however, this effort was completely destroyed by Testy Tom. Testy Tom (TT) interrupted

constantly the efforts by the minority to bring transparency to Council decisions by calling points of order (10 at last count). Most of TT's points were set aside, it was obvious that he was simply trying to silence the minority and in a nasty bellicose fashion. One generous attendee suggested TT came across as...testy, because of his audio link. I think most people saw TT as simply being rude, nasty and non-transparent. Surprising that in all the mayor's calls for respectful dialogue TT was not called out once. The mayor continues to have problems in adjudicating the points the point correctly, following the bylaw is not that hard. Furthermore, the CAO is not helping him navigate the process and one might think he is taking sides by his silence. A political CAO is not a good thing.

A resolution was introduced by one councillor to ask staff to provide council with a budget variance report (outlining all budgetary issues) and a status report on village projects. TT, who proclaims himself to be a great defender of the budget (despite approving the spending of huge amounts in excess of the allotted budget on the inquisition) made several attempts to set aside this request, odd, transparency isn't his "thing" I guess. The resolution passed, next meeting should be interesting.

Several attempts were made by the minority to openly discuss community issues, the majority shut them down. The youngest member of Council needs to step up his game, it is quite evident he takes his direction on voting from the mayor (look at the video) and I am not sure that he is reading his agenda before the meeting, he seems lost. There was virtually no discussion on the SRD tax/service issues mentioned by the area Director in the August Sayward News. More on this below. The chicken issue was raised again and Council acknowledged it was taking a long time to get the issue resolved. Maybe the issues affecting residents would be solved sooner if Council was spending less time on the inquisition and more time dealing with community issues??? Water restrictions were discussed including the processed water used by the log sort. Using processed water to sprinkle logs does seem a waste and I can understand the affect of sea water on the equipment if it is used to control dust. What I don't understand is why sea water couldn't be used to sprinkle logs and processed water used for dust control. I am sure other log sorts use sea water for both, it is puzzling and a bad use of processed water. Water is a big issue.

There are three main issues going forward in my opinion.

1. There has to more transparency on the funds being spent on the inquisition (which again went in camera) and 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 claiming in camera privilege, the community needs to know about the behaviour of its council members and tax payer's dollars spent on resolving the complaints.

2. Council needs to do a complete performance review of their CAO. The performance review must take into consideration expectations set in the original job offer and in progress completed to date on council's workplan. In my opinion, Council needs to clearly affirm that the CAO has acted in the best interest of council as a whole, the community and staff. Portions of the review should be made public especially if after this review complete, Council unanimously supports the CAO. This is not a vendetta; it is a healthy corporate affirming process.

3. Council needs to have a clear picture of the tax/service issues being proposed by the SRD and despite what the mayor claims, very little information has made it back to Council and the community for discussion. These issues include:

- Regional Fire Service
- Regional Transportation Service

- Regional Recreation Service
- Regional Housing Service
- Expansion of the current Strathcona Gardens Service
- Sayward Valley Fire protection

Staff reports are needed for a fulsome discussion.

Sadly, there are many other important projects which are not being addressed because of the inquisition. In my opinion, the whole inquisition is a silly face-saving process and a waste of tax payer's dollars. Very amateurish! Extremely misguided!

As usual, sorry for the long post. Lots more work needs to be done. Accountability and questions, needs lots of both. Keep in mind, the Snow White story ends well!

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<mime-attachment>

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special N-Camera Council Meeting Agenda

From: Mark Baker <mark.baker@saywardvalley.ca>

Sent: Monday, August 21, 2023 10:47 PM

To: Keir Gervais <cao@saywardvalley.ca>

Subject: John france again tonight

The loonies in the looney bin have summoned me to the Inquisition

They are going to be so disappointed...

Now for the counter suit, possibly a harrassment charge, poetic...advice anyone?

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From: Mark Baker [REDACTED]
Sent: Monday, August 28, 2023 4:33:30 PM
To: Mark Baker <mark.baker@saywardvalley.ca>
Subject: re new post

John's Post
John France
Top contributor

3h

I have given this situation a little thought...what posts should be re-posted to better bring into "the light" the ongoing inquisition saga. Thankfully, I won't post everything but will have some new content shortly. The purpose of this post was to high light actions taken by the majority to silence the minority and just as important, high light their inactivity on the real issues facing Sayward.

August 18 – The Inquisition continues

"In a far-off place people gathered around the table of transparency to discuss important issues, seating left to right, Snow White, Prince Florian, Sleepy, Dopey and Grumpy appearing by video... and some other character I couldn't name, perhaps Lord Farquaad, who did a lot of talking. No wait, wrong storey line...start again."

Councils should always be shown respect but if their actions show that respect is not warranted, sadly they then get what they deserve.

Fabulous job Sayward attending the meeting, 30 plus! Not much was accomplished, but let's set the tone first. A concerted effort was made the by majority to appear conciliatory and in control, however, this effort was completely destroyed by Testy Tom. Testy Tom (TT) interrupted constantly the efforts by the minority to bring transparency to Council decisions by calling points of order (10 at last count). Most of TT's points were set aside, it was obvious that he was simply trying to silence the minority and in a nasty bellicose fashion. One generous attendee suggested TT came across as...testy, because of his audio link. I think most people saw TT as simply being rude, nasty and non-transparent. Surprising that in all the mayor's calls for respectful dialogue TT was not called out once. The mayor continues to have problems in adjudicating the points the point correctly, following the bylaw is not that hard. Furthermore, the CAO is not helping him navigate the process and one might think he is taking sides by his silence. A political CAO is not a good thing.

A resolution was introduced by one councillor to ask staff to provide council with a budget variance report (outlining all budgetary issues) and a status report on village projects. TT, who

proclaims himself to be a great defender of the budget (despite approving the spending huge amounts in excess of the allotted budget on the inquisition) made several attempts to set aside this request, odd, transparency isn't his "thing" I guess.

Several attempts were made by the minority to openly discuss community issues, the majority shut them down. The youngest member of Council needs to step up his game, it is quite evident he takes his direction on voting from the mayor (look at the video) and I am not sure that he is reading his agenda before the meeting, he seems lost. There was virtually no discussion on the SRD tax/service issues mentioned by the area Director in the August Sayward News. More on this below. The chicken issue was raised again and Council acknowledged it was taking a long time to get the issue resolved. Maybe the issues affecting residents would be solved sooner if Council was spending less time on the inquisition and more time dealing with community issues???

Water restrictions were discussed including the processed water used by the log sort. Using processed water to sprinkle logs does seem a waste and I can understand the affect of sea water on the equipment if it is used to control dust. What I don't understand is why sea water couldn't be used to sprinkle logs and processed water used for dust control. I am sure other log sorts use sea water for both, it is puzzling and a bad use of processed water. Water is a big issue.

There are three main issues going forward in my opinion.

1. There has to more transparency on the funds being spent on the inquisition (which again went in camera) and 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 claiming in camera privilege, the community needs to know about the behaviour of its council members and tax payer's dollars spent on resolving the complaints.

2. Council needs to do a complete performance review of their CAO. The performance review must take into consideration expectations set in the original job offer and in progress completed to date on council's workplan. In my opinion, Council needs to clearly affirm that the CAO has acted in the best interest of council as a whole, the community and staff. Portions of the review should be made public especially if after this review complete, Council unanimously supports the CAO. This is not a vendetta; it is a healthy corporate affirming process.

3. Council needs to have a clear picture of the tax/service issues being proposed by the SRD and despite what the mayor claims, very little information has made it back to Council and the community for discussion. These issues include:

- Regional Fire Service
- Regional Transportation Service
- Regional Recreation Service
- Regional Housing Service
- Expansion of the current Strathcona Gardens Service
- Sayward Valley Fire protection

Staff reports are needed for a fulsome discussion.

Sadly, there are many other important projects which are not being addressed because of the inquisition. In my opinion, the whole inquisition is a silly face-saving process and a waste of tax payer's dollars. Very amateurish! Extremely misguided!

As usual, sorry for the long post. Lots more work needs to done. Accountability and questions, needs lots of both. Keep in mind, the Snow White story ends well!

Comments

Andi Marcle

Ohhhh here we go again the Jonny dumbfound is back at it 🤔

2h

Reply

John France

Author

Top contributor

Andi Marcle That's the best you got? Weak...

2h

From: Mark Baker <mark.baker@saywardvalley.ca>

Sent: Friday, August 25, 2023 7:27 PM

To: Keir Gervais <cao@saywardvalley.ca>

Subject: John France Rant and rave

Carmen Remmélzwaal keep in mind this whole affair started with the mayor's misbehaviour and the investigation part should be in camera. However, this is the coverup 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. [Get Outlook for iOS](#)

From: Mark Baker <mark.baker@saywardvalley.ca>

Sent: Friday, August 25, 2023 10:58 AM

To: Keir Gervais <cao@saywardvalley.ca>

Subject: John France Rant and rave

Did anyone figure out why the inquisitors wanted police at the last meeting...strange

What are they worried about? Democracy? They certainly weren't transparent

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From: Mark Baker <mark.baker@saywardvalley.ca>

Sent: Saturday, August 26, 2023 1:34 PM

To: Keir Gervais <cao@saywardvalley.ca>

Subject: Today's Rant and rave John France

Really good questions...I see two parts to this issue, probably more.

First is the question of finances, what does sayward gain or lose by joining the srd. This has to be an in-depth financial analysis which would be coupled to...second...which services would residents retain and lose. Obviously water, sewer, and solid waste would remain...all the rest would be discretionary including recreation, parks, building inspection etc. Fire would be interesting... absolutely necessary yes, but, without an incorporated village you don't have the big grants that are paid annually...these grants subsidize many of the services sayward now receives. So the cost of any retained service would come out of locally assessed taxes through srd service areas.

There are many other nuances to the disincorporation issue...a thorough study is needed...suggest a feasibility study funded by the srd would be a good idea.

I appreciate people are frustrated, current council is doing a terrible job...spending tons on the Inquisition mayor face saving exercise is not a high priority for most people.

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From: Mark Baker <mark.baker@saywardvalley.ca>
Sent: Monday, August 28, 2023 6:02:44 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: More in camera information on Rant and Rave today from John France

August 26 Sure is good to be back!

I have given you all two posts outlining some of the issues but not all of the issues. Please do review council meeting videos to give you a better perspective of the majority's actions. It is not normal to have legitimate resolutions censored by pushing them in camera simply because they don't want residents to know what is really happening. Here is an important point...just because council says its in camera, doesn't make it in camera...council are you listening...every IC motion you have made is reviewable and challengeable. But that's a story for another day.

Here are the two take aways for this post.

First, Councilor Sue distributed a letter at the August 15 to the audience which asks the village auditor to do an audit, quote:

"As you are the official Village of Sayward auditors, we wish to make a complaint under section 172 of the Community Charter, pursuant to subsections:

(a) a disbursement, expenditure, liability or other transaction is not authorized under this or another Act, or

(b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities and financial obligations of the municipality."

This letter was promptly put into in camera by the majority using a vague reason (again challengeable). This was a serious request and I know it was not taken lightly. But it is a necessary step because of the inaction by the majority over the past several months to respond to requests for information by the minority. Interesting at the August 15 when the minority again asked for the information, Testy Tom voiced his displeasure saying it wasn't necessary. AT LAST, admin stepped in and said a variance report would be coming in September, belated, but well-done staff! The important point here is, what happened to the audit request? Council can't

simply ignore it, especially as it is their actions that need audit oversight here???

The second point is...did you notice at the meeting, a discussion on who would be attending the UBCM this fall. It was promptly put into in camera (another challengeable one). Why would a matter of who attends the UBCM be an in-camera discussion? Were they worried about budget? Sending the right Councillor to represent Sayward? So, they have decided to send the mayor to UBCM...the person who started this whole inquisition with his sexual harassment actions at a public meeting in Nanaimo. That is who is going to represent Sayward. Sorry if this is harsh, but it is the truth. The mayor has not taken responsibility for his actions and here we are today six months later with a huge costly mess. Following my advice to him in June would have solved this whole painful episode. Ego can be a nasty adversary.
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On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda

From: Mark Baker <mark.baker@saywardvalley.ca>

Sent: Saturday, September 2, 2023 4:56 PM

To: Keir Gervais <cao@saywardvalley.ca>

Subject: John France, Rant and Rave Today

Council meeting this week... important reports coming on finances, Adama property and projects update...all promised at last meeting.

At last the expenditures on the Inquisition will come into public view. Unfortunately, the Inquisition continues in camera the following week...more on that farce soon.

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7:54



Sayward Raves



Melissa Holmes and 2 others

1 comment



Like



Comment



Send



Lindsay Ellis

Top contributor

wow FRED amazing results!

Like Reply



Comment as Kohen Gilkin



John France

Top contributor

2d · 📅



Another horrible meeting tonight...King Mark over played his hand and misogyny at work, again. Mystery of the overexpended budget continues. More to come.



3

3 comments



Like



Comment



Message



Delores E Mancell

OMG will he ever give up so sorry for sayward haveing hi... See more

Like Reply

5



Comment as Kohen Gilkin



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7:55



Sayward Raves



16

3 comments



Like



Comment



Send



Rhonda Rae

Wow! Great pictures. What a wonderful story for this guy

Like Reply

1



Lee Ettinger

Author Top contributor

Gerry, the photog, is a very talented fellow..... See more

Like Reply

1



Comment as Kohen Gilkin



John France

Top contributor 5d ·

Council meeting this week... important reports coming on finances, Adama property and projects update...all promised at last meeting.

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1

3 comments



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From: Mark Baker <mark.baker@saywardvalley.ca>

Sent: Sunday, September 3, 2023 5:44 PM

To: Keir Gervais <cao@saywardvalley.ca>

Subject: John France Sunday Rant and Rave

Just read the agenda ...no Inquisition financial disclosure this month...the suspense is building and so is the amount.

I am curious why no one made comments about the letter circulated before the last meeting which outlined a request for the auditor to inspect the accounts for unsupported expenditures. The motion was promptly moved in camera...good opportunity for a legal challenge there, no grounds, but then what happened to it? This council is so secretive, well the majority is ...

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7:55



Sayward Raves



Inquisition continues in camera the following week...more on that farce soon.



1

3 comments



Like



Comment



Message



John France

Author Top contributor

Just read the agenda ...no

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Like Reply



Comment as Kohen Gilkin



Danielle Hayward

4d ·

*****LOST CAT*****

Charlie is missing from the Howes rd area.



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----- Forwarded message -----

From: John France [REDACTED]

Date: Thu, Sept 7, 2023, 8:25 p.m.

Subject: September 12 Inquisition

To: <MayorandCouncil@saywardvalley.ca>, Lisa Clark <village@saywardvalley.ca>

Mayor and council

Lisa Clark Corporate Secretary

I have recieved 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 sexual harassment misbehaviour of the mayor. Extremely disappointed that so many scarce resources are being used in this charade...resources that could have been used for the betterment of public services for Sayward residents. I estimate that the huge tax increase endured by residents this year has all been used in this unbudgeted travesty and suspect you are now spending strategic reserves. 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.

With this in mind, I again offer my services to try to help council come to an agreeable solution to this waste of time and taxpayer money. I am under no illusion that reaching an agreement will be easy. By the majority's long list of deplorable actions, an agreement will be difficult and finding the right downstream balance in acceptable behaviour will be challenging. However with all parties committing to finding a workable solution I believe this is the right course of action for Sayward.

I am prepared to do this gratis, except for travel costs. The process would be designed by myself with input from other competent individuals and would be agreed to by all parties before the start.

As for my inquisition summons, I have several questions:

1. Will I be given the complete transcript of the meeting/s in writing and on tape?
2. As I am requested to bring materials, I ask for the complete agenda package and all materials to be delivered to me so that I may prepare for the meeting.
3. I request travel costs at \$.65/KM to attend all summons/meetings, my time is gratis.
4. Please provide the legal reasons why my testimony, which is clearly not an in camera item, should be held in camera complete with the section of the act.

I cannot attend the meeting unless I have a timely response and then time to consider your response.

Sincerely

John France CAO Sayward Retired (almost)

CC Residents of Sayward

From: Mark Baker mark.baker@saywardvalley.ca
Subject: Fwd: John France Sept 07/23
Date: September 7, 2023 at 9:09 PM
To: Keir Gervais cao@saywardvalley.ca

NB

FYI

Get Outlook for iOS

From: Mark Baker [REDACTED]
Sent: Thursday, September 7, 2023 9:08:19 PM
To: Mark Baker <mark.baker@saywardvalley.ca>
Subject: John France Sept 07/23

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https://www.facebook.com/groups/13145564624

Search Facebook

Sayward Raves
Private group · 15K members

Joined

Community home
3 posts

Suggest new chat

Mayor and council
Lisa Clark Corporate Secretary

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Sayward Raves
Private group · 15K members

Joined

Community home
3 posts

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Sincerely
John France CAO Sayward Retired (almost)



+ Suggest new chat



On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda



Sayward Raves



Top John France · 8h ·

Mayor and council

Lisa Clark Corporate Secretary

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Comment as Kohen...



<  **Sayward Raves** ...
Top John France · 8h · 

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Sincerely

John France CAO Sayward Retired (almost)

CC Residents of Sayward

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Beckie Terhaar



7m Like Reply



Comment as Kohen...





Sayward Raves

**John France**Top contributor 9m · **The inquisition continues...September 5 Council meeting**

The disrespectful behaviour of the mayor and majority on council continued against the minority and especially against the one woman on Council. Apparently when a decision is being made and a councillor is collecting info to be able to make the best decision, its ok to say to the woman, you have enough info, you don't need anymore...then blow through the vote 3-2. Its about respect. If you want a respectful meeting, then all councillors should be able to ask for the info they need to make a proper decision. To cut them off is disrespectful, and disrespectful of the process. Apparently, this Council still doesn't understand what makes a council function well and they certainly don't understand the code of conduct rules. Said simply, 3-2 votes on a final decision where all of council has the information they need to make the decision, are fine. Limiting a councillor's right to have information to make a decision by a 3-2 vote is wrong and undemocratic!

Cllr Scott was kicked out of the meeting for trying to bring transparency on a financial matter. The position of the CAO and the Mayor was that legal financial matters did not have to



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was that legal financial matters did not have to be disclosed to the public because the funds were spent on an in-camera item. This is so patently incorrect it is laughable. It is not OK to spend substantial amounts unless it is approved within the financial plan – How can it be OK that the approvers of the over expenditures can hide the expenditures until after their spending spree is over? This is not how democracy works, the public needs know what is happening with their tax dollars.

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 endeavours. I understand disclosure of all amounts spent on consultants and lawyers year to date, were requested for all council after the meeting and was again rejected.

There was a lot of discussion around the totally inadequate council action report. One councillor said it was very professional while another commented about the nice green marks. The CAO when asked about the full "SPIT" report (this report outlines progress on all council priorities); he basically said it was too complex and he didn't have time to do it. It is Council's purview to decide on how best to inform themselves and the public...not the CAO's...on council/community priorities. Where is the progress on the Adama file or on



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Where is the progress on the Adama file or on the other land use projects currently underway. Where is the progress on the ED position, or the public works position, OCP, grants in progress, or the fire service issues? Yes, the SPIT report is time consuming but is also essential. This issue shocked me, how can you govern and know you are being governed well without all the important info.

OCP...good job in reaching out to one of the first nations in our area but what about the other three? I seem to recall Council approving a course of action in January on how to proceed with First Nation engagement, what happened to that plan? It seems like the whole process is being reinvented but in bits and without overall council control or approval... just seems odd.

One last comment. One gentleman mentioned that council budgets always needed revision so why all this fuss in social media. Now I am sure he wasn't referring to me but I will answer him anyway. The over expenditures I am concerned about are not approved within the financial plan. They can be, but first council has to make the revisions public through a bylaw process. However, before this is done, how about some transparency now before council wastes more money? That is all I am advocating for, transparency. Then the public can decide whether the gas lighting inquisition



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can decide whether the gas lighting inquisition to protect the mayor's image was worth that huge tax increase incurred by all this year. Transparency is a wonderful thing, especially when this whole affair could have been settled months ago and with a lot less money. There is no reason why these expenditures can't be made public now, the reasons put forward by the CAO are wrong and not supported in law. Estimate \$40,000 and increasing!



Like



Comment



Send

**Milena Gradisar**

4h ·

The situation is escalating, nothing good can come of it. If you possibly can, back off. If you dont know what I am talking about, good for you. Not everyone CAN back off.

This may be the most important post I have ever posted.

5

24 comments



Like



Comment



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**Lori Malcolmson**

Well she is Tracy's friend and possible body guard by... See more

Like Reply

5



Comment as Kohen Gilkin



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May.12.23

At 4:30pm I received a call from John France.

We chatted briefly about his vacation.

John brought up the complaint of sexual harassment from Councillor Scott Bruchett, I questioned where he got this information from because it was in camera. He stated he received the information from a staff member who called him before he went on holidays, stating they had received a sexual harassment claim against the mayor and what should the staff member do. John said he advised the undisclosed staff member to contact the CAO Keir.

John said since he got back from holidays he has been in contact with councilor Scott Bruchett and councillor Sue Paulsen regarding the complaint. He claimed he wasn't aware of the details of the complaint just the nature of the complaint.

He said that Scott and Sue were not happy with outcome of the investigation and that Scott will be moving forward with further actions against me. He stated that Scott and his girlfriend Tahlia would be going to the RCMP, and that Scott had no interest in letting this drop. John stated that I would not be covered under the indemnification bylaw in his opinion and that the municipality should get legal advice on that stating that in a criminal matter I wouldn't likely be covered which would inhibit my ability to cover legal costs.

John advised me that for the betterment of the community I should step down from the SRD, Hospital board and waste management board, perhaps not permanently but maybe for a year so that I could take sensitivity training and that would appease Scott and Sue.

I repeated again that this was an in-camera issue and he should not be aware of it. He responded that I should not focus on, that it was an in-camera issue but focus on what is best for the village of Sayward.

John said he was concerned for the new CAO Keir and would not want to be called out of retirement to step in as acting CAO because of the new CAO dealing with the stress of this issue. Obviously it has been overwhelming for the CAO as the OCP hasn't been completed yet and that should be the priority for the village.

John repeated again I should not focus on the in camera information breach, I said bye and ended the phone call.

Mark Baker

Bill Ives mobile	Saturday ⓘ
Keir G (4) mobile	Friday ⓘ
Jerry Berry mobile	Friday ⓘ
John France mobile	Friday ⓘ
Brad Unger mobile	Friday ⓘ
The Lyons mobile	Friday ⓘ
Dave Leitch mobile	Friday ⓘ
Liana Gilmour mobile	Thursday ⓘ
Janet Baker home	Thursday ⓘ
Brad WFP	

Keir Gervais

From: Scott Burchett
Sent: May 23, 2023 9:22 PM
To: Keir Gervais; Lisa Clark
Subject: Motions for June 6
Attachments: June 6 Council Meeting Motions.docx

Please see the attached Motions for the June 6 2023 Regular Council Meeting and In Camera Meeting.

Sincerely,

Scott

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda

May 23rd, 2023

Regular Council Meeting Motions for June 6th, 2023

1. Notice of Motion: That Council remove Mayor Baker from all committees and boards, with the exception of Island Coastal Economic Trust, until Council has determined he can conduct himself in a manner consistent with the Village's Code of Conduct.
2. Motion: That Council direct staff to report on whether an employee/Council member guilty of wilful misconduct which causes the Village to expend taxpayer monies, is something recoverable by the Village from the guilty party.

In Camera Motions for June 6th 2023 Meeting

1. Motion: That Council direct Staff to prepare a report on possible improvements to the Code of Conduct Bylaw, Indemnity Bylaw, and Respectful Workplace Policy.
 - Code of Conduct Bylaw: Council review to ensure all Council understands the importance of the bylaw and its applicability to all times whether on Council business or not.
 - Indemnity Bylaw: To understand the limits of the bylaw and to reinforce sections on what will be indemnified.
 - Indemnification should only happen (not automatic) with a Council vote before any legal proceedings (for which Council may want to consider an indemnification) take place. Clarify process – person asking for indemnification, must bring it forward to Council.
 - Respectful Workplace Policy: Clarify process, clarify Councils' roles and responsibilities.
2. Notice of Motion: That the resolution of the harassment case brought against Mayor Baker be discussed by Council as the letter of apology from Mayor Baker to Councillor Burchett was unsatisfactory.

Councillor Scott Burchett

Issue 1

A letter was sent to the village auditor in late July. This letter outlined concerns raised on expenditures being improperly made by the majority on Council. We have since been told by the auditor that the author of these expenditures, the majority on Council, has the right to curtail or delay this legally sanctioned process. Furthermore, we were told that the CAO has directed the auditor to not respond to our letter. We believe there is nothing in the Community Charter that gives the auditor or CAO the right to not act on our request. Furthermore, it is simply ridiculous to think the Act gives potential perpetrators of unbudgeted expenditures, the right to stop an investigation into their alleged unbudgeted expenditures.

That Council direct staff to provide a legal review of the auditor's and CAO's actions in response to our request under S172 of the community Charter;

And Further That, Council acknowledge it has no role to play in this process except in dealing with the outcome of the auditor's report.

This will go no where...a point of order will be raised...but see below.

Issue 2

We have heard very little on the service changes being considered by the SRD Board. These new and/or changed services may have an impact on services to our residents. Furthermore, the taxation impacts need to be considered by Council and residents.

That Council needs to fully understand the issues being discussed at the SRD Board and the implications these issues will have on services and taxes to our residents;

That Council direct staff to prepare reports for the first Council meeting in October on the following service issues complete with staff reports already prepared by SRD staff:

- **Regional Fire Service**
- **Regional Transportation Service**
- **Regional Recreation Service**
- **Regional Housing Service**
- **Expansion of the current Strathcona Gardens Service**
- **Sayward Valley Fire protection**

Issue 3

The lack of financial info is very troubling. We have not received a variance report since May and we all know considerable unbudgeted expenditures have been made by the majority on Council on in camera issues which can't be discussed here...however the expenditures can be discussed. Taxpayers demand transparency on this issue especially as the outcome may be a reduction in services. The majority has worked hard to silence the minority and what we want is transparency for all of Council and for our residents.

That Council direct Staff to prepare a variance report for the first September Council meeting;

And further That, Staff be directed to prepare an up-to-date status report on all Council priorities and initiatives, the first September Council meeting.



July 24, 2023

Chan Nowosad Boates Accounting Firm
980 Alder Street, Campbell River, BC V9W 2P9

Dear Chan Nowosad Boates Accounting Firm:

As you are the official Village of Sayward auditors, we wish to make a complaint under section 172 of the Community Charter, pursuant to subsections:

- (a) a disbursement, expenditure, liability, or other transaction is not authorized under this or another Act, or
- (b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities, and financial obligations of the municipality.

We believe that both subsections may apply. Council has made substantial expenditures to consultants, legal and others, which are not included in the financial plan nor has Council provided a rationale or formal approval for these expenditures. These unauthorized expenditures put services to Sayward residents and families at risk simply because they are unaffordable and unsustainable.

We appreciate this is a difficult request, but we wish it known that the majority on Council have effectively curtailed our rights to ask questions on this and many other issues. Therefore, we want an immediate investigation into the financial affairs of the Village with the appropriate recommendations and public accountability. We look forward to hearing from you and in getting your help in bringing resolution and transparency to this complaint. Residents need to know that Council is working for them in an open and legal fashion.

Sincerely,

Sue Poulsen, Councillor, Village of Sayward

Scott Burchett, Councillor, Village of Sayward

Sayward BC VOP 1R0

Sayward BC VOP 1R0

CC Mayor and Council, Village of Sayward

Keir Gervais

From: Sue Poulsen
Sent: September 8, 2023 10:17 PM
To: Keir Gervais; Mayor and Council; Lisa Clark
Subject: Response to Mr. France

CAO Gervais

Thank you for copying your/Deputy Mayor Tinsley's response to Mr. France's earlier email. This response to Mr. France has critical errors in it and this is a concern to myself, and should be to all of council.

The deputy mayor, Tom Tinsley, has NO authority to make decisions on behalf of village council nor to instruct the CAO to respond to Mr. France. The CAO takes direction FROM COUNCIL THROUGH THE MAYOR. The correct process is to present this letter to council at a regular meeting for information and discussion, vote on the decisions, and then respond to Mr France's questions.

Under point 2 in your response, the wording:

1. The subject matter of the examination relates to the disclosure to you of information and records held in confidence pursuant to section 117 of *Community Charter* about which you have

should be "to the 'alleged' disclosure to you"...

Your wording implies that guilt has been proven, which it has not.

Is this is a fair and just democratic process?

CLlr Poulsen



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING MINUTES
SEPTEMBER 12, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

Present: Mayor Mark Baker
Councillor Kohen Gilkin
Councillor Tom Tinsley

In Attendance: Keir Gervais, CAO / Recording Secretary
Dana Goodfellow, Phoenix Law Corporation

1. Call to Order

The meeting was called to order at 4:34 pm.

Mayor Baker called a recess of the Regular Council Meeting at 6:11 pm

The Regular Council Meeting reconvened at 6:21 pm

The attendance of Council and Staff was the same as at the time the recess was called.

2. Introduction of Late Items - None

3. Approval of Agenda

MOTION RIC23/94

MOVED AND SECONDED

THAT the agenda for the In-Camera Meeting of Council for September 12, 2023, be approved as amended.

CARRIED

4. Minutes of Previous Meetings

MOTION RIC23/95

MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on September 5, 2023 be adopted.

CARRIED

5. Delegations - None

6. Council Reports - None

7. Mayor's Report - None

8. Unfinished Business

- a) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- d) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RECESS:

MOTION RIC23/100

MOVED AND SECONDED

THAT Council recess the in-camera council meeting at 5:41 pm.

CARRIED

RECONVENE MEETING:

MOTION RIC23/101

MOVED AND SECONDED

That Council reconvene the in-camera council meeting at 5:49

CARRIED

e) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RECESS:

MOTION RIC23/103

MOVED AND SECONDED

THAT Council recess the in-camera council meeting at 6:30 pm.

CARRIED

RECONVENE MEETING:

MOTION RIC23/104

MOVED AND SECONDED

That Council reconvene the in-camera council meeting at 7:10 pm.

CARRIED

9. Staff Reports – None

10. New Business

a) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b) Correspondence RE: John France's postings on Sayward Raves, formerly Rant and Rave and communications with Council and Keir Gervais:

- i) John France's posting on June 29, 2023 on Rant and Rave (as set out in Janet Baker's June 29, 2023 email to Keir Gervais);
- ii) John France's posting on July 20, 2023 on Rant and Rave (as set out in Lisa Clark's July 20, 2023 email to Keir Gervais);
- iii) John France's posting on July 28, 2023 on Rant and Rave;
- iv) John France's posting on August 14, 2023 on Rant and Rave (as set out in Mayor Baker's August 14, 2023 email to Keir Gervais);
- v) John France's posting on August 19, 2023 on Rant and Rave (as set out in Mayor Baker's August 19, 2023 email to Keir Gervais);
- vi) John France's posting on August 21, 2023 on Rant and Rave (as set out in Mayor Baker's August 21, 2023 email to Keir Gervais);
- vii) John France's posting on August 25, 2023 on Rant and Rave (as set out in Mayor Baker's August 25, 2023 email to Keir Gervais);
- viii) John France's posting on August 26, 2023 on Rant and Rave (as set out in Mayor Baker's August 26, 2023 email to Keir Gervais);
- ix) John France's posting on August 28, 2023 on Rant and Rave (as set out in Mayor Baker's August 28, 2023 email to Keir Gervais);
- x) John France's posting on September 2, 2023 on Sayward Raves and with excerpt in Mayor Baker's September 2, 2023 email to Keir Gervais;
- xi) John France's posting on September 3, 2023 on Sayward Raves and with excerpt in Mayor Baker's September 3, 2023 email to Keir Gervais;
- xii) John France's September 7, 2023 email to Mayor and Council and Lisa Clark and posting on Sayward Raves;
- xiii) John France's September 8, 2023 email in reply to a September 8, 2023 email from Keir Gervais on behalf of Deputy Mayor Tinsley;
- xiv) John France's September 8, 2023 posting on Sayward Raves; and
- xv) John France's September 9, 2023 posting on Sayward Raves.

MOTION RIC23/106

MOVED AND SECONDED

THAT Council receive and discuss the copies of John France's postings on Sayward Raves, formerly Rant and Rave and communications with Council and Keir Gervais

CARRIED

c) Miscellaneous Correspondence

That Council receive and discuss:

- a) a May 12, 2023 memo to file of Mayor Baker;
- b) Councillor Scott Burchett's May 23, 2023 email to Keir Gervais with proposed motions for the June 6, 2023 Regular and In Camera Agenda;
- c) a letter placed by Sue Poulsen within Council Chambers on August 15, 2023 and with a copy of Councillor Poulsen's and Scott Burchett's July 24, 2023 letter to Chan Nowosad Boates Accounting Firm; and

MOTION RIC23/107
MOVED AND SECONDED

CARRIED

- d) **Motion of censure and related sanctions against Councillor Sue Poulsen and Councillor Burchett**

MOTION RIC23/108
MOVED AND SECONDED

THAT Council resolve to consider passing a motion of censure and related sanctions against Councillor Sue Poulsen and Councillor Burchett for contraventions of section 117 of the *Community Charter*, sections of 5, 17(2), 26, 27 and 28 of the *Code of Conduct Bylaw No. 442, 2018* and possibly sections 22(7)(d) and 27(7)(e) of the *Council Procedure Bylaw No. 416, 2015*.

CARRIED

- e) **Date and administrative procedure for special in-camera meeting RE: consideration of motion of censure and related sanctions Councillor Sue Poulsen and Councillor Burchett**

MOTION RIC23/109
MOVED AND SECONDED

THAT a special in-camera meeting be scheduled for 5:00 pm on October 10, 2023 where Council will consider a motion and related sanctions; and

THAT the Village write to Councillors Sue Poulsen and Scott Burchett prior to that special in-camera Council meeting to inform each of them that:

- a) they will each have an opportunity to respond to the proposed motion of censure and related;
- b) they will each be provided a copy of draft proposed resolutions prior to the special in-camera Council meeting; and
- c) if after a hearing during the special in-camera Council meeting on October 10, 2023 Council adopts a resolution for censure and related sanctions they will have the ability to seek Council to reconsider the resolution under section 27 of the *Council Procedure Bylaw* and 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*.

CARRIED

f) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. Rise

12. Adjournment

**MOTION RIC23/111
MOVED AND SECONDED**

THAT the In-Camera meeting of Council for September 12, 2023 be adjourned.

CARRIED

The meeting was adjourned at 7:55 pm

Mayor

CAO / Recording Secretary

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the Entire July 28-2026 Special In-Camera Council Meeting Agenda



**VILLAGE OF SAYWARD
SPECIAL COUNCIL MEETING MINUTES
SEPTEMBER 12, 2023
COUNCIL CHAMBERS**

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.

Council: Mayor Mark Baker
Councillor Tom Tinsley
Councillor Kohen Gilkin
Councillor Sue Poulsen excused due to illness

Staff: Keir Gervais, CAO/Recording Secretary

1. Call to Order

Meeting was called to order at 4:30pm

2. Public Input - None

3. Introduction of Late Items - None

4. Approval of Agenda

MOTION S23/17

MOVED AND SECONDED

THAT the agenda for the Special Meeting of Council for September 12, 2023, be approved.

CARRIED

5. Minutes of Previous Meetings - None

6. Petitions and Delegation - None

7. Correspondence - None

8. Council Reports - None

9. Reports of Committees - None

10. Mayor's Report - None

11. Unfinished Business - None

12. Staff Reports - None

13. Emergency Services/Public Works/Recreation Department Reports - None

14. Bylaws - None

15. New Business - None

16. Public Question Period - None

17. In Camera

MOTION S23/18

MOVED AND SECONDED

THAT in accordance with Section 92 of the *Community Charter*, this Council meeting will be closed to the public at this time in order that Council may give consideration to matters in accordance with the following sections of the *Community Charter*:

- Section 90(1)(c) labor relations or other employee relations
- Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; and,
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

18. Adjournment

MOTION S23/19

MOVED AND SECONDED

THAT the Special meeting of Council for September 12, 2023 be adjourned.

CARRIED

The meeting was adjourned at 4:33 PM



Mayor



CAO / Recording Secretary



Village of Sayward

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

Councillor Scott Burchett



VOP 1R0

Councillor Sue Poulsen



VOP 1R0

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")

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 September 12, 2023 *in camera* Council motion RIC23/108 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;

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- (c) In *camera* Council motion IC23/38 that Council accept the form of apology offered by Mayor Baker, the terms of which are described in JB Consultant Inc.'s mediation report from the April 20, 2023 mediation ("Mediation");
 - (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 June 6, 2023 regular and *in camera* Council meetings (the "Motions"). The Motions were not placed on the agenda for the June 6, 2023 regular and *in camera* Council meetings. The Motions were discussed during an *in camera* Council meeting on June 20, 2023; 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 of 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

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

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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 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.

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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.

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.

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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 July 18, 2023 *in camera* Motion IC 23/65 and August 1, 2023 *in camera* Motion IC23/79 and August 1, 2023 *in camera* motion IC23/76.

Further, should each of you want to review the recording of the September 12, 2023 *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 September 12, 2023 *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.

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ENGAGEMENT OF LEGAL COUNSEL, ATTENDANCE AT THE OCTOBER 12, 2023 IN CAMERA COUNCIL MEETING AND REVIEW OF [REDACTED] 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 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 July 18, 2023 *in camera* Motion IC 23/65 and August 1, 2023 *in camera* Motion IC23/79.

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] 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 July 18, 2023 *in camera* Motion IC 23/65 and August 1, 2023 *in camera* Motion IC23/79.

The Village also reminds Councillor Poulsen that if Councillor Poulsen wants to share with her retained legal counsel the [REDACTED] legal opinion [REDACTED] Councillor Poulsen must first obtain her retained legal counsel's agreement to accept the undertakings set out in the August 1, 2023 *in camera* motion IC23/76. If Councillor Poulsen wants to share the information and documents referenced in [REDACTED] 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] 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)

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**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
OCTOBER 3, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

1. Call to Order

2. Introduction of Late Items

3. Approval of Agenda

Recommended Resolution:

THAT the agenda for the In-Camera meeting of Council for October 3, 2023, be approved.

4. Minutes of Previous Meetings

Recommended Resolutions:

THAT the minutes from the In-Camera meeting of Council held on September 12, 2023, be adopted.

5. Delegations - None

6. Council Reports - None

7. Mayor's Report - None

8. Unfinished Business - None

9. Staff Reports

a) Staff Report – Request for Support from Ministry of Municipal Affairs – Keir Gervais, CAO

Recommended Resolutions:

THAT Council receive the CAO's Verbal Report – Request for Support from Ministry of Municipal Affairs for information and discussion; and,

THAT Council authorize Mayor Baker to write a letter to the Minister of Municipal Affairs requesting assistance to enhance Council's knowledge of mandatory legislated requirements and aid in achieving legislative compliance regarding *responsible conduct of elected officials*.

b)

[REDACTED]

10. New Business

11. Rise

12. Adjournment

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING MINUTES
OCTOBER 3, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

Present: Mayor Mark Baker
Councillor Scott Burchett
Councillor Kohen Gilkin
Councillor Sue Poulsen
Councillor Tom Tinsley

In Attendance: Keir Gervais, CAO/Recording Secretary

1. Call to Order

The meeting was called to order at 9:14 pm.

2. Introduction of Late Items

[REDACTED]

3. Approval of Agenda

**MOTION IC23/112
MOVED AND SECONDED**

THAT the agenda for the In-Camera Meeting of Council for October 3, 2023, be approved as amended.

CARRIED

4. Minutes of Previous Meetings

**MOTION RIC23/113
MOVED AND SECONDED**

THAT the minutes from the In-Camera meeting of Council held on October 3, 2023 be adopted.

Opposed Cllr Burchett, Cllr Poulsen

CARRIED

5. Delegations - None

6. Council Reports

7. Mayor's Report - None

8. Unfinished Business – None

9. Staff Reports

a) Staff Report – Request for Support from Ministry of Municipal Affairs – Keir Gervais, CAO

MOTION RIC23/115

MOVED AND SECONDED

THAT Council receive the CAO's Verbal Report – Request for Support from Ministry of Municipal Affairs for information and discussion; and,

THAT Council authorize Mayor Baker to write a letter to the Minister of Municipal Affairs requesting assistance to enhance Council's knowledge of mandatory legislated requirements and aid in achieving legislative compliance regarding *responsible conduct of elected officials*.

Opposed Cllr Burchett, Cllr Poulsen

CARRIED

10. New Business - None

11. Rise

12. Adjournment

****Councillor Burchett left the meeting at 10:37****

MOTION IC23/117
Moved and Seconded

THAT the In-Camera meeting of Council for October 3, 2023 be adjourned.

CARRIED

The meeting was adjourned at 10:39 pm

Mayor

Corporate Officer

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STAFF REPORT – IN CAMERA

For: Mayor and Council
From: Keir Gervais, CAO
Subject: Request for Support from Minister of Municipal Affairs
Meeting date: January 3, 2023

DISCUSSION

Mayor Baker and CAO Gervais had several scheduled ministerial meetings during 2023 UBCM Convention, including one with staff from the Ministry of Municipal Affairs (MoMA). The meeting with MoMA staff was scheduled for the purpose of requesting ministry support in response to the council conduct and governance related issues that is negatively impacting Village operations, staff and Council moral, and the public's opinion of the municipality.

Mayor Baker and CAO Gervais met with the *Assistant Deputy Minister, Local Government Division* and the *Director, Governance Services, Governance and Structure Branch, Local Government Division*. We explained the complaint received by the CAO in February and the methods and processes used in response, including that of legal counsel, mediators, an esteemed governance trainer, and Village Council. We explained the options for continuing or concluding the matter that were presented to Council by legal counsel and the mediators, along with their recommendation, and ultimately the decision that was resolved by Council.

We further described how the conduct or behaviour amongst some of Council had eroded and was negatively playing out during Council meetings between elected officials, between elected officials and staff, and over email between some elected officials to staff. We explained the documented instances where some public knew of confidential information discussed only during *in-camera* meetings, and how gross exaggerations of this information were being posted by the public on social media. The CAO detailed the filing of a breach of confidentiality by an elected official with the *Office of the Privacy Commissioner* and the administrative and technical steps we now take to mitigate such a future occurrence repeating itself. We attempted to characterize the toll the poor conduct or behaviour was having on staff - some more than others but across much of the organization nonetheless, as well as the potential for the Village to not be able to attract and hire future employees if current employees leave because of the negative conduct or behaviour. Finally, the CAO summarized the financial cost the Village is taking on to ensure proper conduct and good governance is practiced, and emphasized how unaffordable this exercise is for the Village.

The Ministry staff were understanding of the issues we described. They shared that the Minister would consider allocating resources to aid the Village Council to enhance Council's

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knowledge of mandatory legislated requirements and aid in achieving legislative compliance regarding *responsible conduct of elected officials* if requested by Council.

STAFF RECOMMENDATIONS

THAT Council receive the CAO's staff report – Request for Support from Ministry of Municipal Affairs for information and discussion; and,

THAT Council authorize Mayor Baker to write a letter to the Minister of Municipal Affairs requesting assistance to enhance Council's knowledge of mandatory legislated requirements and aid in achieving legislative compliance regarding *responsible conduct of elected officials*.

Respectfully submitted,

Keir Gervais, CAO

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda



October 9, 2023

Mayor and Council
C/O Keir Gervais, CAO
Village of Sayward
652-A H'Kusam Way PO Box 29
Sayward, BC
V0P 1R0

Our office received a 2nd letter of correspondence from Councillor Sue Poulsen and Councillor Scott Burchett dated September 17th.

The Councillors noted above had originally sent written correspondence to our firm dated July 24, 2023, which I spoke with them on the phone about on August 15, 2023.

Following my phone call with Sue and Scott, I wrote an email to Keir Gervais, CAO and Lisa Clark, CFO, that stated the below. I understood that this email was to be shared with Mayor and Council but if it was not please accept my apologies.

"Hi Lisa & Keir,

I received a call today from Sue and Scott. They were both polite and respectful. I am providing you an update as the party that engages our firm – the Village, as this matter relates to yourselves and the Village as a whole.

Sue and Scott shared that the activities they are concerned about relate to subsequent to January 1, 2023. I shared that we have not audited that period, and at this point in time cannot do anything to review the transactions they are describing. I noted specifically that as part of our 2023 audit we would look at the transactions that they are concerned about and be required to based on the information we have received from them, regardless of whether the concern is valid or not.

I described to Sue and Scott that we cannot simply show up and start auditing transactions – that we need to be engaged to do so if they wanted us to review specific classes of transactions right now, by an engaging party, and we need to have access to the information they are concerned about, so more likely than not the engaging party would have to be the Village for that to occur.

Should you have any questions with respect to the above please do not hesitate to let me know. If the contents of this email are being shared, I ask that the entire email be shared so that information is not taken out of context."

In the correspondence dated September 17, 2023, Councillor Poulsen and Burchett referenced subsection (3) of Section 172 of the Community Charter.

This subsection states that once the municipal auditor has received a complaint in writing *"the auditor must give notice of the matter to the council and must report to the council on the subject matter of the complaint."*

The intention of this Section is that those charged with governance, Mayor and Council, are made aware immediately of any complaint about financial affairs of a municipality.

In the letters received by our firm, Mayor and Council have been CC'd on them.

Likewise we understand that the matter is a dispute, that is understood by all parties, between the majority of Councilors and Councillor Poulsen and Councillor Burchett.

Mayor and Council are aware of this matter and the complaints that have been made as they are a part of them, and have copies of the formal complaints and correspondence with our firm.

It is of the utmost importance to note the following:

- Our firm cannot show up at your municipal offices and begin auditing transactions without invitation – we have to be asked by Mayor and Council, or their employee, the CAO, and be engaged to do so, as well as have access to the necessary information.
- The period which the claims relate to are outside the scope of our last audit. We understand that the claims relate to the period of January 1, 2023 onwards. We do not have any information available to us for this period.
- We take the statements made by Councillor Poulsen and Councillor Burchett with the utmost seriousness and respect. At this point, unless directed by Mayor and Council, or their employee, there are no further actions that can be undertaken by our firm without the direction of the Village.

Please let us know if you would like us to review the transactions that are of noted concern, and the controls surrounding the initiation of the transactions and payment of the related expenses. We can undertake this work on its own and provide a report to Mayor and Council detailing the findings of our work.

It was noted to Councilor Poulsen and Councillor Burchett during our phone call on August 15, 2023, that because of the complaint, for the year end audit, we will be reviewing the noted transactions of concern.

We would be happy to complete an interim audit of the Village in late October or early November, and review these transactions at that time. An interim audit is common for larger organizations as the intention of it is to get as much of the audit completed prior to the year-end, to allow for the quick issuance of the audit report shortly after year-end. An interim audit would have value for the Village for the matter noted above as it would allow for the review of the transactions of concern, while under the scope of the year-end audit.

Yours truly,

CHAN NOWOSAD BOATES INC.



Derek Lamb, CPA, CA
Partner

From: [Sue Poulsen](#)
To: derek@cnbcpa.ca
Cc: [Mayor and Council](#); [Lisa Clark](#); [Keir Gervais](#); Danny.Courcy@gov.bc.ca
Subject: Auditor letter 3
Date: Tuesday, October 10, 2023 11:23:18 PM
Attachments: [Auditor letter 3.pdf](#)

Derek Lamb:

This third formal letter of correspondence from Councillor Scott Burchett and Councillor Sue Poulsen is attached. The previous 2 letters regard the official request for an audit under the Community Charter Act referenced in the Community Charter subsection (3) of Section 172. It is in response to your letter of October 10, 2023, where you have once again refused to perform the audit.

The attached letter has been cc'd to the persons listed, and will be sent by Canada Post to:
Chartered Professional Accountants of BC,
800-555 West Hastings Street
Vancouver BC V6B 4N6
As we were unable to locate their email address.

Thank you for your early reply to address this serious issue.

Sent from my iPad

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda

From: John France [REDACTED]
To: Sue Poulsen; Scott Burchett
Subject: Re: CNB Response to Correspondence Dated 9/17/2023
Date: October 10, 2023 3:33:06 PM

They did a bit of a dance at the end, suggesting they could come in October for a review...this is a cya effort.

I take great exception in how this has been handled by the auditor. Suggest the following

Derek Lamb CPA, CA

Thank you for your response. We have to again register our dismay on your approach to the official request for an audit. No where in the Community Charter does it give Council or the Village auditor the authority to delay the audit, either until it is convenient or until after year end. Furthermore, there is no logic in your response other than convenience. It simply does not make sense that when the auditor is notified of a potential wrongdoing, that you would defer to the persons who potentially participated in the wrongdoing to authorise the audit. I am sure the Community Charter intended this section to be treated with the utmost urgency and seriousness. We expect your firm to carry out its responsibilities under the act, efficiently and immediately.

I am copying this letter to the Ministry and to your professional organization to underline to you the importance of this issue.

Edit as you see fit...probably to the Ministry advisor you have been talking to and Chartered Professional Accountants of BC
800-555 West Hastings Street,
Vancouver, BC V6B 4N6
Telephone: 604-872-7222
Toll Free in BC: 800-663-2677

I know this is tough but they are playing hardball.

On Tue, 10 Oct 2023 at 10:56, Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:

Sent from my iPhone

Begin forwarded message:

From: Derek Lamb <Derek@cnbcpa.ca>
Date: October 9, 2023 at 3:54:35 PM PDT
To: Mark Baker <mark.baker@saywardvalley.ca>, Scott Burchett <scott.burchett@saywardvalley.ca>, Kohen Gilkin <kohen.gilkin@saywardvalley.ca>, Sue Poulsen <sue.poulsen@saywardvalley.ca>, Tom Tinsley <tom.tinsley@saywardvalley.ca>

Cc: Keir Gervais <cao@saywardvalley.ca>, Lisa Clark
<cfo@saywardvalley.ca>

Subject: CNB Response to Correspondence Dated 9/17/2023

Please find attached a formal letter of correspondence from our firm, CNB, to yourselves, Mayor and Council of the Village of Sayward, that has been made in response to a letter that our firm received dated September 17, 2023 from Councillor Poulsen and Councillor Burchett.

Please do not hesitate to let me know should you have any questions with respect to the contents of this letter or with any matter relating to it. I would be very happy to discuss the matters noted within the letter at anytime.

Thank you,

Derek M. Lamb, CPA, CA

derek@cnbcpa.ca

Phone: (250) 286-0744 ext. 111

Fax: (250) 286-1067

www.cnbcpa.ca

This communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal, and or privileged information. Please contact us immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

From: John France [REDACTED]
To: Sue Poulsen
Cc: Scott Burchett
Subject: Re: updated letter to auditor
Date: September 19, 2023 11:41:08 AM

Excellent....will make another post shortly

On Tue, Sept 19, 2023, 2:52 a.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:

I have adjusted the letter and it is ready to go.

Here's to Round 2. TKO

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda

From: Scott Burchett
To: John France
Cc: Sue Poulsen
Subject: Re:
Date: September 18, 2023 7:16:59 AM

I am fine with this letter with the minor changes.
I can sign it later today or tomorrow.
I will be at the river collecting salmon to harvest eggs for the hatchery this morning.

Sincerely,

Scott Burchett
Off The Grid Marine Ltd.

On Sep 18, 2023, at 12:30 AM, John France wrote:

Suggest after the second quote...

Additionally we see nothing in the Act that allows the auditor to ignore the complaint. It simply does not make sense that the auditor is permitted to not respond especially if the irregularities arise from the actions of other members of council. Therefore, we question whether you are properly completing your responsibilities under the Act and your professional organization.

Use, up to you
Your letter is great
Cheers john

On Mon, Sept 18, 2023, 12:15 a.m. Sue Poulsen
<sue.poulsen@saywardvalley.ca> wrote:

|

From: sue.poulsen@saywardvalley.ca
To: [John France](#)
Subject: Re: Automatic reply: September 12
Date: August 27, 2023 6:29:08 AM

Hi John, good email!

I am on my way to Athens and will be back on September 4. I have contacted the ombudsman office and also LEFT A MESSAGE FOR THE MINISTER OF MUNICIPALITIES AGENT FOR OUR AREA ABOUT THE BLOCKING OF THE CAO FOR OUR LETTER TO THE AUDITORS. I BELIEVE SCOTT has also contacted municipal affairs

Sent from my iPhone

On Aug 22, 2023, at 7:21 PM, John France [REDACTED] wrote:

Not again...are you ever in the office? I am sure your contract stated four days a week and no vacations in first six months??? Must be nice...please share with TT...I will share with residents...
John

On Tue, Aug 22, 2023, 4:17 p.m. Keir Gervais <cao@saywardvalley.ca> wrote:

Good Day -

I will be away from the office August 17-25 inclusive. I will be checking and responding to emails periodically. Should you require immediate attention, please call the Village Office at 250-282-5512 and speak with Lisa Clark.

Thank you,

Keir Gervais, CAO

October 11, 2023

CHAN NOWOSAD BOATES
CHARTERED PROFESSIONAL ACCOUNTANTS
980 Alder Street
Campbell River BC
V9W 2P9

Derek Lamb CPA,CA

Thank you for your response to our September 17,2023, letter.

We have to again register our dismay on your approach to the official request for an audit of the Village of Sayward financial budget. Nowhere in the Community Charter does it give Sayward Council or the Village Auditor the authority to delay the audit, either until it is convenient or until after Year End.

Furthermore, there is no logic in your response other than convenience. It simply does not make sense that when the Auditor is notified of a potential wrongdoing that you would defer to the person(s) who participated in the potential wrongdoing to authorize the audit.

I believe the Community Charter Subsection (3) of Section 172 intended this section be treated with the utmost urgency and seriousness.

We expect your firm, as the Village of Sayward official Auditor, to carry out its responsibilities under the Community Charter Act efficiently and immediately.

We are copying this letter to:

Ministry of Municipal Affairs, North Island Area Advisor
AND
Chartered Professional Accountants Association of BC

To underline to you the serious importance of this request.

Sincerely,

Councillor Scott Burchett
Sayward BC V0P 1R0

Councillor Sue Poulsen
Sayward BC V0P 1R0

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
OCTOBER 17, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

- 1. Call to Order**
- 2. Introduction of Late Items**
- 3. Approval of Agenda**

Recommended Resolution:

THAT the agenda for the In-Camera meeting of Council for October 17, 2023, be approved.

- 4. Minutes of Previous Meetings**

Recommended Resolutions:

THAT the minutes from the In-Camera meeting of Council held on October 3, 2023, be adopted.

- 5. Delegations - None**
- 6. Council Reports - None**
- 7. Mayor's Report - None**
- 8. Unfinished Business - None**
- 9. Staff Reports**

a)

[REDACTED]

- b) Verbal Report – Update from CAO RE: Correspondence sent from Councillor's Burchett and Poulsen to Chan Nowosad Boates, Professional Chartered Accountants**

(Village Auditors) and Dialogue the CAO has had with Mr. Derek Lamb – Keir Gervais, CAO

Recommended Resolution:

THAT Council receive the CAO's Verbal Report – Update from CAO RE: Correspondence sent from Councillor's Burchett and Poulsen to the Village Auditors - Chan Nowosad Boates, Professional Chartered Accountants (CNB) and dialogue the CAO has since had with Mr. Derek Lamb of CNB for information and discussion.

c)

10. New Business

11. Rise

12. Adjournment

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda



CHAN NOWOSAD BOATES
CHARTERED PROFESSIONAL ACCOUNTANTS



VILLAGE OF SAYWARD
PO Box 29
Sayward BC V0P 1R0

Invoice Date 2023-10-23
Due Date Due on receipt
Invoice Number 3809
Client Code 102782.0
Page 1

GST No. 739565497RT0001

Description	Total
Consulting services rendered with respect to inquiries raised by members of Mayor and Council, including phone calls with members of Council, a written response to members of Council and the Mayor, and conversations with the CAO.	
Derek Lamb CPA, CA - 1.7 hours @ \$300 an hour	510.00
Subtotal	510.00
GST	25.50
Total	\$535.50

Vendor #	Authorization
G/L Code	Fiscal Pd.

We accept payment by e-transfer to cnb@cnbcpa.ca, credit card in person or by phone, and cheque.
Interest charged at 2% per month after 30 days

Campbell River Office: 980 Alder Street, Campbell River, BC V9W 2P9 | Tel: 250.286.0744 | Fax: 250.286.1067 | Toll Free: 1.888.262.4829
Courtenay Office: #201 - 1532 Cliffe Avenue, Courtenay, BC V9N 2K4 | Tel: 778.225.1010 | Fax: 778.225.1011
Email: cnb@cnbcpa.ca | www.cnbcpa.ca



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
OCTOBER 24, 2023
CLOSED MEETING
COUNCIL CHAMBERS**

- 1. Call to Order**
- 2. Introduction of Late Items**
- 3. Approval of Agenda**
Recommended Resolution:

THAT the agenda for the In-Camera meeting of Council for October 24, 2023, be approved.

- 4. Minutes of Previous Meetings**
Recommended Resolutions:

THAT the minutes from the In-Camera meeting of Council held on October 3, 2023, be adopted.

- 5. Delegations - None**
- 6. Council Reports - None**
- 7. Mayor's Report - None**
- 8. Unfinished Business - None**
- 9. Staff Reports**

- a) [REDACTED]

- b) Verbal Report – Update from CAO RE: Correspondence sent from Councillor's Burchett and Poulsen to Chan Nowosad Boates, Professional Chartered Accountants (Village Auditors) and dialogue the CAO has had with Mr. Derek Lamb – Keir Gervais, CAO

Recommended Resolution:

THAT Council receive the CAO's Verbal Report – Update from CAO RE: Correspondence sent from Councillor's Burchett and Poulsen to the Village Auditors - Chan Nowosad Boates, Professional Chartered Accountants (CNB) and dialogue the CAO has since had with Mr. Derek Lamb of CNB for information and discussion.

- c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10. New Business

- a) THAT Council of the Village of Sayward authorizes the release to Nathalie Baker, legal counsel for Councillor Burchett, [REDACTED] legal opinion ("Legal Opinion") and documents referenced [REDACTED] to the Legal Opinion, including legal advice [REDACTED] provided that Nathalie Baker accepts that the Village of Sayward continues to assert privilege over the Legal Opinion and legal advice to the Village of Sayward [REDACTED] and

THAT, Council rescind Council motion IC 23/79.

11. Rise

12. Adjournment

From: [Keir Gervais](#)
To: [Derek Lamb](#)
Subject: FW: Attached Image
Date: Saturday, November 4, 2023 8:17:00 AM
Attachments: [2817_001.pdf](#)

Derek,

The Village has received the attached invoice from CNBCPA, which was surprising to me.

1. Is it typical billing practice for a municipality to be invoiced for correspondence [of this nature] between an individual elected official; namely, where the correspondence is not from/to staff and/or Council as a whole?
2. Is it typical billing practice that phone calls between staff (me in this case) and you are billable? I was not aware of this.

Thank you,

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



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: Village of Sayward <village@saywardvalley.ca>
Sent: Friday, November 3, 2023 2:02 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: Attached Image

From: [Keir Gervais](#)
To: [Mark Baker](#)
Subject: FW: Invoice
Date: Tuesday, November 7, 2023 9:29:00 AM
Attachments: [image002.png](#)
[2817_001.pdf](#)

FYI. Just one small example of how the cao spends his time instead of working on the corporate work plan.

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



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 7, 2023 9:21 AM
To: Derek Lamb <Derek@cnbcpa.ca>
Subject: RE: Invoice

Good morning Derek,

Thank you for the explanation about your billing practices. I was not aware of the distinctions between billable and non-billable services, this is certainly good knowledge to have.

With respect to the time you spent engaging with me, my preference would lean towards forgiving the invoice on the basis I was unaware that charges were arising from our engagement. You on the other hand may take the position that the engagement letter outlines billable versus nonbillable, and the client (me) is responsible for knowing this.

Similarly, I lean towards forgiving the charges for engagements with Councillor's Poulsen & Burchett. Notwithstanding further discussion with you that will help me better understand your obligations, in my opinion the written engagement with Councillor's Poulsen and

Burchett should not have occurred without first consulting with staff (CFO and/or CAO). I feel that you and I speaking in advance would have afforded us opportunity to discuss the obligations and options for addressing the matter, including a potentially mounting bill neither Council or staff was aware of and/or approved.

These are my thoughts in a nutshell. I'm certainly open to discussing the topic with you further towards a mutually acceptable conclusion. What's most important to me is that we wrap up this matter in a fashion that preserves the good working relationship our organizations have built up.

Sincerely,

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



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: Derek Lamb <Derek@cnbcpa.ca>
Sent: Sunday, November 5, 2023 1:08 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: Invoice

Hi Keir,

My apologies for missing your call on Friday. Please feel free to give me a call on Monday if you want to discuss this or anything else below.

Before explaining this further, if yourself and the Village feel the invoice is not appropriate or unreasonable after reviewing the below, I am very happy to have it cancelled – I do not ever want a client of ours feeling like they are being invoiced for something that is unfair or unreasonable.

Before answering your questions specifically as well, in our business like a lawyer or dentist or

doctor, all I can sell is time, I don't have widgets to sell - so if we are incurring time dealing with a matter that we have not initiated, or that is not covered in the scope of our engagement letter (the audit), and it is significant (more than 20-30 minutes) we generally invoice for it, as our engagement letter states.

The time spent on this matter to date – noting that I will be dealing with CPABC on my own time as well is:

- Receipt and review of initial correspondence – 15 minutes
- Phone call with Council members and follow reviewing referenced legislation – 30 minutes
- Receipt and review of 2nd letter – 15 minutes
- Compilation of response and correspondence with Mayor and Council – 1 hour
- Correspondence with yourself throughout this process – 1 hour

The above represents over 3 hours of my time, dealing with a matter to date. The invoice was at a discounted amount.

I have answered your questions explicitly below in **red**.

Please feel free to give me a call anytime to discuss the below. To be very explicit I do not invoice for each phone call we receive. We do invoice when a matter is brought to us that requires an extended amount of time.

Derek M. Lamb, CPA, CA

derek@cNBCPA.ca

Phone: (250) 286-0744 ext. 111

Fax: (250) 286-1067

www.cNBCPA.ca

CHAN NOWOSAD BOATES
CHARTERED PROFESSIONAL ACCOUNTANTS



This communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal, and or privileged information. Please contact us immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

From: Keir Gervais <cao@saywardvalley.ca>

Sent: Saturday, November 4, 2023 8:17 AM

To: Derek Lamb <Derek@cNBCPA.ca>

Subject: Invoice

Derek,

The Village has received the attached invoice from CNBCPA, which was surprising to me.

1. Is it typical billing practice for a municipality to be invoiced for correspondence [of this nature] between an individual elected official; namely, where the correspondence is not

from/to staff and/or Council as a whole?

Your community's situation is very unique. I do not think you can say anything about it is typical, so to say whether it is typical billing practice or not would not be appropriate.

It is typical billing practice, and our engagement letter details this, where a matter is brought to us that requires a response as a result of our engagement, that is outside the scope of our engagement (audit), which this unfortunately did and the amount of time spent on it is beyond 20-30 minutes.

2. Is it typical billing practice that phone calls between staff (me in this case) and you are billable? I was not aware of this.

Please note above the amount of time incurred, (3 hours) and what was billed (1.7 hours).

If a client calls us during the year and would like to discuss something – accounting or otherwise for 15-20-30 minutes – it would not be typical for us to invoice the client for that.

Thank you,

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



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: Village of Sayward <village@saywardvalley.ca>
Sent: Friday, November 3, 2023 2:02 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: Attached Image

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda

From: [Derek Lamb](#)
To: [Keir Gervais](#)
Subject: RE: Attached Image
Date: Wednesday, November 8, 2023 10:34:42 PM
Attachments: [image002.png](#)

Keir,

I will cancel the invoice as I noted I would if my explanation was deemed to be insufficient.

Derek M. Lamb, CPA, CA
derek@cnbcpa.ca
Phone: (250) 286-0744 ext. 111
Fax: (250) 286-1067
www.cnbcpa.ca



This communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal, and or privileged information. Please contact us immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Tuesday, November 7, 2023 9:21 AM
To: Derek Lamb <Derek@cnbcpa.ca>
Subject: RE: Attached Image

Good morning Derek,

Thank you for the explanation about your billing practices. I was not aware of the distinctions between billable and non-billable services, this is certainly good knowledge to have.

With respect to the time you spent engaging with me, my preference would lean towards forgiving the invoice on the basis I was unaware that charges were arising from our engagement. You on the other hand may take the position that the engagement letter outlines billable versus nonbillable, and the client (me) is responsible for knowing this. the various engagements.

Similarly, I lean towards forgiving the charges for engagement with Councillor's Poulsen & Burchett. Notwithstanding further discussion with you that will help me better understand your obligations, in my opinion the written engagement with Councillor's Poulsen and Burchett should not have occurred without first consulting with staff (CFO and/or CAO). I feel that you and I speaking in advance would have afforded us opportunity to discuss the obligations and options for addressing the matter, including a potentially mounting bill neither

Council or staff was aware of and/or approved.

These are my thoughts in a nutshell. I'm certainly open to discussing the topic with you further towards a mutually acceptable conclusion. What's most important to me is that we wrap up this matter in a fashion that preserves the good working relationship our organizations have built up.

Sincerely,

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



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From: Derek Lamb <Derek@cnbcpa.ca>
Sent: Sunday, November 5, 2023 1:08 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: Attached Image

Hi Keir,

My apologies for missing your call on Friday. Please feel free to give me a call on Monday if you want to discuss this or anything else below.

Before explaining this further, if yourself and the Village feel the invoice is not appropriate or unreasonable after reviewing the below, I am very happy to have it cancelled – I do not ever want a client of ours feeling like they are being invoiced for something that is unfair or unreasonable.

Before answering your questions specifically as well, in our business like a lawyer or dentist or doctor, all I can sell is time, I don't have widgets to sell - so if we are incurring time dealing with a matter that we have not initiated, or that is not covered in the scope of our engagement letter (the audit), and it is significant (more than 20-30 minutes) we generally invoice for it, as our engagement

letter states.

The time spent on this matter to date – noting that I will be dealing with CPABC on my own time as well is:

- Receipt and review of initial correspondence – 15 minutes
- Phone call with Council members and follow reviewing referenced legislation – 30 minutes.
- Receipt and review of 2nd letter – 15 minutes
- Compilation of response and correspondence with Mayor and Council – 1 hour
- Correspondence with yourself throughout this process – 1 hour

The above represents over 3 hours of my time, dealing with a matter to date. The invoice was at a discounted amount.

I have answered your questions explicitly below in **red**.

Please feel free to give me a call anytime to discuss the below. To be very explicit I do not invoice for each phone call we receive. We do invoice when a matter is brought to us that requires an extended amount of time.

Derek M. Lamb, CPA, CA

derek@cncbcpa.ca

Phone: (250) 286-0744 ext. 111

Fax: (250) 286-1067

www.cncbcpa.ca

CHAN NOWOSAD BOATES
CHARTERED PROFESSIONAL ACCOUNTANTS



This communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal, and or privileged information. Please contact us immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

From: Keir Gervais <cao@saywardvalley.ca>

Sent: Saturday, November 4, 2023 8:17 AM

To: Derek Lamb <Derek@cncbcpa.ca>

Subject: FW: Attached Image

Derek,

The Village has received the attached invoice from CNBCPA, which was surprising to me.

1. Is it typical billing practice for a municipality to be invoiced for correspondence [of this nature] between an individual elected official; namely, where the correspondence is not from/to staff and/or Council as a whole?

Your community's situation is very unique. I do not think you can say anything about it is

typical, so to say whether it is typical billing practice or not would not be appropriate.

It is typical billing practice, and our engagement letter details this, where a matter is brought to us that requires a response as a result of our engagement, that is outside the scope of our engagement (audit), which this unfortunately did and the amount of time spent on it is beyond 20-30 minutes.

2. Is it typical billing practice that phone calls between staff (me in this case) and you are billable? I was not aware of this.

Please note above the amount of time incurred, (3 hours) and what was billed (1.7 hours).

If a client calls us during the year and would like to discuss something – accounting or otherwise for 15-20-30 minutes – it would not be typical for us to invoice the client for that.

Thank you,

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



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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: Village of Sayward <village@saywardvalley.ca>

Sent: Friday, November 3, 2023 2:02 PM

To: Keir Gervais <cao@saywardvalley.ca>

Subject: Attached Image



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING MINUTES
JANUARY 16, 2024
CLOSED MEETING
COUNCIL CHAMBERS**

Present: Mayor Mark Baker (via Teams)
Councillor Kohen Gilkin
Councillor Sue Poulsen
Councillor Tom Tinsley

In Attendance: Keir Gervais, CAO/CO
John Manson, Approving Officer (via Teams)

1. Call to Order

The meeting was called to order at 9:29 PM

2. Introduction of Late Items

[REDACTED]

3. Approval of Agenda

MOTION IC24/1

Moved and Seconded

THAT the agenda for the In-Camera meeting of Council for January 16, 2024, be approved as amended.

CARRIED

4. Unfinished Business

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Minutes of Previous Meetings - None

6. Delegations - None

7. Correspondence

[REDACTED]

[REDACTED]

[REDACTED]

8. Council Reports - None

9. Mayor's Report - None

10. Staff Reports

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b) Verbal Report: Staffing Update – Keir Gervais, CAO

[REDACTED]

[REDACTED]

[REDACTED]

**** Councillor Poulsen left the meeting at 11:00.**

**MOTION IC24/6
MOVED AND SECONDED
THAT the meeting be extended beyond 11:00 PM to 11:30 PM.**

CARRIED

c) Rescinding Motion IC23/76 and Recommended Revised Motion for Disclosure to Councillor Poulsen – Keir Gervais, CAO

MOTION IC24/6

MOVED AND SECONDED

THAT Council receive the CAO's staff Report – Rescinding Motion IC23/76 and Recommended Revised Motion for Disclosure to Councillor Poulsen for information and discussion.

THAT Council rescind Council Motion IC 23/76 passed on August 1, 2023:

THAT Council of the Village of Sayward authorize Councillor Poulsen's release of the [REDACTED] ("Legal Opinion") to Councillor Poulsen's retained legal counsel, subject to accepted undertakings between Councillor Poulsen's retained legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, and the Village of Sayward's legal counsel:

- a) for the sole purpose of Councillor Poulsen's response to a possible Village Council motion of censure and related sanctions against Councillor Poulsen and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:
 - i) in any other forum whatsoever; or
 - ii) for any other purpose,unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Poulsen's retained legal counsel for the limited purpose set out in this motion; and
- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c. 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

THAT Village of Sayward Council replace Council Motion IC 23/76 with a revised motion:

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

1. the documents referenced in [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;
2. the following closed meeting agenda and minutes and where applicable staff reports and updates (collectively, "Confidential Information"):
 - i. June 20, 2023 closed meeting agenda and minutes;
 - ii. June 20, 2023 Village of Sayward Chief Administrative Officer ("CAO") verbal update at the closed June 20, 2023 meeting;
 - iii. July 18, 2023 *in camera* meeting agenda and minutes and staff report for the July 18, 2023 *in camera* meeting;

- iv. August 1, 2023 closed meeting agenda and minutes including the August 1, 2023 CAO verbal update;
- v. September 12, 2023 closed meeting agenda with copies of all the documents referenced in that agenda except for the [REDACTED] legal opinion, a copy of which Councillor Poulsen was provided during the July 18, 2023 *in camera* Council meeting;
- vi. September 12, 2023 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

- 3. 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 November 7, 2023 *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.

CARRIED

d) Request for Indemnification, Councillor Burchett – Keir Gervais, CAO

MOTION IC24/7

MOVED AND SECONDED

THAT Council receive the CAO's staff Report – Request for Indemnification from Councillor Burchett for information and discussion; and,

THAT the Village of Sayward Council will consider Councillor Burchett's request for indemnification on January 29, 2024 after Village of Sayward Council considers Councillor Burchett's and Nathalie Baker's submissions in response to the motion under consideration for censure and related sanctions against Councillor Burchett.

CARRIED

11. Rise

MOTION IC24/8

MOVED AND SECONDED

THAT Council Rise and Report on Resolutions IC24/2.

CARRIED

12. Adjournment

MOTION IC24/9

MOVED AND SECONDED

THAT the January 16, 2024, In-Camera Council Meeting be adjourned.

CARRIED

Mayor

Corporate Officer

On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda



**VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
JANUARY 16, 2024
RESTRICTED CLOSED MEETING
COUNCIL CHAMBERS**

5. Staff Reports

- a) Staff Report - Rescinding Motion IC23/76 and Recommended Revised Motion for Disclosure to Councillor Poulsen - Keir Gervais, CAO**

Recommended Resolution:

THAT Council receive the CAO's staff Report - Rescinding Motion IC23/76 and Recommended Revised Motion for Disclosure to Councillor Poulsen for information and discussion.

THAT Council rescind Council Motion IC 23/76 passed on August 1, 2023:

THAT Council of the Village of Sayward authorize Councillor Paulsen's release of the [REDACTED] legal opinion and appendices ("Legal Opinion") to Councillor Paulsen's retained legal counsel, subject to accepted undertakings between Councillor Paulsen's retained legal counsel, a practicing lawyer and member in good standing with the Law Society of British Columbia, and the Village of Sayward's legal counsel:

- a) for the sole purpose of Councillor Paulsen's response to a possible Village Council motion of censure and related sanctions against Councillor Poulsen and the Legal Opinion may not be used, released to or discussed with anyone else other than Village Council:
 - i) in any other forum whatsoever; or
 - ii) for any other purpose,unless Council first authorizes release of the Legal Opinion to another person and for another purpose and in another forum;
- b) that the Village continues to assert privilege over the Legal Opinion notwithstanding the disclosure of the Legal Opinion to Councillor Paulsen's retained legal counsel for the limited purpose set out in this motion; and

- c) subject to the statutory requirements of section 117 of the *Community Charter*, SBC 2003, c 26 and sections 30 and 36.3 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165.

THAT Village of Sayward Council replace Council Motion IC 23/76 with a revised motion:

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

- 1 the documents referenced in [REDACTED] 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;
- 2 the following closed meeting agenda and minutes and where applicable staff reports and updates (collectively, "Confidential Information"):
 - i June 20, 2023 closed meeting agenda and minutes;
 - ii. June 20, 2023 Village of Sayward Chief Administrative Officer ("CAO") verbal update at the closed June 20, 2023 meeting;
 - iii. July 18, 2023 *in camera* meeting agenda and minutes and staff report for the July 18, 2023 *in camera* meeting;
 - iv. August 1, 2023 closed meeting agenda and minutes including the August 1, 2023 CAO verbal update;
 - v. September 12, 2023 closed meeting agenda with copies of all the documents referenced in that agenda except for the [REDACTED] legal opinion, a copy of which Councillor Poulsen was provided during the July 18, 2023 *in camera* Council meeting;
 - vi. September 12, 2023 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 Paulsen'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
- 3 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 November 7, 2023 *in camera* Council meeting will not be shared with any third parties other than Councillor Paulsen'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.

a) Staff Report - Request for Indemnification, Councillor Burchett - Keir Gervais, CAO

6. New Business

THAT the Village of Sayward Council will consider Councillor Burchett's request for indemnification on January 29, 2024 after Village of Sayward Council considers Councillor Burchett's and Nathalie Baker's submissions in response to the motion under consideration for censure and related sanctions against Councillor Burchett.

6. New Business

Pkg. Pg. 141 of 161

7. Rise

8. Adjournment



Susan Janet Hildebrandt Poulsen

10m · 🌐

...

March 3, 2024

Open Report to The Residents of Sayward Village

From Councillor Scott Burchett and Councillor Sue Poulsen:

As those of you who have been attending the regular Village of Sayward Council Meetings over the past six months, you have heard Scott and Sue request many times that the CAO provide up-to-date financial variance reports.

Any expense not included in the annual budget, (for example, a replacement heat pump was installed at the RCMP building when the old one failed its yearly maintenance inspection), requires a Staff Report and replacement cost information, and from where in the budget the funds will be allocated. Council discusses the staff report and passes a resolution to allocate the funds by majority vote. This is a budget variance. (Council has yet to receive a follow-up staff report as required on the heat pump).

Budget variance reports are prepared regularly by the Chief Financial Officer; however, council received the last budget variance in June 2023. The previous CFO produced a quarterly budget variance report, as well as during the annual budget discussions.

Scott and Sue have been told each time we ask for a variance report that the finances are "in good shape", but without any proof or report to support this statement, we are concerned about what impact these expenditures will have on services, taxes, and ultimately the residents of Sayward. Of gravest concerns are the legal services that have been incurred without a proper council resolution.

Since November 2023, Scott and Sue have asked for special meetings to discuss finances and personnel issues, but each time we are not supported by the majority of council.

On February 28, 2024, council became aware of a payroll error where an employee was paid double the two-week entitlement. Scott and Sue do not know the extent of the error, whether it extends beyond one employee, but we have requested a full report on the matter.

There has been no response to this request. Scott and Sue are grateful to the employee who immediately reported the error to staff and council. If this error included everyone on the payroll, it was a multi-thousand-dollar error. We await the full report as requested. Residents have a right to know the financial state of the village. We want you to know that we will continue to advocate for honesty, accountability, openness, and transparency as we continue to do the work that you elected us to do.

Scott and Sue are grateful for your confidence in us. Please continue to make your voice heard at council meetings.

From: Keir Gervais on behalf of Keir Gervais <cao@saywardvalley.ca>
To: [REDACTED]
Cc: Mayor and Council
Subject: RE: Pay period #5
Date: February 28, 2024 6:40:48 PM

[REDACTED]

After speaking with RBC late this afternoon about options to resolve this processing error in a manner that would not negatively impact yourself or pose a risk to the Village, the option decided on is to leave the deposit as is and reconcile the pay period #5 overpayment through pay period #6. Effectively, it has been decided to pay you in advance for pay period #6. I will be working with Maise support staff in the coming days to ensure there is no financial consequence whatsoever to you (ex. overpayment of taxes). The details will be outlined in a separate letter to you next week.

This was an unfortunate error, thank you for bringing it to my attention.

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

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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.

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, February 28, 2024 3:13 PM
To: Mark Baker <mark.baker@saywardvalley.ca>; Tom Tinsley <tom.tinsley@saywardvalley.ca>; susan.poulsen@saywardvalley.ca; Scott Burchett <scott.burchett@saywardvalley.ca>; kohen.gilken@saywardvalley.ca
Cc: Keir Gervais <cao@saywardvalley.ca>
Subject: Pay period #5
Importance: High

Good afternoon,

I am writing to express my concerns about receiving an incorrect pay advice for the most recent pay period. It appears as though my pay has been duplicated, resulting in a rather large overpayment. The funds have not been deposited to my bank account as of yet, however I am concerned about the contents of the pay advice and whether this error will be duplicated for other staff on payroll.

Regards,
[REDACTED]

From: Sue Poulsen on behalf of Sue Poulsen <sue.poulsen@saywardvalley.ca>
To: Mark Baker; Scott Burchett; Kohen Gilkin; Tom Tinsley; Sue Poulsen
Cc: [REDACTED]
Subject: Re: Pay period #5
Date: February 28, 2024 3:48:19 PM

Mayor and Council

Thank you to [REDACTED] for her integrity and honesty in promptly reporting this huge error in misappropriation of Village of Sayward funds.

Whoever is responsible for preparing the payroll for pay period number five has shown a complete lack of competence for performing the duties around payroll and has put the Village of Sayward financial department in grave jeopardy of being abused.

Learning of this latest incompetent act should be enough information for all of council who have said they are unavailable to attend the special restricted in camera meeting tonight to reconsider and make their best effort to attend.

THIS IS THE LATEST OF MANY URGENT ISSUES REGARDING THE CAO'S INCOMPETENCE.

This is urgent. It is long past due that all of council discuss the CAO performance and plan for positive steps moving forward.

Please reply as soon as possible and let the mayor know that every councillor will attend.

Thank you.

Councillor Sue Poulsen

On Feb 28, 2024, at 3:14 PM, [REDACTED] wrote:

Hi Cllr Poulsen, I had your e-mail address incorrect in my original message, please see below. No need to respond.

Thank you,
[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: Pay period #5
Date: February 28, 2024 at 3:13:09 PM PST
To: mark.baker@saywardvalley.ca, Tom Tinsley <tom.tinsley@saywardvalley.ca>, susan.poulsen@saywardvalley.ca, scott.burchett@saywardvalley.ca, kohen.gilken@saywardvalley.ca
Cc: CAO <cao@saywardvalley.ca>

Good afternoon,

I am writing to express my concerns about receiving an incorrect pay advice for the most recent pay period. It appears as though my pay has been duplicated, resulting in a rather large overpayment. The

funds have not been deposited to my bank account as of yet, however I am concerned about the contents of the pay advice and whether this error will be duplicated for other staff on payroll.

Regards,



On July 28-2026 SAYWARD COUNCIL approved the immediate Rise & Report of the entire July 28-2026 Special In-Camera Council Meeting Agenda

From: Sue Poulsen on behalf of Sue Poulsen <sue.poulsen@saywardvalley.ca>
To: John France
Subject: Fw: SRD Fire Service Agreement (FSA)
Date: April 25, 2024 4:42:18 PM

SRD Fire Service Agreement Nov 22/22

Your report to Council

From: CAO <cao@saywardvalley.ca>
Sent: November 22, 2022 9:26 PM
To: Mayor and Council <MayorandCouncil@saywardvalley.ca>
Cc: Lisa Clark <cfo@saywardvalley.ca>; Frank Morgan <firechief@saywardvalley.ca>
Subject: SRD Fire Service Agreement (FSA)

First, sorry for lateness, a staff report is needed beyond what is detailed below...but for now I think some perspective from VOS Staff is needed. This is how I see it (FSA issues)....please do add items/edit as you see fit.

For context, the SRD has been reviewing the FSA to determine if a better service model would "fit" the needs of the area residents. A consultant was hired, a report was done, and the report outlines several options including each area (VOS/Area A) having its own separate service, SRD operating the service under its jurisdiction, reverse the FS contract, and improving the current model. I believe this discussion is scheduled for January.

There is a separate item on the SRD agenda tomorrow on whether to extend the current FSA with the VOS or to cancel it...given the timelines and complexity, I suggest they may extend the FSA to March 31, 2023, as recommended.

However, I recommend that we ask for at least a 12-month extension (or at least 6) to give a reasonable amount of time to

address all the issues that come next in deciding the future of fire services in the village and the valley. The pressures in getting to an agreement are not limited to the FSA, rather, all the issues our new Council (and the new Board) will have to deal with in the coming months. Preferably this (our recommendation) would have been better coming by a Council resolution.

There is language in the reports attached to the SRD agenda that I have problems with, but I try to deal with the big items only.

1. Page 2 of the SRD August 6, 2022, report states that the SRD owns the Fort Garry Freightliner purchased in 2007. To her credit, Ann reached out several times to tell SRD staff that this vehicle is in fact jointly owned 50/50. Ownership of the vehicle puts into question the numbers used by the consultant in determining the capital cost of a go it alone Fire Service option (SRD Valley only). I have asked SRD staff if they had any info which would prove ownership differently, we certainly have the paper saying it is a joint ownership. This is not an issue for tomorrow but will be brought up in future reports as it is important for both parties to resolve both the financial and operational issues.
2. The share of operational expenses is 60/40 and capital costs is 50/50 per our contract. Supposedly the splits were determined based on where services are rendered,

however, this number has remained static which frankly is odd, because it changes every year. Furthermore, the majority of services used...beyond 60/40 are in the valley. Our Chief is working on stats and will have a report for the December meeting. If in fact service stats are the basis for apportionment, we need yearly, accurate stats. This is not an issue for tomorrow but will be brought up in future reports as it is important for both parties to resolve both the financial and operational issues.

3. On page 4/35 of the consultant's report, it states the 2019 residential tax rates were .84 cents SRD vs .56 cents VOS for operational costs of the service in each area. This is misleading because the SRD rate includes transfers to reserves which is not an operational cost. If reserve transfers are taken out, then the SRD residential rate drops to .599 which is roughly equivalent to the village rate. By stating the higher rate, it gives the impression that SRD residents are paying far more than VOS residents when operationally they do not. Said differently, the real rate diminishes the idea that there is an inequity in the sharing of the costs in the agreement. A future report will in fact suggest the opposite, it is VOS which is paying more than its fair share for the service – for example share of services used and admin costs to run the service. This is not an issue for tomorrow but will be brought up in future reports as it is important for both parties to resolve both the financial and operational issues.

4. There are many considerations for Council on the options presented to the Board (and the one chosen). Those options have been outlined in the consultant's report. Each option has its good/bad points and Staff will need to identify and deliberate on key issues such as, if the SRD takes over the service, how will assets currently owned by the VOS be handled, what will be the new sharing formula, the future (and capital cost replacement) of the SRD hall which sits in the flood plan and was subsequently isolated in the 2016 flood, and, is in poor shape. See the charts on pages 11 and 12 to see the incidents by area chart, 2019 stats suggest valley responses comprise 37% of total (NIC out of area). Another issue is the split on shared capital, why are operational costs 60/40 but capital costs 50/50? The issues around service delivery are many and complex. Staff believe that a change is needed to ensure the VFD has the appropriate funding to run a successful and responsive fire service, and one that attracts and supports volunteers. This too is not an issue for tomorrow.
5. The last point I wish to make is on the issue of input into the FS by the area director. I understand from the report he feels he has little or no input into the fire services and the budget. This is a major issue for him and rightly so. Our current agreement only calls for a budget to be delivered to the SRD CAO each year by October 15, therefore does not contemplate interaction with the director. However, I

know that previous Councils (under Mayor MacDonald) invited him to discuss the fire service on several occasions and I am told that the last Council invited him to do the same. The Area Director did not attend these meetings, Staff do not know the reasons for not attending, but to be clear, he was given the opportunity.

I suggest the next step is - Staff should prepare a comprehensive report on the options and from the VOS's perspective, what works best for the service and for the VOS. If you would like this email on the agenda for December 6, please advise.

Final point, I want to underline the need to extend the contract by more three months.

Mayor Baker, I apologize for the lateness of this email.

John France
Acting Chief Administrative Officer
Village of Sayward
652 H'Kusam Way, PO Box 29
Sayward, BC V0P 1R0
250-282-5512 (office)



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.

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

t: 604 899 5232

f: 604 899 5216

*Practising through a Law Corporation

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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.

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

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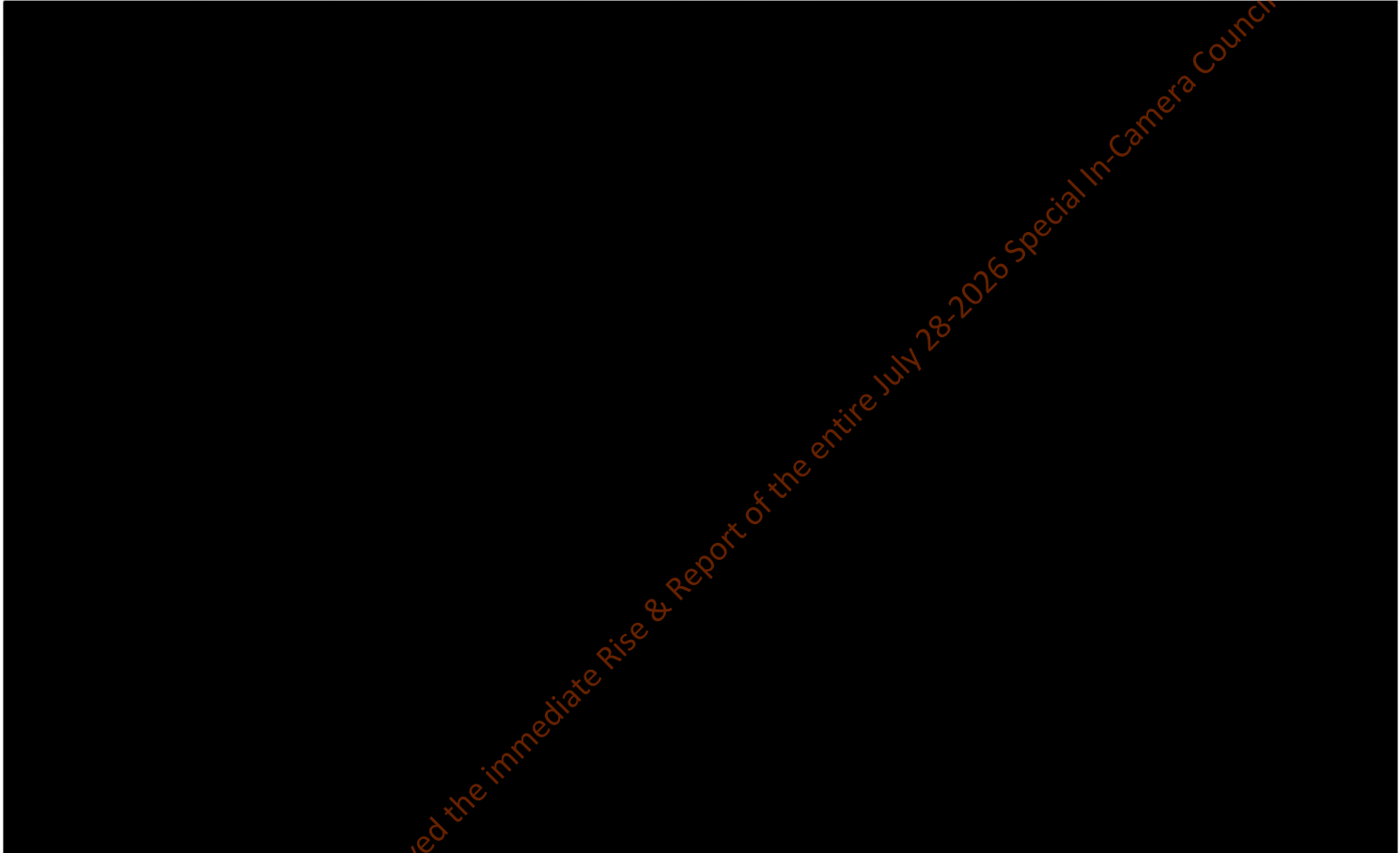
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From: Dana Goodfellow <dana@phoenixlaw.ca>
Sent: Wednesday, February 21, 2024 4:46 PM
To: Nathalie Baker <nbaker@eyfordpartners.com>
Cc: Lui Carvello <lui@carvellolaw.ca>
Subject: Re: Scott Burchett - Village of Sayward

Good afternoon Nathalie,

The Village of Sayward acknowledges your position on whether a decision on indemnification was made.

However, no motion was put before Council, no motion was seconded and no resolution was passed. The Mayor also did not call for a vote.



In the normal course, the Mayor would have called for a vote and at that point a decision would have been made. The power failure prevented this, and therefore the Village of Sayward is looking to resume the *in camera* Council meeting and censure hearing in order for discussion to continue, a vote called for and decision made, and the other items on the agenda to be dealt with.

The Village of Sayward looks forward to hearing from you on your and your client's next available dates for the resumption of the *in camera* Council meeting and censure hearing.

Regards,

Dana

Dana J. Goodfellow
Barrister & Solicitor

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From: Nathalie Baker <nbaker@eyfordpartners.com>

Sent: Wednesday, February 21, 2024 11:29 AM

To: Dana Goodfellow <dana@phoenixlaw.ca>

Cc: Lui Carvello <lui@carvellolaw.ca>

Subject: RE: Scott Burchett - Village of Sayward

Good morning, Dana.

I do not agree that no decision was made at the meeting. The 3 voting council members voted not to indemnify our client for his legal costs to defend himself right before the power went out.

With respect to resuming the meeting, I will seek instructions and get back to you.

Best,

Nathalie J. Baker*

Partner

t: 604 899 5232

f: 604 899 5216

*Practising through a Law Corporation

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From: Dana Goodfellow <dana@phoenixlaw.ca>
Sent: Friday, February 16, 2024 4:24 PM
To: Nathalie Baker <nbaker@eyfordpartners.com>
Cc: Lui Carvello <lui@carvellolaw.ca>

Subject: Re: Scott Burchett - Village of Sayward

Good afternoon Nathalie,

Due to a hydro outage that affected all of Sayward during the January 29, 2024 hearing and *in camera* Council meeting for consideration of a motion of censure and related sanctions against your client, Councillor Burchett, the hearing suddenly ended at approximately 8:30 pm.

No motions were passed and the *in camera* Council meeting and hearing ended immediately after my noting that after Council hears all of the evidence, Council may want to consider giving fulsome reasoning for a decision.

The Village of Sayward's CAO provided me today with Council's next available date for the resumption of the *in camera* Council meeting and hearing. Council, the Village of Sayward's CAO and I are available on February 22, March 7, 8, 13 and 14, 2024. 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 to attend the resumption of the hearing and *in camera* Council meeting. In this regard, please also note that I am not available on March 15 or March 18-29, 2024.

As also noted during the January 29, 2024 hearing and *in camera* Council meeting, the resumption of the *in camera* Council meeting and hearing will take place at or after 5:00 pm. As the CAO noted to you, two of the Councillors work during the day and the *in camera* Council meeting and hearing will need to be held at or after 5:00 pm. It is not at all unusual for local governments to schedule *in camera* Council meetings and hearings after 5:00 pm. Council, the CAO and I were all surprised to learn that during the hearing on January 29, 2024 and at about 7:00 pm you noted that you had to leave by 10 pm for child care reasons. I anticipate that the hearing and *in camera* Council may take at least four hours and suggest that you may want to consider making arrangements should you need to as I also have to do for child care.

I also want to note again that the Village of Sayward is a small local government with a population of approximately 300 people. There are only two staff persons at the Village of Sayward and no in-house IT persons as one may expect to find in a much larger local government. It will not be surprising if there are technological glitches should you attend remotely especially when Council reviews recordings of *in camera* Council meetings and hearings about Councillor Burchett's behaviour towards the CAO. Accordingly, the Village of Sayward also suggests that you may want to consider attending the *in camera* Council meeting and hearing in person.

Regards,

Dana

Dana J. Goodfellow

Barrister & Solicitor

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working in affiliation with CARVELLO LAW CORPORATION

Planning, Development & Environmental Law

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203-1005 Broad Street (250) 580-8807

Victoria BC V8W 2A1 dana@phoenixlaw.ca

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From: Nathalie Baker <nbaker@eyfordpartners.com>
Sent: Monday, January 29, 2024 4:36 PM
To: Dana Goodfellow <dana@phoenixlaw.ca>
Cc: Lui Carvello <lui@carvellolaw.ca>; Melissa Dionne <mdionne@eyfordpartners.com>; Keir Gervais <cao@saywardvalley.ca>
Subject: RE: Scott Burchett - Village of Sayward

Here you go.

I will also be relying on the cases in your brief of authorities.

Best,

Nathalie J. Baker*

Partner

t: 604 899 5232

f: 604 899 5216

*Practising through a Law Corporation

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CHAN NOWOSAD BOATES
CHARTERED PROFESSIONAL ACCOUNTANTS



VILLAGE OF SAYWARD
PO BOX 29
SAYWARD BC V0P 1R0

Invoice Date 2024-09-09
Due Date Due on receipt
Invoice Number 8634
Client Code 102782.0
Page 1
GST No. 739565497RT0001

Description	Total
Professional services rendered for the financial statement audit of the year ended December 31, 2023, including but not limited to:	
- Year-end audit field work performed on site. - Completion of audit work around year-end balances including the issuance of an audit report for the year ended December 31, 2023. - Preparation of the Audit Findings Report for Council and Management. - Preparation of the Financial Statements, Financial Statement Notes, and Financial Statement Schedules. - Presentation to Mayor and Council.	
Our fee for services rendered as quoted:	17,700.00
Our fee for additional audit procedures performed outside the scope of our regular audit, including but not limited to:	
- Additional correspondence with management, council, and legal counsel. - Planning and designing additional audit procedures. - Performing additional audit procedures, including additional testing surrounding legal, fraud, controls, capital assets, remuneration, contingent liabilities, liability for contaminated site, etc. - Additional time required to prepare the audit findings report and management letter. - Planning for and completing the analysis of the Asset Retirement Obligation, and related note disclosure.	20,195.00
Less previous invoice:	(20,000.00)
Subtotal	17,895.00
GST	894.75
Total	\$18,789.75

We accept payment by etransfer to cnb@cnbcpa.ca, credit card in person or by phone, and cheque.
Interest charged at 2% per month after 30 days

Campbell River Office: 980 Alder Street, Campbell River, BC V9W 2P9 | Tel: 250.286.0744 | Fax: 250.286.1067 | Toll Free: 1.888.262.4829

Courtenay Office: #201 – 1532 Cliffe Avenue, Courtenay, BC V9N 2K4 | Tel: 778.225.1010 | Fax: 778.225.1011

Email: cnb@cnbcpa.ca | www.cnbcpa.ca

Pkg. Pg. 159 of 161

CHAN NOWOSAD & BOATES

Work in Progress Job Breakdown

AUDPSB 12/31/2023 VILLAGE OF SAYWARD

Date	Description	Comment	User	Rate	Hours	Amount
04/09/2024	Timesheet	call w keir re payroll double payment issue, audit	Gaby Martin	\$300.00	0.5	\$150.00
04/30/2024	Timesheet		Travis Sapala	\$200.00	1.2	\$240.00
05/01/2024	Timesheet	ADDITIONAL - review emails from councillor burchett and keir, call with keir	Gaby Martin	\$300.00	1	\$300.00
05/02/2024	Timesheet	EXTRA: email re meeting w councillors burchett and poulsen	Gaby Martin	\$300.00	0.1	\$30.00
05/08/2024	Timesheet	EXTRA: preparing letter response to council.	Gaby Martin	\$300.00	2	\$600.00
05/09/2024	Timesheet	EXTRA: review new correspondence received from councillor poulsen, finalize response letter, email with proposed times	Gaby Martin	\$300.00	1	\$300.00
05/10/2024	Timesheet	Discussions with Gaby, review information received and add to file, planning checklists, review additional audit procedures required to be performed and draft plan to complete, review meeting minute agenda for audit related info, review file docs	Travis Sapala	\$200.00	6.1	\$1,220.00
05/10/2024	Timesheet	EXTRA: phone call with councillors burchett and poulsen, reviewing points from discussion and preparing plan of action for items	Gaby Martin	\$300.00	2	\$600.00
05/13/2024	Timesheet	EXTRA: call w keir	Gaby Martin	\$300.00	0.1	\$30.00
05/13/2024	Timesheet	Planning for additional field day	Travis Sapala	\$200.00	1	\$200.00
05/13/2024	Timesheet	File update, discussion around additional testing	Jason Phillips	\$150.00	0.5	\$75.00
05/14/2024	Timesheet	EXTRA: meeting with mayor and council discussing additional audit procedures and the plan	Gaby Martin	\$300.00	0.5	\$150.00
05/15/2024	Timesheet	coordinating field day	Gaby Martin	\$300.00	0.05	\$15.00
05/15/2024	Timesheet	EXTRA: preparing legal confirmations	Gaby Martin	\$300.00	1	\$300.00
05/15/2024	Timesheet		Travis Sapala	\$200.00	0.9	\$180.00
05/21/2024	Timesheet	Discussion re: Lisa and email review.	Derek Lamb	\$300.00	0.15	\$45.00
05/21/2024	Timesheet	Planning section checklists, update w/p's and prepare w/p's for additional field day at village office	Travis Sapala	\$200.00	2.8	\$560.00
05/22/2024	Timesheet	Drive to/from Sayward for additional field work day	Travis Sapala	\$200.00	1.9	\$380.00

