VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
June 9, 2026
CLOSED MEETING
COUNCIL CHAMBERS

CONFIDENTIAL - In Camera Agenda June 9-2026

On June 9-2026 SAY A D approve t ime te e and Repor o th y n 6 n-Ca era Agenda in its entirety

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 June 9, 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**

   a. **Appointment of Chief Election Officer**

   Section 58(1) of the Local Government Act (LGA) requires that local governments appoint a Chief Election Officer (CEO) to carry out the responsibilities for conducting an election. The LGA also empowers the CEO to appoint election officials required for the administration and conduct of the election.

   Village staff are pleased to report that a prospective Chief Election Officer has been found to support the Village of Sayward's 2026 General Election. Chris Coates began his career in local government in the early 1980's with the Ministry of Municipal Affairs. In 1989 he moved into local government directly and for the next 26 years was a Chief Administrative Officer (CAO) and Chief Financial Officer (CFO) for five small local governments in the Cariboo, Kootenays, Lower Mainland, Shuswap, and Greater Victoria. In 2015 Mr. Coates joined the City of Victoria as the City Clerk retiring in 2021. After 13 months of retirement, Mr. Coates joined the District of Oak Bay for 18 months as Director of Corporate Services and Corporate Officer before re-retiring at the end of 2023. Chris Coate is an Advisor for the District of Saanich for the Victoria – Saanich Citizen's Assembly on Amalgamation and has done contract work for the District of Oak Bay and District of North Saanich. Mr. Coates possesses extensive Chief Election Officer experience with local governments throughout British Columbia. Village staff will provide support to Mr. Coates so that he can conduct preliminary CAO duties remotely. He will be in Sayward in person to oversee the Advance Poll on October 7, 2026 and the General Election on October 17, 2026.

Recommended Resolution

THAT SAYWARD COUNCIL appoints Chris Coates as Chief Election Officer for the 2026 Local Government Election, with power to appoint other election officials as required for the administration and conduct of the 2026 Local Government Election pursuant to Section 58 of the Local Government Act.

b. Proposal to Rise and Report on In Camera Items (November 2022 to Present)

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.

CONFIDENTIAL - In Camera Agenda June 9-2026

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).

CONFIDENTIAL - In Camera Agenda June 9 2026

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 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 this agenda) and Talia Clark's September 7, 2025 sworn Affidavit (Attachment #4 to this 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

CONFIDENTIAL - In Camera Agenda June 9-2026

(copies of all of these documents are attached to this agenda for Council's reference).

1. 2022-07-25 emails -- FW_ LGMA Job Circular, News, and Program Updates - Week of July 25, 2022
2. a. 2022-12-16 and 2022-12-15 emails -- Fwd FOIPPA Privacy Management Programs and Mandatory Privacy Breach Notifications
2. b. 2022-11-28 -- Order in Council 638 re Privacy Breaches FOIPPA Amendment Act
2. c. 2022-11-28 -- Privacy Management Ministerial direction effective Feb 1-2023
2. d. 2022-12-01 -- Privacy Management Program Guidance - for Public Bodies
2. e. 2022-12-01 -- Guidance on Mandatory Privacy Breach Notifications - Province BC updated Feb 25-2025
3. 2023-02-19, 2023-02-20, 2023-03-20, and 2023-03-26 -- Burchett and Clark Complaints
4. 2023-02-22 -- 2.22.23 emails among Keir Gervais Cllr Burchett Talia Clark and copied to Lisa Clark – Redacted
5. a. 2023-04-12 -- IN CAMERA Agenda - April 12 2023 with Keir Gervais notes – script
5. b. 2023-04-12 -- Certified Resolution - IC23-34, April 12, 2023
6. 2023-04-20 -- Notes -- Jerry Berry and Gary Nason re meetings with Mark Baker and Scott Burchett
7. 2023-05-03 -- Certified Copy of Motion IC 23-38 May 3 2023
8. 2023-05-04 -- Redacted 2023-05-04 Keir Gervais Memo to JB Consultants re meeting with Cncl Burchett
9. a. 2023-05-07 -- Mayor Baker Apology Letters to T. Clark and Cllr Burchett
9. b. 2023-05-07 letter -- Apology Letter to C. Gilkin
9. c. 2023-05-07 letter -- Apology Letter to C. Poulsen
9. d. 2023-05-07 letter -- Apology Letter to C. Tinsley
10. 2023-05-12 memo -- Mayor Baker May 12 2023 Memo
11. 2023-05-18 emails -- John France unsolicited May 18 2023 emails to Keir Gervais
12. 2023-05-23 -- Councillor Burchett's May 23 2023 cover email with Motions for June 6-2023 Regular agenda and In-Camera agenda
13. 2023-05-23 -- Councillor Burchett June 6 2023 Council Meeting Motions - moved to June 6-2023 In Camera
14. 2023-06-20 -- Redacted IN CAMERA Agenda - June 20, 2023
15. 2023-06-20 -- Redacted 2023-06-20 Update to Council by Keir Gervais

CONFIDENTIAL - In Camera Agenda June 9-2026

On June 9-2026 SAY [illegible] Agenda in its entirety

16. 2023-06-20 -- Redacted June 20 2023 IC Minutes
17. 2023-08-04 letter -- Letter to OIPC re Privacy Breach Notification, 04082023-2
18. 2023-08-11 thru 2024-09-10 emails re -- FW_ OIPC File F23-93977_ Breach Notification - The Village of Sayward – Redacted
19. 2023-08-15 -- letter from Cllr Tinsley to Cllr Burchett re Appointment to Examine Councillor Burchett
20. 2023-09-05 -- Affidavit of Service Appointment for Examination - Cllr Sue Poulsen
21. 2023-08-21 – Affidavit of Service and Appointment for Examination - John France
22. 2023-10-11 email -- email from C. Poulsen to CFO L. Clark
23. 2024-03-22 letter -- OIPC file F23-93977 - Breach Monitoring Letter – Redacted
24. 2024-04-16 -- REDACTED In-Camera Agenda w RTC - Rise and Report Some In-Camera Information and Documents
25. 2025-04-01 -- Certified Resolution #18 - April 1, 2025 In-Camera Meeting
26. 2026-03-16 -- Facebook postings by Sue Poulsen - Councillor

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. 2022-07-25 emails -- FW_ LGMA Job Circular, News, and Program Updates - Week of July 25, 2022

2. a. 2022-12-16 and 2022-12-15 emails -- Fwd FOIPPA Privacy Management Programs and Mandatory Privacy Breach Notifications

2. b. 2022-11-28 -- Order in Council 638 re Privacy Breaches FOIPPA Amendment Act

2. c. 2022-11-28 -- Privacy Management Ministerial direction effective Feb 1-2023

2. d. 2022-12-01 -- Privacy Management Program Guidance - for Public Bodies

2. e. 2022-12-01 -- Guidance on Mandatory Privacy Breach Notifications - Province BC updated Feb 25-2025

CONFIDENTIAL - In Camera Agenda June 9-2026

3. 2023-02-19, 2023-02-20, 2023-03-20, and 2023-03-26 -- Burchett and Clark Complaints
4. 2023-02-22 -- 2.22.23 emails among Keir Gervais Cllr Burchett Talia Clark and copied to Lisa Clark – Redacted
5. a. 2023-04-12 -- IN CAMERA Agenda - April 12 2023 with Keir Gervais notes – script
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24. 2024-04-16 -- REDACTED In-Camera Agenda w RTC - Rise and Report Some In-Camera Information and Documents

CONFIDENTIAL - In Camera Agenda June 9-2026

25. 2025-04-01 -- Certified Resolution #18 - April 1, 2025 In-Camera Meeting
26. 2026-03-16 -- Facebook postings by Sue Poulsen – Councillor

AND

27. Attachment 1 – Confirmation of the Process for Rising and Reporting – In Camera report to Sayward Council dated April 1-2025

The following attachments (Attachments 2 to 9 inclusive) are included for context for the proposed rise and report on the above documents, they themselves do not need to be risen and reported on.

Attachment #2 – Justice Hamilton's May 8, 2026 decision in Baker v. France, 2026 BCSC 850;
Attachment #3 – Affidavit of John France, sworn September 23, 2025
Attachment # 4 – Affidavit of Talia Clark, sworn September 7, 2025
Attachment #5 – Affidavit of Keir Gervais, sworn January 20, 2026
Attachment #6 – Affidavit of Kohen Gilken, sworn February 3, 2026
Attachment #7 – Affidavit of Tom Tinsley, sworn January 21, 2026
Attachment #8 – Affidavit of Melissa Holmes, sworn January 22, 2026
Attachment #9 – Affidavit of Mark Baker, sworn January 21, 2026 (and with Affidavit #1 of John Thomas, sworn October 3, 2025, attached as Exhibit "E" to Mark Baker's Affidavit).

10. New Business – None

11. Rise and Report

Proposed Resolution/s

a. THAT SAYWARD COUNCIL approves the immediate rise and report on the appointment of Mr. Chris Coates to serve as Chief Elections Officer (CEO) to support the Village of Sayward's 2026 General Election.

AND

b. THAT SAYWARD COUNCIL approves the immediate rise and report of the June 9, 2026 In Camera agenda in its entirety.

12. Adjournment

a. **THAT the Village of Sayward Council adjourn its In-Camera meeting of June 9, 2026 at: ____________________ pm.**

CONFIDENTIAL - In Camera Agenda June 9-2026

On June 9-2026 SAYWARD COUNCIL approved the immediate rise and report of the June 9-2026 In Camera Agenda in its entirety

From: CAO
To: Lisa Clark
Subject: FW: LGMA Job Circular, News, and Program Updates - Week of July 25, 2022
Date: Monday, July 25, 2022 1:15:00 PM

Do you get these?

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.

From: Local Government Management Association of BC <office@lgma.ca>
Sent: July 25, 2022 11:00 AM
To: CAO <cao@saywardvalley.ca>
Subject: LGMA Job Circular, News, and Program Updates - Week of July 25, 2022

If you have trouble viewing this email, click here

LGMA Newsletter:

Week of July 25, 2022

Free Town Hall!
FOI, Privacy, Records Management:
Onboarding your Elected Officials
August 22, 2:00 - 3:30

On June 9-2026 SAY A D a prove t im e te e and Report o th J n 6 n-Ca era Agenda in its entirety

Corporate Officers and Local Government Administrators who are responsible for delivering orientation sessions for new and returning elected officials are invited to attend a free town hall on Monday, August 22.

The session will discuss the Top 5 "Must Know" FOI, Privacy and Records Management orientation items, and practical knowledge on best practices and procedures, as well as a moderated Q&A discussion.

The LGMA FIPPA / Records Management Committee and Corporate Officers Advisory Committee have collaborated to deliver this important town hall. Register online by August 15.

CivicInfo BC & LGMA
BC Local Government Job Board
CURRENT OPPORTUNITIES

Job Postings

LGMA Training:

Explore core local government areas and concepts
Foundations of Local Government Learning Series
September to December

Manage the performance of individuals and teams
Performance Management Online Course
September 6 - October 4

Gain a foundational understanding of Indigenous relations
Indigenous Awareness Training
September 9 and 16

Peer Connection for CAOs
CAO Connect Lunch Series
September 9

COs supporting COs
Complimentary CO Connect Lunch Series
September 21

Take comprehensive yet concise minutes
Minute Taking Online Course
November 15 - 29

New ethical scenarios!
Ethics in Local Government
Available on demand

See all Training & Workshops

Additional News and Training:

Guidance on the Declaration Act for local governments
DRIPA Action Plan Webinar Recording

Classifying Road Parcels in ParcelMap BC
Road Parcel Classification Update

BCMSA Psychological Health and Safety Certificate
Training for Senior Leaders

Capilano U Fall 2022 & Spring 2023 PADM Courses
Local Government Administration Programs
Courses start September 2022

Accessible B.C. Act
New role for local governments

UBCM
Applications for Canada Community-Building Fund Strategic Priorities Fund

B.C. Climate Preparedness and Adaptation Strategy
Anticipate, prepare for and respond to the impacts of climate change

Receive up to $300,000 for Skills Training
BC Employer Training Grant

Election Resources:

Your go-to resource page
Local Government Elections Information

Preparing for an election year

On June 9-2026 SAY A D a prove t im e te e and Repor o th Jun n-Ca era Agenda in its entirety

[Local Government Election Training Available on demand]

[See all News & Opportunities]

Summer 2022 Exchange - Navigating the Election Season

The Summer edition of Exchange Magazine, Navigating the Election Season, is now available. This edition provides resources to help local governments manage operations and prepare both staff and elected officials in the months leading to the election, as well as shares insights on orienting new Councils and Boards. Highlights include:

- Best Practices for Orientation
- Perspective of an Elected Official
- Advice from CAOs
- Embracing Opportunities to Inform

Visit our website at LGMA | Exchange Magazine.

Connect with the LGMA

This email was sent to cao@saywardvalley.ca when you signed up on www.lgma.ca Please add us to your contacts to ensure the newsletters land in your inbox.

Local Government Management Association of BC

710A - 880 Douglas Street , Victoria, British Columbia V8W 2B7

Forward to a friend
Unsubscribe

710A - 880 Douglas Street, Victoria, British Columbia V8W 2B7, Canada

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

CAO Sayward

From: CAO
Sent: Friday, December 16, 2022 10:20 AM
To: Lisa Clark
Subject: Fwd: FOIPPA Privacy Management Programs and Mandatory Privacy Breach Notifications

Good morning did you get this notice. Hopefully it will never happen to us! Touchwood

Sent from my iPhone

Begin forwarded message:

> **From:** Village of Sayward <village@saywardvalley.ca>
> **Date:** December 16, 2022 at 9:47:44 AM PST
> **To:** CAO <cao@saywardvalley.ca>
> **Subject: FW: FOIPPA Privacy Management Programs and Mandatory Privacy Breach Notifications**
>
> Hi John,
>
> Please see below and let me know if this needs to be forwarded to Mayor & Council.
>
> Thanks,
>
> Jennifer Redshaw
> Finance/Admin Clerk
> Village of Sayward
> 652 H'Kusam Way, PO Box #29
> Sayward, B.C. V0P 1R0
> Phone: 250-282-5512 Ext. 0
> Fax: 250-282-5511
>
> *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:** Privacy Helpline CITZ:EX <Privacy.Helpline@gov.bc.ca>
> **Sent:** December 15, 2022 5:21 PM
> **To:** Privacy Helpline CITZ:EX <Privacy.Helpline@gov.bc.ca>
> **Cc:** IMIT Policy CITZ:EX <IM.ITpolicy@gov.bc.ca>; Padgett, David CITZ:EX <David.Padgett@gov.bc.ca>
> **Subject:** FOIPPA Privacy Management Programs and Mandatory Privacy Breach Notifications
>
> Good afternoon:

On June 9-2026 SA/ A D a prove t im e te e and Repor o th n 6 n-Ca era Agenda in its entirety

I am pleased to let you know that government has recently approved an Order in Council which will bring into force *Freedom of Information and Protection of Privacy Act* (FOIPPA) section 36.2 - Privacy Management Programs and section 36.3 - Mandatory Privacy Breach Notifications on February 1, 2023.

First announced as part of the fall of 2021 amendments to FOIPPA, as of February 1st public bodies must:

- Notify individuals and the Office of the Information and Privacy Commissioner (OIPC) when there has been a privacy breach that could result in significant harm, such as identity theft or financial loss.
- Put into place a privacy management program to encourage accountability and transparency in how public bodies manage and protect personal information.

Details regarding the content of the privacy management programs and mandatory privacy breach notifications can be found on the Privacy & Personal Information Resources site.

- Directions on Privacy Management Programs
- Directions on Privacy Breach Notifications

To support implementation, guidance has been developed.

- Guidance on Privacy Management Programs (PDF, 212 KB)
- Guidance on Mandatory Privacy Breach Notifications

In preparation for the February 1st effective date, we are hosting information sessions for public bodies to provide an overview of the requirements and where to find support resources. Please visit www.gov.bc.ca/privacytraining for more information and to register (registration will be available by noon on Dec 16th).

If you have any questions, please contact privacy.helpline@gov.bc.ca.

Thank you for your continued support to increase accountability and transparency for the information public entrusts to us.

Sincerely,

David Padgett
A/Executive Director, Privacy, Compliance & Training Branch
Ministry of Citizens' Services

On June 9-2026 SAY A D approve t im e te e and repor o th J n 6 n-Ca era Agenda in its entirety

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 638 *, Approved and Ordered* November 28, 2022

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective February 1, 2023,

(a) section 25 of the *Freedom of Information and Protection of Privacy Amendment Act, 2021*, S.B.C. 2021, c. 39, is brought into force, and

(b) the Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 155/2012, is amended as set out in the attached Schedule.

On June 9-2025 SA A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

Minister of Citizens' Services

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Freedom of Information and Protection of Privacy Amendment Act, 2021*, S.B.C. 2021, c. 39, s. 73; *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, ss. 36.3 and 76

Other: OIC 491/2012

R20625311

SCHEDULE

1 The Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 155/2012, is amended by adding the following sections:

Privacy breach notifications – affected individuals

11.1 (1) A notification under section 36.3 (2) (a) of the Act must

(a) subject to subsection (2) of this section, be given directly to each affected individual in writing, and

(b) include the following information:

(i) the name of the public body;

(ii) the date on which the privacy breach came to the attention of the public body;

(iii) a description of the privacy breach including, if known,

(A) the date on which or the period during which the privacy breach occurred, and

(B) a description of the nature of the personal information involved in the privacy breach;

(iv) confirmation that the commissioner has been or will be notified of the privacy breach;

(v) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;

(vi) a description of steps, if any, that the public body has taken or will take to reduce the risk of harm to the affected individual;

(vii) a description of steps, if any, that the affected individual could take to reduce the risk of harm that could result from the privacy breach.

(2) A notification may be given to an affected individual in an indirect manner if

(a) the public body does not have accurate contact information for the affected individual,

(b) the head of the public body reasonably believes that providing the notice directly to the affected individual would unreasonably interfere with the operations of the public body, or

(c) the head of the public body reasonably believes that the information in the notification will come to the attention of the affected individual more quickly if it is given in an indirect manner.

(3) If, under subsection (2), a notification may be given in an indirect manner, the notification must

(a) be given by public communication that can reasonably be expected to reach the affected individual, and

(b) contain the information set out in subsection (1) (b).

On June 9-2026 SAY A D a prove t e te and repor o th l n 6 n-Ca era Agenda in its entirety

Privacy breach notifications – commissioner

11.2 A notification under section 36.3 (2) (b) of the Act must be given to the commissioner in writing and must include the following information:

(a) the name of the public body;

(b) the date on which the privacy breach came to the attention of the public body;

(c) a description of the privacy breach including, if known,

  (i) the date on which or the period during which the privacy breach occurred,

  (ii) a description of the nature of the personal information involved in the privacy breach, and

  (iii) an estimate of the number of affected individuals;

(d) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;

(e) a description of steps, if any, that the public body has taken or will take to reduce the risk of harm to the affected individuals.

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

PRIVACY MANAGEMENT PROGRAM DIRECTION

TO: HEADS OF ALL PUBLIC BODIES

DIRECTION: 02/2022

SUBJECT: Direction to heads of public bodies on developing a privacy management program

AUTHORITY: This direction is issued under section 36.2 of the *Freedom of Information and Protection of Privacy Act*.

APPLICATION: This direction applies to heads of public bodies

EFFECTIVE DATE: February 1, 2023

Honourable Lisa Beare
Minister of Citizens' Services

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca e a Agenda in its entirety

Minister of Citizens' Services

Directions to Heads of Public Bodies issued under Section 36.2 of the *Freedom of Information and Protection of Privacy Act*

I, Lisa Beare, Minister of Citizens' Services (the Minister), issue the following direction to heads of public bodies under section 36.2 of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 (FOIPPA).

A. Preamble

Relevant Legislative Requirements

Section 36.2 of FOIPPA requires the head of a public body to develop a privacy management program for the public body and to do so in accordance with the directions of the minister responsible for FOIPPA.

Context

Privacy management programs are vital to ensuring public bodies are accountable and transparent with respect to their management of personal information. They promote trust by assuring information sharing partners and the public that the public body is protecting the personal information in its custody or under its control. The requirement for a privacy management program is not intended to be burdensome and may comprise a public body's pre- existing privacy policies and practices.

The amount or sensitivity of personal information in the care of public bodies can vary substantially. This document is intended to provide scalable directions that can be applied to all public bodies.

Purpose

The following directions are intended to provide public bodies with a framework that outlines the key components of a privacy management program. Implementing these key components will assist public bodies in:

- setting expectations for privacy accountability; and
- supporting compliance with the privacy requirements of FOIPPA.

On June 9-2026 SAY A D a prove t m e e and Repor o th J n 6 n-Ca era Agenda in its entirety

B. Definitions

In these directions:

“employee” has the same meaning as in FOIPPA;

“head” has the same meaning as in FOIPPA;

“privacy breach” has the same meaning as in FOIPPA;

“personal information” has the same meaning as in FOIPPA;

“public body” has the same meaning as in FOIPPA;

“service provider” has the same meaning as in FOIPPA.

C. Components of a privacy management program

Components of a privacy management program should be reasonable and scaled commensurate with the volume and sensitivity of the personal information in the public body’s custody or under its control and must include at least the following:

1. The designation, by the head of a public body, of an individual(s) to be responsible for the following:
    a. being a point of contact for privacy-related matters such as privacy questions or concerns;
    b. supporting the development, implementation, and maintenance of privacy policies and/ or procedures; and
    c. supporting the public body’s compliance with FOIPPA.

2. A process for completing and documenting privacy impact assessments as required and information-sharing agreements as appropriate under FOIPPA.

3. A documented process for responding to privacy complaints and privacy breaches.

On June 9-2026 SAY A D a prove ime te e and Repor o th J n 6 n-Ca era Agenda in its entirety

4. Privacy awareness and education activities to ensure employees are aware of their privacy obligations. These activities may be scaled to meet the volume and sensitivity of personal information in the custody or under the control of the of the public body and should be undertaken at timely and reasonable intervals.

5. Privacy policies and any documented privacy processes or practices available to employees and where practicable, to the public.

6. Method(s) to ensure that service providers are informed of their privacy obligations (e g., awareness activities, contractual terms that address privacy obligations).

7. A process for regularly monitoring the privacy management program and updating as required, to ensure it remains appropriate to the public body's activities and is compliant with FOIPPA.

Other obligations

This Direction does not affect any statutory or other legal obligation for a public body to protect or secure personal information.

This Direction remains in effect until rescinded or superseded.

On June 9-2026 SAY A D a prove t im e te e and Repor o th I n 6 n-Ca era Agenda in its entirety

Privacy Management Program Guidance for B.C. Public Bodies

Corporate Information and Records Management Office

British Columbia

December 2022 | Version 1

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-C ele Agenda in its entirety

TABLE OF CONTENTS

Introduction 3

Privacy Management Program Components 3

1. Designating a Privacy Contact Person 3
2. Privacy Impact Assessments and Information-Sharing Agreements 4
3. Privacy Complaints and Privacy Breaches 5
4. Privacy Awareness and Education Activities 6
5. Making Privacy Practices and Policies Available 7
6. Informing Service Providers of Privacy Obligations 7
7. Monitoring and Updating 8

Contact 8

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

INTRODUCTION

Section 36.2 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) requires B.C. public bodies to develop a privacy management program (PMP).[1] A PMP is an evolving set of policies, procedures and tools developed by a public body to enable systematic privacy protection throughout the personal information lifecycle.

The Privacy Management Program Directions (PMP Directions), issued by the minister responsible for FOIPPA, describe the mandatory components for PMPs.

Use this guidance to understand the requirements for PMPs. This guidance is for non-ministry public bodies in B.C.

For ministries, the B.C. government follows the Privacy Management and Accountability Policy.

PRIVACY MANAGEMENT PROGRAM COMPONENTS

1. DESIGNATING A PRIVACY CONTACT PERSON

The PMP Directions require that the head of the public body appoint a privacy contact.

The head of the public body may decide to assign more than one privacy contact depending on several factors, including the size and structure of the organization. While many public bodies may opt for a single privacy contact, a public body with multiple locations and/or a large amount of personal information may choose to appoint more than one privacy contact.

POINT OF CONTACT FOR PRIVACY MATTERS

The privacy contact is the point of contact for privacy-related matters such as privacy questions or concerns. The public body may wish to list the individual's contact information on their website and in their communications materials. It may also be helpful to incorporate the contact information and a role description in onboarding materials for new employees.

SUPPORT DEVELOPMENT OF PRIVACY POLICIES AND/OR PROCEDURES

The privacy contact supports the development, implementation, and maintenance of the public body's privacy policies and/or procedures. An example that can be used by public bodies is the B.C. government's Privacy Management and Accountability Policy.

Whether or not a public body already has privacy policies and procedures in place, it could consider conducting a self-assessment to understand where policy gaps may exist or if existing policies and procedures need updating to ensure the public body meets the mandatory PMP components.

Public bodies may want to consider developing policies and procedures on the following topics:

On June 9-2026 GAI A D approved time e and Repor o th J n On-Ca era Agenda in its entirety

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[1] Note that FOIPPA and the corresponding regulation are in the process of being updated to reflect the new requirements.

- Collection notices;
- Consent;
- Accuracy and correction of personal information;
- Permitting individuals to access their own personal information;
- Records retention (and disposal) schedules;
- Reasonable security for the personal information in the public body's custody or under its control;[2] and
- Completing privacy impact assessments (PIAs).

Keep in mind that the PMP policies and procedures can be scaled in proportion to the volume and sensitivity of the personal information in the custody or under the control of the public body.

SUPPORT COMPLIANCE WITH FOIPPA

There are numerous resources available for support:

- The B.C. government's Guide to Good Privacy Practices contains useful information relevant to both government ministries and non-ministry public bodies.
- The Office of the Information and Privacy Commissioner's (OIPC) website has guidance documents for dealing with FOIPPA obligations. Topics range from common privacy concerns to privacy best practices to interpreting FOIPPA requirements.
- The B.C. government's Privacy and Access Helpline (email: privacy.helpline@gov.bc.ca or call 250-356-1851) is available for anyone who has questions related to privacy. This includes ministries, non-ministry public bodies, the private sector, and citizens. While the Privacy and Access Helpline staff cannot provide legal advice, they can provide guidance on privacy-related matters.

Executive support and commitment are also necessary factors in creating a culture of privacy within a public body, which helps support compliance with FOIPPA.

2. PRIVACY IMPACT ASSESSMENTS AND INFORMATION-SHARING AGREEMENTS

The PMP Directions require that a public body has a process in place for completing and documenting Privacy Impact Assessments (PIAs) and Information-Sharing Agreements (ISAs).

PRIVACY IMPACT ASSESSMENTS

A PIA is a step-by-step review process to make sure that a public body is meeting its privacy requirements under FOIPPA and helps a public body identify and mitigate any privacy risks involved in a particular initiative. Section 69 (5.3) of FOIPPA requires that public bodies complete PIAs, and the PMP Directions require a process for completing and documenting PIAs.

On June 9-2026 SAY A D a prove t In e te and Repor o th J N 6 n-Ca era Agenda in its entirety

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[2] For definitions of "custody" and "control," see Schedule 1 of FOIPPA or the FOIPPA Policy and Procedures Manual.

PIAs are typically completed with the help of privacy contacts and the individuals working on the initiative. As noted in the PIA Directions, the goal is to work together to identify, evaluate and manage privacy risks. The PIA Directions also provide guidance on the required elements of a PIA.

For example, the B.C. government has a 5-step PIA review process to complete and document PIAs. There is also a PIA template for non-ministry public bodies that can be used.

INFORMATION-SHARING AGREEMENTS

As defined under section 69 of FOIPPA, an information-sharing agreement (ISA) is an agreement that sets the conditions on the collection, use or disclosure of personal information by the parties to the agreement.

The PMP Directions require public bodies to have a process in place for completing and documenting ISAs as appropriate under FOIPPA. Even if a public body does not expect to initiate ISAs, the process will be helpful if another entity wishes to initiate an ISA with the public body.

The B.C. government has developed guidance for ISAs and a sample ISA template. Public bodies may have other pieces of legislation and/or regulations besides FOIPPA that authorize information sharing. It is recommended that public bodies confirm their legal requirements before adapting the government examples for their specific context.

3. PRIVACY COMPLAINTS AND PRIVACY BREACHES

A privacy breach is the theft or loss of personal information, or the access, collection, use or disclosure of personal information in the custody or control of a public body that is not authorized by FOIPPA. A privacy complaint is a complaint from an individual about a breach of their own personal information.

Note that a privacy breach is not limited to written or recorded information. Personal information that is breached verbally may need to be responded to in the same manner as other breaches.

The PMP Directions require public bodies to have a documented process in place to respond to any privacy breaches and complaints. As an example, the B.C. government has developed an Information Incident Management Policy (IIMP).

As outlined in section 36.3 of FOIPPA, if a privacy breach is reasonably expected to result in significant harm to an individual, public bodies are required to issue a notification about that breach to the affected individual and to the Information and Privacy Commissioner. Refer to the Guidance on Mandatory Privacy Breach Notifications for more information.

A documented breach response process may include the following aspects:

1. Mechanism for employees to immediately report actual or suspected breaches to a supervisor and privacy contact so that the alleged breach can be confirmed and dealt with.
2. Determining the level of harm and the need for breach notification in accordance with the *Freedom of Information and Protection of Privacy Regulation*. Refer to the Guidance on Mandatory Privacy Breach Notifications.

On June 9-2026 SAY A D approve t im e te e and Repor o th y n 6 n-Ca ela Agenda in its entirety

3. Notifying affected individuals and the Information and Privacy Commissioner as required under section 36.3 of FOIPPA.
4. Containment and recovery steps that the public body may take depending on the circumstances. Containment involves preventing further spread of the breached personal information. Recovery involves retrieving the records containing the breached personal information.
5. Mechanisms for investigating the nature, extent and/or cause of the breach.
6. Preventative measures to avoid breaches from occurring in the future. This may include improving security measures.
7. Documentation of breaches and keeping this documentation in accordance with the public body's records retention requirements.[3]
8. Responding to privacy complaints.[4]
9. Administrative fairness practices.[5] Examples of administrative fairness may include ensuring individuals under investigation are aware of the allegations against them and have a fair opportunity to respond to the allegations; and investigators and decisions-makers are free from conflict and are unbiased, and decisions are made based on evidence.

4. PRIVACY AWARENESS AND EDUCATION ACTIVITIES

Privacy training and awareness helps employees identify personal information, understand their privacy obligations, and are an important part of breach prevention.

Awareness and education activities can be scaled based on the volume and sensitivity of the personal information in the public body's custody or control and based on the role of the employee. For example, the privacy obligations of an employee who infrequently handles low sensitivity personal information are different from the employee who often handles sensitive personal information. Therefore, the training and awareness required for those two employees is not necessarily the same.

Education activities should be timely. For example, training should be implemented when there are significant changes to how the public body collects personal information, when systems or processes change, as part of new employee onboarding processes, and periodically to refresh employees' knowledge.

The following privacy topics for education activities are relevant for most public bodies:

- An understanding of what constitutes personal information.
- Appropriate collection, use and disclosure of personal information.
- Reasonable security measures and access controls to protect personal information.

On June 9-2026 SA a prove im e e and Repor o th J n e n Ca era Agenda in its entirety

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[3] Section 31 of FOIPPA requires public bodies retain personal information for at least one year if it is used to make a decision that directly affects an individual.
[4] Privacy complaints may result when an individual has concerns about how a public body handled or processed their personal information.
[5] Fairness in Practice Guide, the Office of the Ombudsperson. In B.C., fairness and good public administration is overseen by the BC Ombudsperson for the broader public sector.

- Identification and reporting of privacy breaches and privacy complaints.

Training on the following topics may also be included:

- Privacy impact assessments.
- Privacy and security requirements for storage of sensitive personal information outside of Canada.

The B.C. government has developed FOIPPA Foundations: Privacy and Access Fundamentals. This course can be used by public bodies when educating their employees and service providers. This free, interactive, online course provides information on privacy and access fundamentals in B.C.

Employees may also benefit from understanding why privacy is important and the underlying principles for privacy protection. The 10 Privacy Principles and Guide to Good Privacy Practices can help with this understanding.

5. MAKING PRIVACY PRACTICES AND POLICIES AVAILABLE

As outlined in the PMP Directions, public bodies are required to make their privacy policies and any documented privacy processes or practices available to employees and, where practicable, to the public.

For employees, this could include adding privacy information to onboarding materials and creating a privacy section on public body internal websites.

Public bodies can decide on the best approach for making these materials available to the public. For example, if the public body has a website, they may wish to publish their privacy policy and related privacy processes or practices online. Smaller public bodies may wish to have their privacy polices on hand in case someone from the public asks to see them. The key is to determine what is practicable for the public body or what the public body is capable of doing to make those policies, processes, or practices available.

In addition, public bodies should consider publishing any privacy awareness and education activities as well as summaries of PIAs and ISAs where appropriate. For example, the B.C. government publishes a summary of PIAs and ISAs through the Personal Information Directory, which documents the management of personal information holdings of government and assists the public in identifying the location of personal information about them held by government.

6. INFORMING SERVICE PROVIDERS OF PRIVACY OBLIGATIONS

When service providers handle personal information related to the provision of services for a public body, the public body must inform them of their privacy obligations.

Contracts are one way to demonstrate privacy obligations for service providers. The B.C. government's privacy protection schedule is an example that can be modified by other public bodies to suit their needs.

PIAs are another useful tool to demonstrate how public bodies and service providers can meet their privacy obligations. By completing a PIA, a public body can assess the services, confirm compliance for

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

such things as collection, use and disclosure of personal information under FOIPPA, and identify privacy risks.

Privacy training, policies and processes will also support a service provider in complying with their privacy obligations when providing services for a public body.

7. MONITORING AND UPDATING

It is important to review the PMP regularly and ensure it is still relevant to the public body's activities and personal information holdings. For example, this could include an annual review or a review when there is a large change in the public body's operations.

Suggested guiding questions for the review include:

- What are the latest privacy or security threats and risks that the public body needs to be aware of?
- Are the public body's policies and procedures reflecting the latest guidance or complaint and audit findings of the OIPC?
- Are new services being offered that involve increased collection, use or disclosure of personal information? Has the PMP been updated to reflect these new services?
- Is training occurring? Is training effective?
- Are privacy policies and procedures being followed?
- Are contracts with service providers up to date and being followed?

Examples of PMP assessment tools include:

- Privacy Maturity Assessment (Saskatchewan)
- Privacy Program Evaluation (Yukon Ombudsman)
- Privacy Management Program – Gap Analysis for Larger Public Bodies and Municipalities (Nova Scotia)
- Privacy Management Program – Gap Analysis for Smaller Public Bodies & Municipalities (Nova Scotia)
- Accountable Privacy Management in BC's Public Sector (BC OIPC)

These tools and guiding questions can be used to ensure the public body's PMP remains appropriate to their activities and is compliant with FOIPPA.

CONTACT

For questions or comments regarding these guidelines, please contact:

Privacy, Compliance and Training Branch
Corporate Information and Records Management Office
Ministry of Citizens' Services
Telephone: (250) 356-1851
Email: privacy.helpline@gov.bc.ca

On June 9-2026 SAY A D a provet t m e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

Guidance on Mandatory Privacy Breach Notifications

Last updated on February 25, 2025

Section 36.3 of the Freedom of Information and Protection of Privacy Act (FOIPPA) requires the head of a public body to notify an affected individual if a privacy breach could reasonably be expected to result in significant harm to the individual, including identity theft or other significant harms as described in section 36.3. Section 36.3 also requires the head of a public body to notify the Information and Privacy Commissioner (the Commissioner) when the significant harm threshold is met.

Section 11.1 (1) (b) of the Freedom of Information and Protection of Privacy Regulation (the FOIPP Regulation) further describes the elements that must be included in a notification to an affected individual.

Note that FOIPPA and the FOIPP Regulation are in the process of being updated to reflect the new requirements.

Use this guidance to understand the requirements for privacy breach notifications. This guidance is for non-ministry public bodies in B.C.

For ministries, there are existing resources on privacy breaches that should be followed. Ministries are also required to follow the Information Incident Management Policy and the Core Policy and Procedures Manual, Chapter 12 for information incidents, including privacy breaches.

Assessing Significant Harm

The determination of whether a privacy breach could result in significant harm depends on context. Several of the considerations below can help assess the likeli

On June 9-2026 SAY D a prove t in e te e and Report o th n 6 n-Ca era Agenda in its entirety

of harm. They also depend on and inform each other.

The sensitivity, context, and amount of personal information involved

The sensitivity of personal information often but not always depends on context, the relationship between the individuals, and/or the individuals affected. Determining the sensitivity and being mindful of the context can help inform the potential for harm. Breaches with personal information that is highly sensitive are more likely to result in significant harm.

The number of data elements involved in the breach may increase sensitivity if each element contributes to a complete picture of an individual. The more data elements involved in the breach, the greater the overall risk of misuse of any or all of the data elements.

For example, first and last name may not be considered sensitive on their own but when paired with birth date, home address, and financial information, the sensitivity of a name may increase because more is known about the individual. This could result in a risk of significant harm, including identity theft.

The individuals affected

Different groups of people may be affected by breaches in different ways. Understanding the type of individuals affected may inform how to notify. For example, if a child's information has been breached, the public body may need to consider who to notify in line with relevant legislation.

The relationships of those involved

Consider the relationship between the recipient of the breached information and the individual whose information was breached. An adverse relationship may result in the potential for harm to the individual or misuse of their information. For example, a letter containing sensitive personal information sent to a hostile ex-spouse who is threatening to publish it on social media would increase the potential for significant harm.

The key consideration is what is known about the person that caused the breach o received the breached personal information. For example, if there is evidence tha person receiving the breached information intends to use the information in a

On June 9-2026 SAW A D a preve t im e te e and Repor 9 th J n 6 n-Ca era Agenda in its entirety

malicious way, this would increase the potential for harm.

If there are a large number of people that received the breached personal information or if the recipients are unknown, there may also be an increased potential for harm.

Ability to contain the breach

If a breach cannot be quickly contained by the public body, this may increase the likelihood of significant harm. On the other hand, if the person receiving the breached information agrees to destroy or return the personal information involved in the breach, then the likelihood of significant harm is lower.

For example, a public body employee who receives a misdirected email from a colleague within the same public body, who is subject to the same employment confidentiality requirements, could be quickly contained by deleting the email from the recipients' inbox and from their deleted folder.

However, how quickly a breach can be contained is not the only factor for determining the risk of significant harm. Other factors such as sensitivity, context, and relationships between those involved should also be considered.

To continue the example above, if the misdirected email includes a sensitive human resource issue and has been sent not just to one individual by mistake but to a large distribution list, the ability to quickly contain the information has decreased and the risk of significant harm has increased.

How the information was breached will have an impact on the public body's ability to contain the breach. If the information was breached through theft, this will generally increase the risk of misuse and of significant harm.

Public bodies may wish to connect with their organization's privacy contact (or consider seeking legal advice) to determine if a privacy breach meets the significant harm threshold. Note that designating a privacy contact and having a documented privacy breach response process are requirements for a privacy management program. Refer to the Privacy Management Program Directions, C. 1. and C.3 and the Privacy Management Program Guidance for B.C. Public Bodies.

Conducting notifications without unreasonable delay

On June 9-2026 SAV AD a arove t im e te e andRepor o th Jun 6 n-Ca er Agenda in its entirety

A public body's ability to mitigate harm is impacted by how quickly or early notification to an individual occurs. How quickly an individual is notified may depend on how urgent the risk of harm is, the type of harm that may result, whether containment is possible and if so, the time required for containment of the breach, and the time required to investigate the extent of the breach. Standard practice for the B.C. government is to provide notification to the individual within a week of uncovering a breach unless immediate harm is possible.

Privacy breaches that may result in physical harm of an individual warrant immediate notification, even if all requirements for notification are not yet known (such as the date of the breach or all information elements involved). Public bodies can follow up with more details as they become known. Instances where it is difficult to contain the breached information and where there is likelihood of significant harm may also warrant immediate notifications.

Notifying the Affected Individuals

As noted in the FOIPP Regulation, the breach notification must be in writing and must be provided directly to each affected individual. Note that there are specific circumstances that exist that allow indirect notification in accordance with section 11.1 (2) of the FOIPP Regulation.

Public bodies need to consider which method of notification is appropriate. While physical letters are the obvious example of notification provided "in writing," email notification may be preferable for individuals with no permanent housing. Public bodies should be cautious using text messages for notification as they may be mistaken for false or fraudulent communications, rather than an official communication from a public body.

Verbal notification

There may be circumstances where public bodies contact the affected individual by phone, then follow up in writing. For example, if there is an imminent threat of physical harm, a written notification may cause unreasonable delay.

Affected individuals may need verbal notification for accessibility reasons or perso circumstances (e.g., limited access to a personal computer for emails or only havi shared email address). In these cases, verbal notifications should still be followed

On June 9-2026 SAY A D o prove t im e te and Repor o th J n 6 -Ca era Agenda in its entirety

written notification.

Indirect notifications

As per section 11.1 (2) of the FOIPP Regulation, indirect notification may be used if:

- The public body does not have accurate contact information for the affected individual.
  - For example, when a breach occurs, the public body may learn that they do not have the correct or up-to-date contact information to reach the individual. The public body's email may be returned as undelivered, their call might go to a disconnected phone line, or their mail might be returned to sender. The public body may also have other reasons to lack confidence that the contact information is correct.
- The head of the public body reasonably believes that providing the notice directly to the affected individual would unreasonably interfere with the operations of the public body.
- The head of the public body reasonably believes that the information in the notification will come to the attention of the affected individual more quickly if it is given in an indirect manner.
  - For example, when many people are affected, the notification may reach affected individuals sooner if it is communicated to the public rather than by contacting each affected individual directly.

An indirect notification must contain the same information that is required for direct notification of an affected individual.

When choosing the method for indirect notification, consider the circumstances of the breach, potential harms and risks to the affected individual, and the likelihood of the notification reaching the affected individual without unreasonable delay. For example, consider posting a notification on a website or social media or via some form of public announcement.

Notification Elements

The FOIPP Regulation determines what must be included in a notification to an

On June 9-2026
Agenda in its entirety

affected individual. The following descriptions provide details on some of the required elements.

Name of the public body

Include the name of the public body that has custody or control of the personal information that was breached.

The breached personal information may be in the custody or under the control of more than one public body (e.g., two public bodies share a database that is hacked). In these circumstances, a good practice is to include the name of all public bodies involved in the breach.

Description of the nature of the personal information involved in the privacy breach

Include the nature of the personal information involved in the description of the privacy breach. For example, categories such as names, addresses, phone numbers, dates of birth, personal health information, bank account information, etc. can be used.

When providing a description, take care to provide sufficient information without revealing the actual personal information itself. This will help minimize the potential for another breach if the notification is read by someone else because it was intercepted or sent to an address that is no longer correct.

Steps the public body has taken or will take to mitigate the risk of harm

Public bodies must advise the individual about steps, if any, that they have taken or will take to reduce the risk of harm. Examples could include:

- Containment efforts, including correcting errors in a database where account errors have occurred (e.g., one person's personal information was accidentally added to another person's account); recovering physical documents when they are disposed of incorrectly; or confirming deletion of an email when informa is sent to the wrong person.
- Prevention measures to help ensure this type of incident does not reoccur. Prevention can include training or technical/system changes (for situations w

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

the breach originated at the system level).

Steps the affected individual can take to mitigate the risk of harm

A key reason for notifying individuals of a privacy breach is to advise them of the risk of harm and inform them of steps they may take to mitigate that risk. Examples include providing contact information for a credit reporting bureau so the individual can monitor for suspicious activity.

A best practice is for the public body to make all reasonable efforts to outline the risks they are aware of at the time of notification. The public body may also consider following up with affected individuals if they receive further information about potential risks that could be mitigated.

Exceptions to the Notification Requirements

Under FOIPPA, regardless of whether significant harm may occur, notification is not required when it could be reasonably expected to:

- result in immediate and grave harm to the individual's safety or physical or mental health; or
- threaten another individual's safety or physical or mental health.

Notifying the Commissioner

Public bodies must notify the Commissioner of privacy breaches that pose a reasonable expectation of significant harm. In circumstances involving significant harm where the individual is not notified (e.g., in circumstances where notification could be reasonably expected to result in immediate and grave harm to the individual's safety or physical or mental health), public bodies must still notify the Commissioner.

Notifications to the Commissioner must be in writing and must contain the same information as the notification to affected individuals. They must also include an estimate of the number of affected individuals. Contact information for the Office of the Information and Privacy Commissioner can be found here. Note that the Commissioner provides additional resources for all public bodies for responding to breaches and securing personal information.

On June 9-2026 AY A D pprove t im te e nd Repor o th J n 6 n-Ca er Agenda in its entirety

Note that under section 36.3 (4) of FOIPPA, the Commissioner may choose to notify affected individuals if they determine that it is appropriate.

Get Help

For more information, contact your Ministry Privacy Officer, Privacy Officer or Information Security Officer.

Can't find what you're looking for? Contact the Privacy and Access Helpline.

- Privacy.Helpline@gov.bc.ca

Did you find what you were looking for?

Yes No

The B.C. Public Service acknowledges the territories of First Nations around B.C. and is grateful to carry out our work on these lands. We acknowledge the rights, interests, priorities, and concerns of all Indigenous Peoples - First Nations, Métis, and Inuit - respecting and acknowledging their distinct cultures, histories, rights, laws, and governments.

On June 9-2026 SAY A D a prove t me te e and Repor o th J n 6 n-Ca era Agenda in s entirety

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Code of Conduct Behavioural Violations

February 20 2023

It is with great concern that these statements have to be recorded or even reported regarding the alleged behaviour of Mark Baker, acting mayor of the Village of Sayward.

To give some background about these allegations the timeline will start on the dates in December(15,16) 2022 when I was a newly elected councillor of the Village of Sayward and was involved in the decorations of the Christmas Light up Parade. While volunteering to do set up of lights and decorations, my girlfriend/partner Talia Clark had volunteered some of her time to help with the decorations. At the time there was inappropriate physical contact that was a concern of hers regarding how mayor Baker touched her while she was helping decorate. I will let her words speak to these allegations, as I was not completely aware of what happened at the time, although I did notice some uncomfortable situations. He seemed to be creeping around her and engaged in close contact/conversation when it was not invited.

Being a new councillor, I was shy and did not want any problems or confrontation regarding said behaviour. Talia had discussed to me immediately after helping set up decorations that she felt uncomfortable about the conduct (touching and general gross eyeballing) that mayor Baker engaged in. While it seemed to be relatively soft, such as a hand on the shoulder or back, and standing too close from behind, it was not warranted or accepted as appropriate to her. At the time we discussed this in private and decided to move on and not make an issue about it, as again, I will state that I was new to the municipal council and did not want to complicate the situation. It was brushed off as rude, gross, and sexist behaviour and we felt that "I guess the mayor is a creep and we will have to be on guard".

Moving forward to this past weeks LGLA (Local Government Leaders Academy) convention in Nanaimo (February 15 -17), this behaviour surfaced again. Let us not confuse private conversations between people not in the public eye, where a group of peers can have varying degrees of humour, the alleged behaviour was public, and witnessed by multiple people.

On Wednesday, February 15, 2023 myself, councillor Kohen Gilkin, and mayor Baker, where having dinner (Top Notch Burgers) at the hotel. We introduced ourselves as mayor and council for the Village of Sayward and where attending the LGLA conference. Our young female server named Ruby (as noted in the receipt) was around 19/20 years old approximately and was subject to very aggressive and sexist remarks from mayor Baker. This not only made myself feel extremely uncomfortable, but the same can be said about councillor Gilkin. It was not appropriate to ask her "are you into guys with lifted trucks" in reference to Kohen's truck. This gross conversation initiated by mayor Baker put councillor Gilkin on the spot and continued until everyone felt uncomfortable. Both myself and councillor Gilkin responded with the remarks to young Ruby that "we are not related to him" in reference to mayor Baker. An awkward laugh was the result, as Ruby was being professional and kind of caught off guard. This is not how the Village of Sayward is to be seen and represented, and I felt horrible.

On Thursday, February 16 2023, my partner Talia Clark came up from Victoria to visit and have dinner and I decided that I did not want to accompany the mayor for this evenings meal, as I was disgusted with the last nights events. We politely joined mayor Baker and councillor Gilkin for a beverage and then went for our own meal at a separate establishment.

On June 9-2026 SAY ... agenda in its entirety

On the morning of Friday, February 17 2023, the plan was to meet at my hotel room (Best Western 303) at 7:30am to put everyones luggage there for a late checkout (12:30pm) and leave from a there.
Upon arriving at my hotel room to store the luggage, a conversation started about how everyone had a poor sleep. While standing close together in the hotel room, I stated "I barely slept last night at all". Mayor Baker immediately looked at Talia, insinuating that she kept me up all night long, and then proceeded to eyeball her up and down in front of myself to the point where it was grossly uncomfortable. Talia had to walk down the hall to get some distance, and I was caught off guard with such disgustingly rude behaviour. Mayor Baker could not be more obvious and gross with how he conducted himself. This was also witnessed by councillor Gilken and I will let his words speak to this. The boldness of this predatory behaviour was seemingly entitlement and I am now very jaded in how I perceive mayor Baker.

Following this interaction, we had planned to have breakfast before the last day of the convention and we all went downstairs to eat at the hotel restaurant. The gross behaviour continued there. During casual conversation, the tone had changed to the point where my partner Talia actually called the mayor creepy. As his words were inappropriate again.

When our meal was finished, we engaged in conversation with the neighbouring table who were other delegates from the convention. Unbeknownst to myself, the following behaviour took place. Myself, councillor Gilkin, mayor Baker approached the neighbouring table to converse and have a brief meet. While talking to these people, mayor Baker inappropriately put his arm around Talia and pulled her towards himself in a possessive way that made her feel violated and uncomfortable. This was not a mutual agreeable behaviour and not permissible by Talia. I will let her words speak to this. I was not witness to this, as I was engaged in the conversation in front of me, but was made aware of it later. This made me feel sick to my stomach and I will not look past this.

Further to this issue, on February 7 2023 just before the Village of Sayward council meeting, I had a conversation with mayor Baker, councillor Gilkin, and councillor Tinsley. I opened up about my recent bad news that my partner Talia and myself were going through a hard time with [redacted] and that I might not be at my best, and will try to get through our council meeting the best I can. This was a call out for support and a very personal and private matter that is sensitive. I never thought that support from the mayor would be to grossly make my partner feel sexualized in an unwanted manner [redacted] There are no excuses for this behaviour and it disgusts me just to write this and have to relive it.

It is with great concern that I even have to write this, and will let the statements of the others involved/witnessed speak to there own experience. A pattern of behaviour that makes females and people feel uncomfortable is not acceptable. I have let a few days transpire to let my head cool down and this is my statement. This is not a professional environment to perform in and not a recipe for success. I only want to hold my position of Village Councillor with high regard and ethics. This is not the way to mentor counsellor Gilkin and make him feel comfortable. Lastly, my partner Talia does not feel at all comfortable being around mayor Baker and neither do I.

Scott Burchett
Councillor Scott Burchett

RECEIVED
FEB 2 1 2023

On June 9-2026 SAY A D approve e and Repo era Agenda in its entirety

March 20, 2023

To whom it may concern:

On the night of March 14, 2023 I was attending the Committee of the Whole meeting for the Village of Sayward. I was attending with my partner Talia Clark who was there to support my efforts of councillor and to see first hand how a municipal council meeting works. As we were entering the municipal office at 6:45pm we were greeted by Mayor Baker. I casually said hello and walked by him to enter the chambers. Talia was behind myself and was greeted by Mayor Baker as well. After the meeting ended, Talia informed me that she felt uncomfortable that the Mayor had again touched her without consent and this is unacceptable. I will let her words speak to this. Although it was a casual touch, it is not professional behaviour and a pattern of entitlement that continues and is not acceptable. It pains me to have to write about this again, but proper documentation and procedures is the only professional way to handle this. This is a problem and needs to be addressed for the betterment of our chambers and to align with the Code of Conduct that we all as members of the Village of Sayward have signed and pledged too.

Scott Burchett

Councillor Scott Burchett

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n enda in its entirety

RECEIVED
FEB 2 1 2023

To Whom it May Concern,

Feb 19, 2023

Statement by Talia Clark

December 16, 2022 I was in Sayward visiting my partner Scott Burchett who was to help with the decorating for the light up festival being held the next day. As I was in Sayward to spend time with Scott I decided to go help with the decorating. This was the second or third time I met Mayor Mark Baker and the meetings previous had been very brief. The Mayor seemed interested in engaging me in friendly conversation which didn't surprise me as Scott was new on Council himself so it seemed natural for the Mayor to want to get to know us both more. While doing the decorating the Mayor put his hand gently on my arm and shoulder and rested it there a few times. I was a bit surprised by this action but it seemed harmless and didn't go any further, we were in a public space with others around so I didn't draw attention to this causing a scene. Later in private I asked Scott if he knew the Mayor to be a "touchy" type person and Scott replied that no he did not think he was and asked me to explain why I asked. I told Scott what had happened earlier and we both decided not to say anything but agreed that it was creepy and I would be watching out for any further similar behaviour.

February 16, 2023 I went to visit Scott in Nanaimo while he was there attending the LGLA convention with Mayor Baker and councillor Kohen Gilken. We sat to have a drink with the Mayor and councillor Gilken at the restaurant in the hotel and the Mayor's conversation seemed to be quite focused on what I thought to be inappropriate "advice" towards councillor Gilken in regards to women and a number of sexual comments were made. This struck me to be very odd, gross and unprofessional especially considering councillor Gilken's age and that I thought the Mayor would be mentoring the new councillor's in how to behave in public spaces. Note we were potentially surrounded by other local council members sitting at the nearby tables. Councillor Gilken giggled and blushed a bit at the comments.Scott and I left at this time as we had already decided we were not going to eat with the Mayor as Scott was quite disgusted with the Mayor's comments in the restaurant the previous evening.

February 17, 2023 Scott, councillor Gilken and I were heading to the elevator in the hotel at 7:30 in the morning and met with the Mayor who asked how we all slept. Scott replied he barely slept at all and the Mayor looked at me, made a comment and clearly looked me up and down with a grin insinuating I had kept Scott up all night. This eyeballing by the Mayor disgusted me and made me so uncomfortable I walked down the hall not wanting him to look at me. When we proceeded to breakfast the Mayor asked if we would watch his jacket for him for a moment and councillor Gilken asked if he had anything in his jacket he could take. Mayor Baker responded that he had condoms in his jacket for councillor Gilken which again I found very inappropriate and gross for many reasons. After breakfast Scott , the Mayor and councillor Gilken were introducing themselves to a group of councillors at a nearby table and when I walked up between the Mayor and councillor Gilken the Mayor put his arm on me in a somewhat possessive manner as if to say she's with us. This action was unnecessary and made me uncomfortable though again I did not say anything so as not to make a scene in public.

It is very important to me that I be supportive of my partner councillor Burchett and as he is a political figure acting on behalf of the Village of Sayward I feel we are both accountable for our actions in the public eye, therefore we must behave in a respectful and professional manner at all times. I do not feel Mayor Baker is behaving in this manner. It upsets me that I now take the Mayor's behaviour towards me in consideration before deciding whether or not to attend events where he will be present.

Thank you,

Talia Clark

Mar 26, 2023

To Whom it May Concern,

Statement by Talia Clark

Once again I find myself relaying events from uncomfortable interactions with Mayor Mark Baker. On March 14, 2023 I was attending the Sayward Council meeting as part of the public as I wanted to watch my partner Scott Burchett "in action" as a councillor. I entered the building with Scott and as we walked down the hall to the Village of Sayward Council Chambers we passed Mayor Baker where he greeted both Scott and I. As I walked past he put his hand on my shoulder. This wasn't a big deal but after previous interactions I noted it and again thought it to be odd and unnecessary. I sat down in one of the chairs for the public and quietly watched the meeting as the only member of the public attending that night. At the end of the meeting I believe right after the Mayor adjourned the meeting he made a comment to everyone that I thought to be extremely out of place and completely uncalled for which was" Just so you all know I might be up on charges. I touched Tony's bum" or something very close to that. This made me very uncomfortable as well as all council members and staff also looked very uncomfortable and didn't quite know how to respond. The Mayor carried on to explain that it was some sort of joke maybe. At this point I stopped listening as I was focused on how out of place I thought this comment to be and how this was certainly no way to be speaking immediately after a council meeting with everyone there.

Thank you,

Talia clark

[redacted]

From: Talia Clark on behalf of Talia [redacted]
To: scott.burchett@saywardvalley.ca
Subject: Re: Respectful Workplace Complaint 21022023
Date: February 22, 2023 3:38:42 PM
Attachments: img-222154205-0001.pdf

Appendix B Attached

On Wed, Feb 22, 2023 at 1:45 PM Scott Burchett <scott.burchett@saywardval)ey.ca> wrote:

> Complete form B and it will be attached to your statement.
>
> Sincerely,
>
> Scott
>
> Begin forwarded message:
>
> **From:** Keir Gervais <cao@saywardvaUey.ca>
> **Date:** February 22, 2023 at 12:06:48 PM PST
> **To:** Scott Burchett <scott.burchett@saywardvalley.ca>
> **Cc:** Lisa Clark <cfo@saywardvaHey.ca>
> **Subject: RE: Respectful Workplace Complaint 21022023**
>
> Councillor Burchett,
>
> I am emailing you today with an update since we met yesterday as well as next steps.
>
> Background
>
> At approximately 11: 1DAM on February 21, 2023 you attended my office without an appointment and said you needed my help with something. At that time you handed me a yellow envelope and said everything would be explained once I read the contents of the envelope. I explained I was just wrapping up an important and time-sensitive email and I asked if you could provide me until 12:00PM to review and digest the contents of the email. You agreed.
>
> At approximately 11 :30AM I turned my attention to the envelope you left

on June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

and removed two typed statements, one from you and one from your partner Ms. Talia Clark, and read each of them. In the statements both you and Ms. Clark express your concerns about Mayor Baker's conduct at two separate work-related events; the 2022 Christmas light up festival in Sayward and the AVICC regional meeting in Nanaimo on February 16/17, 2023.

At 12:00PM you returned to my office to continue our discussion. You were visibly upset. You explained to me that you hadn't slept properly for the past two days and how angry you are with Mayor Baker for how he conducted himself around Ms. Clark. You further explained how inappropriate you feel Mayor Baker's actions were in his role as an elected official representing the Village of Sayward and in the presence of Councillor Gilken - a young and impressionable Councillor as you pointed out, and a female server at a restaurant you all attended for a drink.

After speaking with you for approximately 20 minutes, I advised you that I would need some time to research the Village's internal policies and bylaws to help determine my next steps. I also explained that my afternoon was fully booked with meetings, then there was a regular Council meeting at 7:00PM that I also need to prepare for, and I would not have a lot of remaining time that day (yesterday) to follow-up. I said I'd likely touch base again Wednesday (today). You expressed your understanding and agreed to provide me the time as outlined. Prior to you leaving I intentionally asked you if you were OK - that you weren't going to do anything rash. You said you were angry- that you were willing to share this information with the SRO and whoever. .. you were just disgusted with how Mayor Baker's actions have left you feeling, but that you weren't going to do anything rash. You left my office at approximately 12:30PM.

I have reviewed the Village of Sayward Policy # 200-03 - ***Respectful Workplace Policy*** and **Village Bylaw No. 442 - a Bylaw to establish a for Village of Sayward Council.** With your blessing, I have also consulted with Village of Sayward CFO/CO Lisa Clark.

Next Steps

on June 9-2026 SAY A D ... era Agenda in its entirety

I have determined that the next required steps of me are:

1. Provide you with copies of the Respectful Workplace Policy and the Code of Conduct Bylaw for you to read.
2. Ask you to fill out and return to me Respectful Workplace Policy Appendix B - Respectful Workplace Complaint Form, if you so wish.
3. Ask Ms. Clark to fill out and return to me Respectful Workplace Policy Appendix B - Respectful Workplace Complaint Form, if she so wishes. I'll note here that, the Policy does not clearly outline if/how it's to be applied to a member of the public as a complainant. I'll continue to clarify this as the process continues.

I'll assess next steps if and once I receive one or more completed Respectful Workplace Complaint Forms.

Sincerely,

Keir Gervais

Chief Administrative Officer

Village of Sayward

652 H'Kusam Way, PO Box 29

Sayward, BC VOP IRO

250-282-5512 Ext. 2 (office)

cao@saywardvalley.ca

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'6moks First Nation, the traditional keepers of this land.

On June 9-2026 SAY A D a prove t m e te e and Repor o th J n 6 n Ca era Agenda in its entirety

VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
APRIL 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 In-Camera meeting of Council for April 12, 2023, be approved.

4. **Minutes of Previous Meetings - None**
5. **Delegations - None**
6. **Council Reports - None**
7. **Mayor's Report - None**
8. **Unfinished Business**
9. **Staff Reports - None**
10. **New Business**
    - **a) Processing of Complaint – JB Consultants**
11. **Rise**
12. **Adjournment**

On June 9-2026 SAY A D a prove t im e te e and Repor o th I n 6 n-Ca era Agenda in its entirety

Keir's Notes

1. Prior to Special Council meeting being called to order, Jerry provides preamble 'who we are, why we're here'
2. Special Council meeting called to order

    a) Motion to move in-camera per section noted in Agenda, and Keir to read verbally 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

3. In-Camera meeting is called to order

    a) Motion to have Gary appointed Corporate Officer pro tem

    b) Motion to have Mayor Baker and Councillor Burchett recuse themselves from the In-Camera meeting and meet with Jerry & Gary

    c) Jerry & Mayor Baker to one space, Gary & Councillor Burchett to another

    d) Keir to his office

    e) Lisa brings Peter into the meeting via TEAMS

    f) Lisa leaves

    g) Peter provides legal advice to remainder of Council, Q&A, and leaves meeting when done

    h) After Jerry & Gary have had time to speak with Mayor Baker and Councillor Burchett, Jerry & Gary return to Council chambers and either:

        a. Ask for a motion to appoint an investigator

        b. Ask for a motion directing Mayor Baker and Councillor Burchett to enter into mediation

            i. Per b., is a motion required, directing staff to source a mediator?

    i) Mayor Baker, Councillor Burchett and Keir are brought back into the room to be included in a summary wrap-up by Jerry and Gary

    j) Motion to adjourn the In-Camera meeting

On June 9-2026 SAY A D a prove t im e te and Repor o th Jn 6 In-Ca era Agenda in its entirety

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

On June 9-2026 SAY A D a prove t in e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

Notes of the meeting held April 20, 20232

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.

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On June 9-2026 SAY A D provi te and Repor o th n-Ca ra Agenda in its entirety

"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".

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On June 9-2026 SAY A D [illegible] approve [illegible] e and Report [illegible] n-Ca [illegible] Agenda in its entirety

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

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On June 9-2026 SAY ... era Agenda in its entirety

(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.

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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

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On June 9-2026 SAY A D a prove t im e te e and Report o th 6 n-Ca era Agenda in its entirety

Village of
Sayward

Information and Privacy Commissioner
Office of the Information and Privacy Commissioner
PO Box 9038 Stn Provincial Government
Victoria, BC V8W 9A4

The following resolution was adopted by the Village of Sayward Council at it's May 3, 2023 in-camera council meeting:

MOTION IC23/38

MOVED AND SECONDED

THAT Council is prepared to accept the form of apology offered by Mayor Baker, the terms of which are described in the mediator's report from the April 20 mediation; and,

THAT upon confirmation that a written apology in those terms has been provided to Council, and to each complainant, that Council consider the matter resolved to its satisfaction.

Opposed Cllr Poulsen **CARRIED**

I hereby certify that this is a true copy of a resolution Council adopted on May 3, 2023.

Dated this 3rd, day of August 2023 in Sayward, BC

Keir Gervais
Chief Administrative Officer

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.

On June 9-2026 SAY AD a prove im e te e and repor o th J n 6 n-Ca era Agenda in its entirety

May 4, 2023

Memo to Jerry Berry

RE: Notes of meeting with Councillor Burchett Complaint

At the conclusion of a closed meeting May 3, 2023, I met with Councillor Burchett in Council's office to notify him that the meeting proceedings had concluded and he could leave. He asked me what happened and what is gong to happen. I explained to him that he would be receiving correspondence in the form of an apology from Mayor Baker and that Council considers the matter closed, notwithstanding the future governance and relationship building training Council had previously committed to undertaking. I spent approximately 30 minutes listening to Councillor Burchett's feedback.

This is bullshit, these consultants aren't worth a pond of sand.

- I outlined the collective experience of the team of advisors.

Why was the consultant speaking with the mayor all night? It' s pretty obvious who's side he is on.

- I explained that throughout the proceedings the consultant was speaking with the mayor further to Council's inquiries with respect to [negotiation] options. I reiterated that this was a procedurally sound process.

This all about money, it's disgusting.

- I reiterated that while the state of the Village's finances and the costs of the entirety of the processes to date and in the future have been a consideration, costs was not the deciding factor.

What happens if Talia goes to the police?

- I explained that possibility was discussed, and that it is understood by all it could occur.

What about that waitress in Nanaimo?

- I reiterated that Council received all the information in the complaints.

What about the things he said to Kohen?

- I informed him that Councillor Gilkin has been a active participant in the meetings, has expressed his disappointment in the mayor and it's been noted that he is willing to speak with the mayor directly about how the mayor's statements left him feeling.

What about how he treats staff? What about the things he's telling people about you Keir?

- I reiterated that Council heard all of these concerns and they will be addressed as part of future training.

I have no faith in this Council.

- I stated that he should very much trust the process Council followed and the information and advice they considered as part of the process.

I can't work with this group, this may cost the Village a by election.

- I said, *I understand you are frustrated Scott.*

On June 9-2026 SAY A D a prove In e te e and Repor o th y n 6 n-Ca era Agenda in its entirety

Councillor Burchett repeatedly stated the following:

- ***He's a predator.***
- ***He's a fucking pig.***
- ***So he gets to stay on as mayor and SRD chair.***
- ***This is a fucking joke.***
- ***What about the taxpayers?***
- ***This a fucking clown show.***
- ***He's disgusting.***
- ***The community needs to be aware of him.***
- ***He sexually assaulted my old lady and you all are letting him get away with it.***
- ***He sexually assaulted my old lady, Keir***
- ***These consultants are useless.***

Councillor Burchett was visibly angry about the outcome. At one point of the conversation, in the beginning, I was actually concerned he was going to physically express himself – I could clearly see him pulling his fingers into fists and moving his upper body to position it to act out. I kept speaking with Councillor Burchett in a calm, empathetic voice and he eventually *uncoiled* physically.

After approximately 40-45 minutes and recognizing that the meeting was going in circles, I informed Councillor Burchett that I was driving to [redacted] after I finished meeting with him and I felt it was time to do so.

Councillor Burchett said ***this fucking sucks*** and left the Village office.

Keir Gervais, CAO
Village of Sayward

On June 9-2026 SAY A D a prove t im e te e and Repor o h J 6 n-Ca era Agenda in its entirety

2023/05/07

Mr. Burchett,

In consideration of the shocking recent events, I would like to offer my sincerest apology. I'm sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it ever been my intention to offend you or anyone else. I often use humor to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or anyone else. I certainly want to abide by municipal policies and serve 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 as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone's feelings.

Once again, I apologize for any conceived offense that I may have unwittingly caused you, Mr. Burchett, or anyone else.

Sincerely,

Mark Baker

On June 9-2026 SAY A D a prove t im e te end Repo o h In 6 n Ca era Agenda in its entirety

2023/05/07

Ms. Clark,

In consideration of the shocking recent events, I would like to offer my sincerest apology. I'm sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it ever been my intention to offend you or anyone else. I often use humor to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or anyone else. I certainly want to abide by municipal policies and serve 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 as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone's feelings.

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

Sincerely,

Mark Baker

On June 9-2026 SAY A D a prove t im e te e and Repor o th 6 n-Ce era Agenda in its entirety

2023/05/07

Mr. Gilkin

In consideration of the shocking recent events, I would like to offer my sincerest apology. I'm sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it ever been my intention to offend you or anyone else. I often use humor to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or anyone else. I certainly want to abide by municipal policies and serve 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 as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone's feelings.

Once again, I apologize for any conceived offense that I may have unwittingly caused you, Mr. Gilkin , or anyone else.

Sincerely,

Mark Baker

Mark Baker

On June 9-2026 SAY A D a prove t im e te e and Repor o th Jn 6 n-Ca era Agenda in its entirety

2023/05/07

Ms. Poulsen,

In consideration of the shocking recent events, I would like to offer my sincerest apology. I'm sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it ever been my intention to offend you or anyone else. I often use humor to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or anyone else. I certainly want to abide by municipal policies and serve 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 as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone's feelings.

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

Sincerely,

Mark Baker

Mark Baker

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

2023/05/07

Mr. Tinsley

In consideration of the shocking recent events, I would like to offer my sincerest apology. I’m sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it ever been my intention to offend you or anyone else. I often use humor to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or anyone else. I certainly want to abide by municipal policies and serve 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 as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone’s feelings.

Once again, I apologize for any conceived offense that I may have unwittingly caused you, Mr. Tinsley , or anyone else.

Sincerely,

Mark Baker

Mark Baker

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

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.

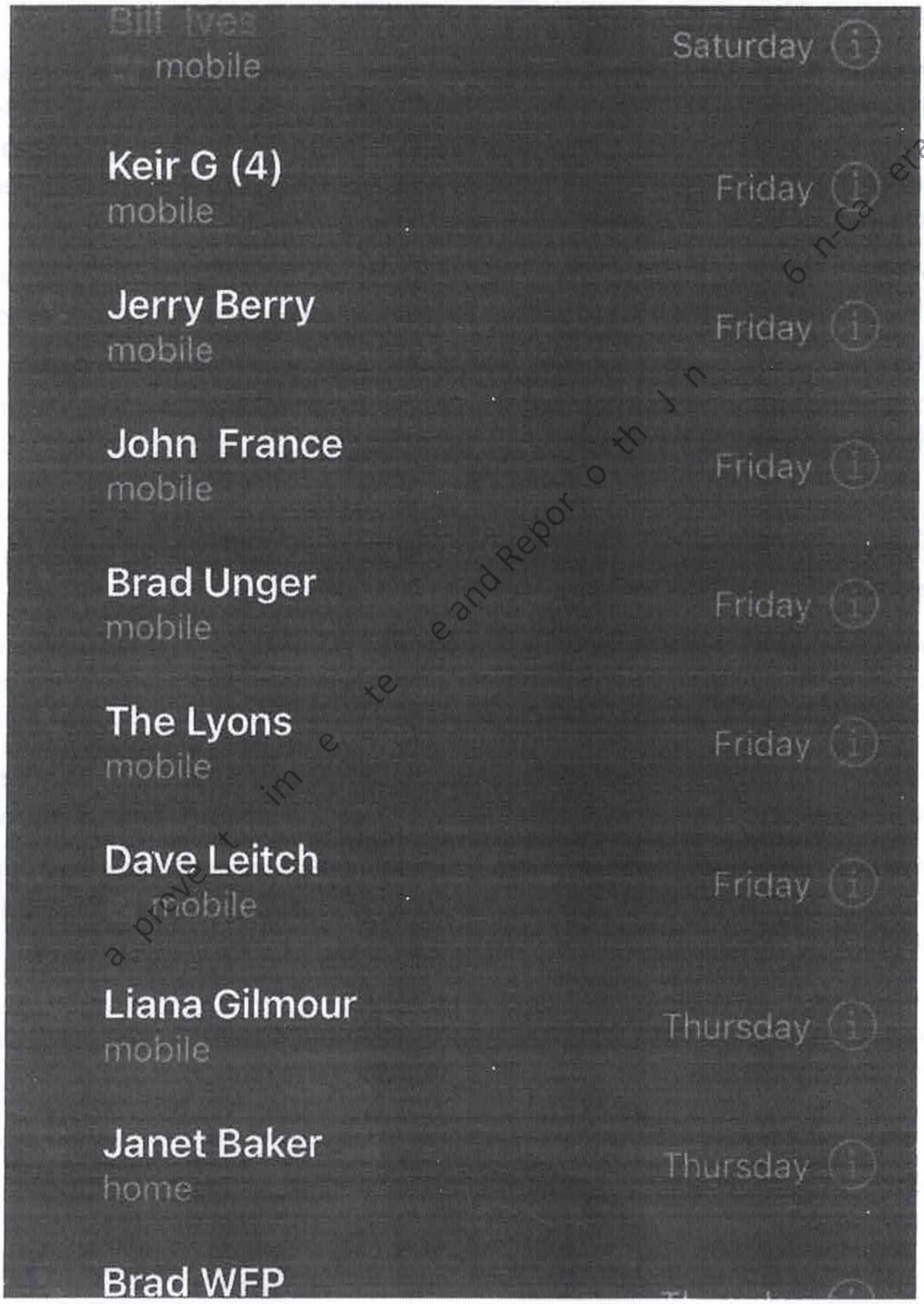
I repeated again that this was an in-camera issue and he should not be aware of it. He responded that I should not focus on, that it was an in-camera issue but focus on what is best for the village of Sayward.

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

On June 9-2026 ... approve ... and repr ... n-Ca era Agenda in its entirety



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		

on June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

From: John France
To: Keir Gervais
Subject: Re: Hi Keir
Date: May 18, 2023 5:47:11 PM

I think maybe you are confused or not seeing the picture clearly.

Nothing I would say to you would compromise you legally...I know the rules and have not broken them. However I reached out because I think you need someone who has experience and knowledge of the players.

If you don't want to see the options and issues from a different perspective, well carry on...you do not currently have a workable solution...my sole goal in all this was to get the village and council to that point.

So don't be surprised or disappointed...but do be informed.

Cheers john

On Thu, May 18, 2023, 4:49 p.m. Keir Gervais <cao@saywardvalley.ca> wrote:

> I wasn't and I am not, at the advice of the Village's solicitor.
>
> Extremely surprised and equally if not more disappointed, Keir
>
> Get Outlook for iOS
>
> ---
>
> **From:** John France [redacted]
> **Sent:** Thursday, May 18, 2023 2:51:24 PM
> **To:** Keir Gervais <cao@saywardvalley.ca>
> **Subject:** Hi Keir
>
> I was wondering if you were going to give me a call given the latest happenings on council...I might be able to provide you with some advice and maybe different options to consider, your call.
>
> Hope you are well john

On June 9-2026 SAY A D a prove t in e e and Repor th J n 6 n-Ca ea Agenda in its entirety

From: Scott Burchett
To: Keir Gervais; Lisa Clark
Subject: Motions for June 6
Date: May 23, 2023 9:22:07 PM
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 June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

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

On June 9-2026 SAY A D a prove im e te e and Repor th J n 6 n-Ca era Agenda in its entirety

VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
JUNE 20, 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 June 20, 2023, be approved.

4. **Minutes of Previous Meetings**

   Recommended Resolutions:

   THAT the minutes from the In-Camera meeting of Council held on April 4, 2023, be adopted.

   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 May 3, 2023, be adopted.

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

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

   [redacted]

   [redacted]

   [redacted]

   a) **Verbal update regarding Councillor Burchett Complaints, Requests for Motions/Notice of Motions (Councillor Burchett/Mayor Baker) – Keir Gervais CAO**

   Recommended Resolution:

On June 9-2026 SAY D a prove t m e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

THAT Council receives the CAO’s verbal update regarding Councillor Burchett Complaints and the Requests for Motions/Notice of Motions (Councillor Burchett/Mayor Baker) for information and discussion.

10. New Business

11. Rise

12. Adjournment

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

CAO VERBAL UPDATE TO MAYOR & COUNCIL
In-Camera Meeting
June 20, 2023

Good Evening, Mayor & Council,

1. Distribution and Retention of In-Camera Meeting Information

I'd like to begin with a staff recommendation, that effective immediately all in-camera meeting packages be distributed to Council at the beginning of the respective in-camera meeting, and that all notes taken by the Mayor and Councillor's for various purposes during an in-camera meeting will be collected immediately at the conclusion of each meeting and shredded immediately.

When I first discussed this practice as an option with Lisa, she advised me that this Council did discuss this practice late in 2022 or early in 2023, when John France was Acting CAO, and agreed to it but it wasn't followed actioned. A resolution of Council is not required to proceed with this change is not required as there is no one prescribed process detailed on the Council Procedure Bylaw. I have prepared a resolution for you to make should you like to for the record.

Recommended Resolution:

THAT effective June 20, 2023, all in-camera meeting packages be distributed to Council at the beginning of the respective in-camera meeting, and that all notes taken by the Mayor and Councillors for various purposes during an in-camera meeting will be collected immediately at the conclusion of each meeting and shredded immediately.

2. Verbal update regarding Councillor Burchett Complaints, Request's for Motions/Notice of Motions (Councillor Burchett/Mayor Baker) – Keir Gervais CAO

In terms of providing this verbal report to Mayor & Council, and then addressing and feedback or answering any questions about it from Mayor and Council, I suggest I read the update in full and then work through and feedback/questions through the Mayor and or normal procedures.

Is this acceptable to Mayor and Council?

On February 21 2023 Councillor Burchett came to me with information detailing concerns he had about the Mayor. Being new to the Village and having not handled such a complaint before, I advised Councillor Burchett that I would require some time to research internal procedures.

On June 9-2026 SAV AD approve t e te e and Repor th In Ca era Agenda in its entirety

On February 22, after reviewing the Village of Sayward Policy # 200-03 - ***Respectful Workplace Policy*** and **Village Bylaw No. 442 – a Bylaw to establish a Code of Conduct for Village of Sayward Council, and** consult with Village of Sayward CFO/CO Lisa Clark, I contacted Councillor Burchett again with options for next-steps; namely, I provided Councillor Burchett with copies of the Respectful Workplace Policy and the Code of Conduct Bylaw, including the Respectful Workplace Policy Appendix B – Respectful Workplace Complaint Form.

On February 22, Councillor Burchett and his partner Talia Clark submit Respectful Workplace Complaint Forms to me, citing complaints against Mayor Baker.

On March 6 I forwarded the complaints along with the Village's RWP and COCB to the Village's solicitor, per the RWP and for the purpose of shielding the CAO from becoming involved in elected official vs. elected official conflicts. and filed a Respectful Workplace Complaint.

On March 9, the Village's solicitor provided me options; essentially, beginning with an informal investigation by a 3rd party facilitator/mediator. The Solicitor also provided the contact information for Jerry Berry and Gary Nason of JB Consulting should we proceed and need said services.

On March 9, I met and spoke with Councillor Burchett about the option of conducting informal investigation by a 3rd party facilitator/mediator, and you agreed to it.

On March 10, I contacted Jerry Berry, informed him of the general details and requested his services.

On March 14, I received a commitment from JB Consultants to handle the file along with a quote for services.

On March 16, I met with Jerry Berry and the Village solicitor to discuss the anticipated approach / outcomes. **It was at this time that the conscious decision was made to shield Village staff from direct involvement and to provide periodic updates on a need to know basis only.**

On March 22, Councillor Burchett files a second complaint about Mayor Baker, stemming from an exchange/confrontation between the two following a council meeting the prior night.

On March 22 and 23, as coordinated by JB Consulting and the Village's solicitor, the Village Corporate Officer and I met with Councillor Burchett and then Mayor Baker and I delivered a scripted message that summarized the proceedings of the previous week's (affirmation for Councillor Burchett, entirely new news for Mayor Baker) and next steps, being that a 3rd party consultant will be in touch with each very soon**. I emphasised that the matter was confidential and not to be discussed with anyone. It was also said that staff are being shielded as best as possible from the process to maintain positive working relations with all involved.**

On June 9-2026 SAV A D … approve … the … e and Report … th J … 6 n-Ca … era Agenda in its entirety

On March 22, I notified Jerry Berry that the Complainant and the Respondent had been informed about the process, and I provide the contact information for each to him.

On March 29, Gary Nason met with Talia Clark. No details shared with me, other than that Ms. Clark agreed with single official complainant approach (that her complaint be addressed through the workplace complaint already filed by her partner Councillor Burchett).

On March 30, Jerry Berry meets with Councillor Burchett. No details provided to me.

On March 31, Jerry Berry meets with Mayor Baker. No details provided to me.

On March 31, Jerry Berry emails, ***"With your permission Gary and I will attempt to speak directly to Peter Monday and brief him. Trying to keep you distanced***."

Days leading up to April 12, I attend 3 meetings with Village Solicitor, Jerry Berry and Gary Nason to coordinate the next step of informing Council.

On April 12, a Special Council meeting was held to inform Council of the complaints. **CAO Gervais and CFO/CO Clark were not present to shield them from the process.**

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

On March 14, Councillor Burchett and Mayor Baker are requested, and agree, to attend a mediated discussion in Campbell River on April 20.

On June 9-2026 SAY A D a prove t m e te and Repor o th J n 6 era Agenda in its entirety

On April 25, Jerry Berry reports to the Village Solicitor and myself that there is no path forward on the basis of a totally entrenched, unchanged and immovable stance from the complainant.

In the following days leading up to May 3; I work with Jerry Berry, Gary Nason and the Village Solicitor at coordinating a Special Council meeting on April 12 when Council will to be updated about the proceedings and to be provided with options for next steps.

On May 3, Council heard from Jerry Berry and the Village Solicitor regarding options. Council voted to resolve the matter as follows:

MOTION IC23/38

MOVED AND SECONDED

That Council is prepared to accept the form of apology offered by Mayor Baker, the terms of which are described in the mediator's report from the April 20 mediation; and,

THAT upon confirmation that a written apology in those terms has been provided to Council, and to each complainant, that Council consider the matter resolved to its satisfaction.

Opposed Cllr Poulsen **CARRIED**

After the May 3 meeting concluded and I tidied up Council Chambers I returned to my office and was surprised Councillor Burchett seated in the Council meeting room. I asked him if he had been spoken to and he indicated he hadn't, and I immediately realized that, despite every effort to shield staff from the situation up until that moment, I now needed to deliver Council's decision to him and I did. I spent 45 minutes speaking with Councillor Burchett, and he was very angry with what I told him. He expressed his disappointment in various terms.

On May 4 I sent Jerry Berry a Memo detailing Councillor Burhcett's comments.

On May 12, Mayor Baker called to tell me that he received a phone call from former Acting CAO John France. John F. told the mayor that he was originally called by staff about the incident and that he encouraged staff to "call Keir". The Mayor stated that John F. told him he had been speaking with Councillor Burchett and with Councillor Poulsen about the complaint, and that the mayor will be charged by the RCMP, this will cost the Village thousands of dollars, and that he should resign as SRD Chair to save the Village money and embarrassment. I confirmed with the Mayor that I have never spoken with John F. about this complaint and/or any other business since my transition period with him in January. I informed the mayor that Councillor Burchett was entitled to contact the RCMP, and that that possibility had been discussed with Council. I informed the Mayor that, notwithstanding the pending apology letters and governance training, the decision by Council concluded the matter and I saw no need for him to consider resigning, in my humble opinion.

On June 9-2026 CA approve t in te and Report o th I n 6 n-Ca era Agenda in its entirety

On May 15, Lisa informs me that Councillor Burchett has inquired about Notice of Motion.

On May 15, I confirm the Village's Procedure Bylaw does not include Notice of Motion. I research Notice of Motion and how it is typically applied.

On May 15 I email Councillor Burchett about my general findings about Notice of Motion, and request that he let me know if he intends to pursue a Notice of Motion, so that if he does I can receive legal advice about how to proceed.

On May 16, Councillor Burchett emails to me, "I will require proper procedure for this".

On May 16, with such limited details, I email Councillor Burchett: ‘Respectfully, as I stated in my previous email, the Village does not have a notice of motion procedure. Please help me identify a process by informing me of the motion you wish to provide notice about, and I will source the appropriate response/procedure."

On May 18, for Acting CAO John France emails me:

I was wondering if you were going to give me a call given the latest happenings on council...I might be able to provide you with some advice and maybe different options to consider, your call.

Hope you are well john

On May 18, I reply to John France:

I wasn't and I am not, at the advice of the Village's solicitor.

Extremely surprised and equally if not more disappointed, Keir

On May 19, John France emails me again:

I think maybe you are confused or not seeing the picture clearly.

Nothing I would say to you would compromise you legally...I know the rules and have not broken them. However I reached out because I think you need someone who has experience and knowledge of the players.

If you don't want to see the options and issues from a different perspective, well carry on...you do not currently have a workable solution...my sole goal in all this was to get the village and council to that point.

So don't be surprised or disappointed...but do be informed.

Cheers john

On May 23, Councillor Burchett emails me the following Notices of Motion for inclusion as part of the June 6 Council meeting:

Regular Council Meeting Motions for June 6th, 2023

On June 9-2026 SAY A D a pro t im e te e and Repor o th I n 6 n-Ca era Agenda in its entirety

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.

On May 24, I forward all the Notices of Motion to the Village Solicitor along with the information relating to the claim of Breach of Confidential information by Councillor's Burchett and Poulsen.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

On June 9-2026 SAY A prove t im e te e and Repor e th Jun 6 n-Ca era Agenda in its entirety

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

On June 9-202 SA a prove in te and Re -Ca era Agenda in its entirety

[redacted]

[redacted]

[redacted]

[redacted]

Peter

Peter Johnson* *(he/him)*

On May 29, Councillor Burchett emails me:

“Keir

I would like to know why I have not had a response regarding my motions that are to be on the next agenda for June 6th?

Sincerely, Scott

On May 29, I respond to Councillor Burchett:

Good Morning Scott,

I have been looking into how best to process your request, given that we do not have Notice of Motion as part of our Council Procedure Bylaw. I apologize if I was not clear about the fact that, given this absence, staff would need time determine the best path forward. I have sought legal advice from the Village's solicitor and reached out to my local government colleagues. It has been and continues to be my plan to report back to Council with the findings and options for next steps.

Regards,

On June 5, Councillor Burchett emails me:

Keir

I would like to know why my motions are not on the June 6th agenda? I met the deadline by over a week and had previously informed you over a month ago about the Notice of Motion and that was not done either.

I would also know why you did not inform me or discuss any of this before the agenda was ready?

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety.

In my opinion this is very unprofessional.

Scott Burchett
Councillor

On June 5, I reply to Councillor Burchett:

Councillor Burchett,

To be clear, the first time I heard about your interest in notice of motion was on Monday May 15 when Lisa informed me you were in the office on Friday, three days earlier, asking about the process. I turned my attention to the topic immediately and emailed you on Monday May 15 after I had conducted some research into the topic. I've attached my May 15 email to you for reference.

You replied the next day, stating that you will require proper procedure on the topic of notice of motion. I replied the same day reiterating my previous message, that the Village does not have a process and that I would look into the matter further.

On Tuesday May 23, you emailed me a document titles June 6 Council Meeting Motions that contained regular meeting and in-camera motions and notice of motions. The subject of the motions and notice of motions related to the recent complaint that was addressed by Council and therefore I sought a legal opinion regarding the ability for the motions and notice of motions to be heard and/or processed.

On Monday May 29 you emailed me asking why you had not received a response, and I replied indicating that I was still looking into the matter and I would report back to Council as a whole once I had updated information. I have attached this email as well.

As well, I should clarify that there is no deadline for submitting the information you submitted, as there is no procedure for addressing the interests you've identified.

In summary, I have not yet been able to present you and Council with options for how to address your interests with respect to the motions and notice of motions. I am 100% certain I will have options for you and Council for the June 20 Council meeting. This information will include:

1. The best process for your interests to be received by Council (ex. a separate complaint process, Councillor report, notice of motions, other)
2. Legal advice from the Village's solicitor for Council regarding the information you've submitted

I appreciate that the wheels of progress may not be turning as quickly as you may expect; however, as we discussed during the recent workshop, staff is busy working on numerous files and is doing its best. This matter is not over a month old (22 days) and I've given it attention nearly every single day since it was brought to me. I assure you; I am treating this file with the utmost importance and very professionally. In fact, I've asked our solicitor this very question and he's assured me I am doing everything I can/should.

Respectfully,

On May 11, I am contacted by WorkSafeBC about a Respectful Workplace Complaint filed by an elected official. The investigator requests information from me. I inform the investigator that WorkSafeBc has no jurisdiction over elected officials as they are not

On June 9-2026 SAY A D a prove t im e te e and repor o th n 6 n Ca ers Agenda in its entirety

“workers” The investigator informs me he’ll look into the matter further and get back to me.

On May 23, WorkSafe BC notifies me that they do not have jurisdiction over elected officials and I can consider the case dismissed.

On May 23, I receive an email with 2 Notices of Motion from Mayor Baker for the June 6 Council Meeting:

Good Day, Keir

Please include the following Notices of Motion for the in-camera meeting June 06, 2023.

I have read the section of the Community Charter Part 4: Division 6-Conflict of Interest and in my opinion, Councillors Scott Bruchett and Sue Poulsen are in breach.

1) To investigate the outside influence of John France to Councillor Scott Bruchett and Councillor Sue Poulsen regarding an in-camera item.
2) That the CAO investigate the breech of in-camera confidentiality, conflict of interest and Restrictions on outside influence as a result of a phone call received by John France May 12th at 15:48 to me, The Mayor of Sayward, disclosing information and details of the Investigation from JB Consulting that remains in-camera.

On May 23, I email the Mayor and advise him that I am investigating the best procedure for handling Notices of Motion submitted by Councillor Burchett and that it would be best if I could treat his Notices of Motion the same. The Mayor agrees.

On June 3, Councillor Burchett interrupted the Governance Training Workshop on June 3rd stating it was “a sham” and disruptively exiting the workshop prior to its scheduled conclusion.

On June 3, it is revealed during the Governance Workshop that Councillor’s Poulsen, Gilkin and Tinsley have not received the apology letter from Mayor Baker.

On June 6, I email the Village’s Solicitor about the surprising discovery that the apology letter’s have not been received.

On June 6, the Village’s solicitor apologizes to me for the mix-up and emails the letter of apology to each of the Councillors.

On June 7, [redacted]. I receive a very recommendation from him about [redacted] Dana Goodfellow.

On June 9-2026 SAY A D a prove t in te eend Repor o th J n 6 In Ca era Agenda in its entirety

On June 8, I call Dana Goodfellow [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

On June 14, Councillor Burchett emails me:

Keir

I am following up on my motions for the June 20th Village of Sayward council meeting.

I would like to make sure that ALL of my motions are on the agenda and would like an explanation as to why each were not on the last meeting of June 6th. As well could you please specify which agenda, whether in camera or regular that they will appear on and to what bylaw they fall under.

Sincerely,
Scott Burchett
Councillor

On June 14, I reply to Councillor Burchett and Council:

Councillor Burchett, Mayor & Council,

As I have explained several times previously via email, again at the June 6/23 Council meeting, and again now; the Village of Sayward Council Procedure Bylaw does not include a notice of motion procedure.

At the June 6/23 Council meeting I explained to Council that I required time to determine the best process the type of information contained within the notices of motions received by you

On June 9-2026 SA A a prove t im e te e and Repor o th J n da in its entirety

and received by another elected official. I explained to Council that the type of information contained within the notices of motions are not appropriate for the ‘notice of motion’ procedure as it is intended, and that [municipal] legal advice I received from the Village’s solicitor indicates another process or processes should be identified to support due process.

Because the June 6/23 in-camera meeting adjourned prematurely due to unacceptable behaviour/conduct, no decisions were made regarding next-steps. That said, I am preparing to provide an update to Council in-camera on June 20/23 with respect to the status of your complaint(s) vs Mayor Baker, the notices of motion you have submitted, and additional notices of motion I have received. I will also be speaking to Council about the impact these matters are having on staff – personal health, moral, staff/staff relations, council/staff relations, productivity, and more. I will also be updating Council about the financial costs to the taxpayers to-date.

Until staff receive direction from Council further to my update on June 20/23, staff will not engage further with you about this matter. Furthermore, I have just learned that Jerry Berry Consultants continues to be contacted about this matter, including this morning by your partner Ms. Talia Clark, who is not a Village employee, elected official, or agent of the Village in any way. Because these consultations come at a cost to the Village, I have advised Jerry Berry Consulting that the mediation services provided have concluded and the matter has been resolved by Council and that no further services are to be provided on this matter without my approval by way of a Council resolution.

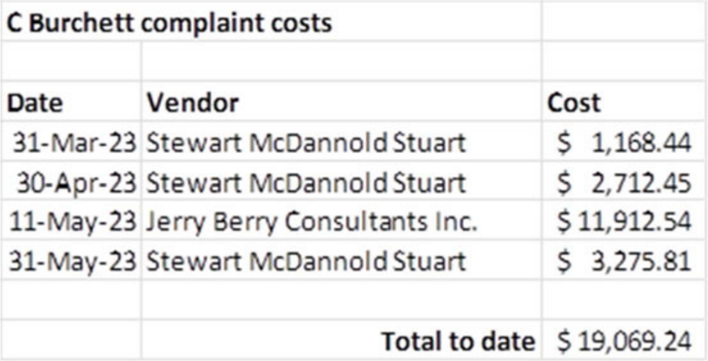
Respectfully,

On June 19, Mayor Baker attends my office and tells me he’s just received the registered mail he sent to Ms. Talia Clark, Councillor Burchett’s partner, as return to send. I suggest he leave it with me and I will speak with Councillor Burchett about options.

On June 19, I receive a phone call from Ms. Clark, Councillor Burchett’s partner, and she inquires about a letter of apology she has been expecting but has not received. I ask her to confirm her mailing address and, because Mayor Baker brought the envelop to me earlier in the day it is immediately discovered that Mayor Baker was provided with the incorrect mailing address or he incorrectly addressed the envelop. Regardless, I tell Ms. Clark that I have it and I will contact Mayor Baker about resending it to her.

On June 9-2026 SAY A D a prove t im e te e and Repo o th J n 6 n-C era Agenda in its entirety

Legal Costs received as at May 31



C Burchett complaint costs		
Date	**Vendor**	**Cost**
31-Mar-23	Stewart McDannold Stuart	$ 1,168.44
30-Apr-23	Stewart McDannold Stuart	$ 2,712.45
11-May-23	Jerry Berry Consultants Inc.	$ 11,912.54
31-May-23	Stewart McDannold Stuart	$ 3,275.81
	Total to date	$ 19,069.24

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

Closing Comments

[redacted]

[redacted]

[redacted]

[redacted].

We're on a path of destructiveness as it relates to me and my staff, and the Village too in terms of its reputation and ability to attract another capable CAO willing to work in this toxic workplace environment.

[redacted]

[redacted]

My request of you as a Council is to apply your powers towards returning the Village Office and Council Chamber to a respectful, positive and productive workplace for all concerned. To that end, and in consideration of protecting the corporation, council and staff, and each and every taxpayer, I have drafted the following motions for your consideration.

On June 9-2026 … prove … im … e a … I n … Agenda in its entirety

Recommended Resolution:

THAT Council receives the CAO's verbal update regarding Councillor Burchett Complaint's, the Request's for Motions/Notice of Motions (Councillor Burchett/Mayor Baker) for information and discussion; and

THAT Council authorize the CAO to solicit the legal services of Dana Goodfellow with Lui Carvello for the purposes of [redacted]

THAT of Council authorize the CAO to solicit the legal services of Dana Goodfellow with Lui Carvello for the purposes of [redacted]; and

THAT Council authorize the disclosure of the legal opinion(s) provided by Peter Johnson regarding Councillor Burchett's complaints to Dana Goodfellow; and

THAT Council direct staff to have the Village's Code of Conduct Bylaw and [redacted] reviewed and revised by Dana Goodfellow with Lui Carvello to reflect today's local government best practices, including processes for completing, receiving and processing, investigating, resolving, etc., for Council's approval.

On June 9-2026 SAY A D a prove t im e e and Repor o th J n -Ca er a in its entirety

VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING MINUTES
JUNE 20, 2023
CLOSED MEETING
COUNCIL CHAMBERS

Present:	Mayor Mark Baker Councillor Scott Burchett Councillor Kohen Gilkin Councillor Sue Poulsen Councillor Tom Tinsley
In Attendance:	Lisa Clark, CFO/CO

1. Call to Order

Meeting was called to order at 7:47 PM

2. Introduction of Late Items

a) Recording of in camera meeting

MOTION IC23/40
MOVED AND SECONDED

THAT the In-Camera meeting for June 20, 2023 be recorded.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

[redacted]

MOTION IC23/41
MOVED AND SECONDED

THAT the written letter from Cllr Burchett be added to 9. a)

Opposed Mayor Baker, Cllr Tinsley **CARRIED**

3. Approval of Agenda

MOTION IC23/42
MOVED AND SECONDED

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

CARRIED

On June 9-2026 SAY A D approve t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

4. **Minutes of Previous Meetings**

MOTION IC23/43
MOVED AND SECONDED

THAT the minutes from the In-Camera meeting of Council held on April 4, 2023 be adopted.

Opposed Cllr Burchett **CARRIED**

MOTION IC23/44
MOVED AND SECONDED

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

CARRIED

MOTION IC23/45
MOVED AND SECONDED

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

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION IC23/46
MOVED AND SECONDED

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

Opposed Cllr Burchett **CARRIED**

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

a) [redacted]

[redacted]
MOVED AND SECONDED

[redacted]

CARRIED

[redacted]
MOVED AND SECONDED

[redacted]

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

On June 9-2026 SAY D e prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

*** CAO Gervais entered Council Chambers at approximately 8:30pm***

b) Verbal update regarding Councillor Burchett Complaints, Requests for Motions/Notice of Motions (Councillor Burchett/Mayor Baker) – Keir Gervais CAO

MOTION IC23/49
MOVED AND SECONDED

THAT effective June 20, 2023 In-Camera items are to be handed out at the beginning of each In-Camera meeting and all In-Camera items including notes are to be handed back to the Corporate Officer for shredding at the conclusion of the meeting.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

Direction to Staff: To report back to Council on best practices related to the recording of in camera meetings, viewing privileges and retention policies.

MOTION IC23/50
MOVED AND SECONDED

THAT Council receives the CAO's verbal update regarding Councillor Burchett Complaints and the Requests for Motions/Notice of Motions (Councillor Burchett/Mayor Baker) for information and discussion.

CARRIED

MOTION IC23/51
MOVED AND SECONDED

THAT Council authorize the CAO to solicit the legal services of Dana Goodfellow with Lui Carvello [redacted]

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION IC23/52
MOVED AND SECONDED

THAT Council authorize the CAO to solicit the legal services of Dana Goodfellow with Lui Carvello [redacted]

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION IC23/53
MOVED AND SECONDED

THAT Council authorize the disclosure of the legal opinion(s) provided by Peter Johnson regarding Councillor Burchett's complaints to Dana Goodfellow.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

on June 9-2026 SAY ... Agenda in its entirety

MOTION IC23/54
MOVED AND SECONDED

THAT Council direct staff to have the Village's Code of Conduct Bylaw [redacted] reviewed and revised by Dana Goodfellow with Lui Carvello to reflect today's local government best practices, including processes for completing, receiving and processing, investigating, resolving etc. for Council's approval.

Opposed Cllr Poulsen **CARRIED**

MOTION IC23/55
MOVED AND SECONDED

THAT staff contact legal counsel if the Strathcona Regional District requests In Camera information regarding the Councillor Burchett complaint.

CARRIED

10. New Business - None

11. Rise

12. Adjournment

MOTION IC23/56
MOVED AND SECONDED

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

CARRIED

The meeting was adjourned at 10:48 PM

Mayor

Corporate Officer

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca ra Agenda in its entirety

Village of
Sayward

August 4, 2023

Sent Via the Online Reporting Form

Information and Privacy Commissioner
Office of the Information and Privacy Commissioner
PO Box 9038 Stn Provincial Government
Victoria, BC V8W 9A4

Re: Section 36.3(2)(b) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("*FIPPA*"), Privacy Breach Notification

Out of an abundance of caution, the Village of Sayward is notifying the Information and Privacy Commissioner of a potential breach of section 36.3(1) of *FIPPA*.

Through social media postings of John France on June 29, July 20 and 28, 2023, copies of which are attached, the Village of Sayward learned that two elected officials of the Village of Sayward likely disclosed to John France the following documents containing personal information discussed during *in camera* Council meetings on April 12, 2023 (per Motion IC 23/34), May 3, 2023 (per Motion IC23/38) and on June 20, 2023[1]:

On June 9-2026 SAY a prove in te e and Report o th J n 6 n-Ca era Agenda in its entirety

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[1] Unless authorized to do so, disclosure of information discussed at an *in camera* Council meeting is prohibited under section 117 of the *Community Charter*, SBC 2003, c. 26:

> 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.

1. Councillor Burchett's February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023;
2. Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement;
3. 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");
4. Mayor Baker's letter of apology to each of Councillor Burchett and Talia Clark; and
5. 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")[2]. 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.

Within each of John France's June 29, July 20 and 28, 2023 postings on Rant and Rave, a social media site, John France, retired and former Chief Administrative Officer of the Village of Sayward, referenced information within Councillor Burchett's and Talia Clark's Respectful Workplace complaints (together, the "Respectful Workplace Complaints"), the outcome of the Mediation/Motion IC 23/38, Mayor Baker's apology and the Motions. Each of the Respectful Workplace Complaints, IC Motion 23/38, Mayor Baker's apology and the Motions contain personal information about Mayor Baker.

For example, within:

- Within the Respectful Workplace Complaints there are allegations against Mayor Baker of sexually inappropriate behaviour; and
- Within Mayor Baker's letter of apology to each of Councillor Burchett and Talia Clark there are personal views of Mayor Baker about the alleged incidents of inappropriate behaviour.

Councillor Burchett's and Councillor Poulsen's likely disclosure to and/or discussion with John France of the Respectful Workplace Complaints is somewhat similar to a matter that was before the courts in *R* v. *Skakun*, 2012 BCSC 1103 (CanLII), aff'd 2014 BCCA 223 (CanLII).

In *R* v. *Skakun* a municipal councillor admitted to delivering a confidential and privileged workplace harassment report to the CBC regarding the Police Chief's behavior to three

On June 9-2026 SAV A D ... Agenda in its entirety

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[2] Within the attached copy of John France's July 28, 2023 posting on Rant and Rave, a social media site, John France stated he helped write the Motions for the two Councillors to pursue.

staff. The report had been received by the council member during an in-camera meeting and contained "personal information" as defined in *FIPPA*. The council member was convicted of breaching (then and now repealed) section 30.4 of *FIPPA* which prohibits disclosing personal information[3]. Mr. Skakun was fined $750.00.

The Village of Sayward is concerned that Councillors Burchett and Poulsen may continue to discuss with John France information received and discussed during *in camera* Council meetings and that John France may publish further comments about Mayor Baker, which in turn may further cause at least some of the types of harm listed in 36.3(2)(a) of *FIPPA* including humiliation and damage to reputation of Mayor Baker. Councillor Burchett's and Councillor Poulsen's likely disclosure to John France of information received and discussed during *in camera* Council meetings and John France's subsequent posting about such discussion on social media sites, including Rant and Rave, may also cause harm to a public body, being the Village of Sayward, and result in 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.

In the event that section 36.3(2)(b) of *FIPPA*, which came into force in February 2023, does not require the head of the public body, being the Village of Sayward, to notify the Information and Privacy Commissioner:

- of the unlawful and unauthorized likely disclosure of personal information; or
- further postings of John France and likely disclosure by Village of Sayward elected officials to John France of information received and discussed during *in camera* Council meetings, which contains personal information that could result in significant harm to Mayor Baker, including damage to reputation, and damage to relationships among Council member, and harm to the Village of Sayward,

a prompt reply is greatly appreciated.

In the meantime, the Village of Sayward intends:

- to take reasonable security arrangements against risks of unauthorized collection, use and disclosure of personal information in the Village of Sayward's custody as the Village of Sayward is required to do under section 30 of *FIPPA*; and

On June 9-2026 SAY A D a prove t te and Repo th J n 6 Agenda in its entirety

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[3] Section 30.4 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("*FIPPA*") was repealed on November 25, 2021.

- to take the recommended steps in responding to a privacy breach as set out in Office of the Information & Privacy Commissioner's February 2023 guidance document titled "Privacy Breaches: Tools and Resources for Public Bodies".

Please contact Keir Gervais, Chief Administrative Officer by telephone at 250-282-5512 or by email at cao@saywardvalley.ca, if the Office of the Information and Privacy Commissioner has questions about what may be a privacy breach under section 36.3(1) of *FIPPA*.

Respectfully,

Tom Tinsley

Deputy Mayor Tom Tinsley

On June 9-2026 SAY A D a prove t im e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

From: CAO Sayward
To: Peter Johnson
Subject: FW: OIPC File F23-93977: Breach Notification - The Village of Sayward
Date: Tuesday, September 10, 2024 11:35:00 AM
Attachments: OIPC file F23-93977 - Breach Monitoring Letter.pdf

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Here you go.

John Thomas, MBA
Acting CAO
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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: March 22, 2024 2:44 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Received, thank you Keir. Nothing further is required so please see the attached closing letter. If you ever have FIPPA related questions in the future, please don't hesitate to reach out to my office.

I know you've had your hands full over the past year (to put it lightly) so I wish you a quieter 2024!

Best regards,
Ryan Graves

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Friday, March 22, 2024 1:49 PM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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On June 9-2026 AT A D a proce t in e te e and Repor o th J n 6 n-Ca era Agenda in its entirety

known sender.

Hi Ryan,

The email I just sent to Mayor Baker with the *Breach Notification* letter is attached for your records.

Thank you for your understanding during this challenging period for me.

Regards,

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

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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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Friday, March 22, 2024 11:38 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Thanks Keir, confirmation is fine since I've already seen the contents of the letter.

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Friday, March 22, 2024 11:33 AM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

CAUTION: This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Ryan,

On June 9-2026 SAYWARD COUNCIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

This letter is being written as we speak and will be delivered by the end of the day. Shall I send you a copy or confirmation?

Regards, Keir

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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Friday, March 22, 2024 10:41 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Good morning Keir,

I'm following up on this. I'm away next week and I need your confirmation that the formal letter has been delivered for me to find that the Village has complied with its legal obligations under FIPPA.

Regards,
Ryan

From: Ryan Graves
Sent: Tuesday, March 5, 2024 1:43 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Sure, I'm okay with March 21. I'll standby until then.

From: Keir Gervais <cao@saywardvalley.ca>

On June 9-2026 SAYWARD COU CIL upp e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Sent: Tuesday, March 5, 2024 1:35 PM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

CAUTION: This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good afternoon Ryan,

I fully appreciate the merits of your decision and will comply fully. That said, my schedule this week is fully committed to other priorities, as is most of the following week, therefore I respectfully request that you revise the date when the written notification is to be sent to either March 21 or 22. This would be a great help to me.

Regards, Keir

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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Tuesday, March 5, 2024 11:08 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Hello Keir, thanks for chatting with me the other day.

I've contemplated whether the Village still needs to send the written notification letter to the Mayor, whose personal information was inappropriately disclosed. Ultimately, I think the law is pretty clear that notification must be done "in writing" and "without unreasonable delay".

On June 9-2026 SAYWARD COUNCIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

While the written notification letter should have been sent back in the summer, I do understand that the Mayor is fully aware of the breach, has been kept apprised of the Village's containment efforts, and has even viewed the letter itself.

Nevertheless, I want to ensure that the Village is fully compliant with the letter of the law so I will ask that the Village send a written notification letter to the Mayor, containing the specific information we discussed back in August, no later than March 12. I will also ask that you send me a copy of that letter so I can keep it on file.

Once I receive a copy of that letter, I will send you my closing letter for this file.

Regards,
Ryan

From: Ryan Graves
Sent: Thursday, February 29, 2024 1:31 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

That's fine, we can speak between 4 and 4:30. My number is 250-889-5430.

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Thursday, February 29, 2024 10:59 AM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Hi Ryan,

I can attend a 30-minute meeting work, as I have another meeting to attend at 4:45pm.

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

On June 9-2026 SAYWARDCOU CIL app e t Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Thursday, February 29, 2024 10:18 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

I'm available this afternoon at 4:00 if that works?

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Wednesday, February 28, 2024 6:44 PM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Hi Ryan,

I'm terribly sorry for missing our scheduled meeting today, I'll explain the details when we speak next.

Are you available for a call Thursday?

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: Keir Gervais
Sent: Wednesday, February 28, 2024 9:20 AM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward
Importance: High

Morning Ryan,

I've had to unexpectedly take over and produce payroll this morning and I'm on a virtual call receiving assistance. It's going to run over and into our scheduled meeting. This is a high priority matter do you have time later this morning, say anytime after 10:30am? If so, please revise the meeting invite.

Sorry/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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Tuesday, January 23, 2024 1:05 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Hello Keir,

Let's talk after the in-camera meeting scheduled for January 29, whenever you're available.

Regards,

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Ryan

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Thursday, January 11, 2024 11:19 AM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Good morning Ryan,

I can certainly make time to speak/meet with you in the next two weeks; January 18 or 19 or 22-26.

On a somewhat related note, I went on [redacted] leave Dec. 19-22 (the office was closed Dec. 25-Jan 1 inc.), which resulted in the cancellation of the Dec. 21 in-camera meeting when Council was to consider possible censure and sanctions of Councillor Burchett. The above noted in-camera meeting has been rescheduled for January 29.

Regards,

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

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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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Thursday, January 11, 2024 10:28 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Good morning Keir,

Can you let me know your availability over the next two weeks for a call?

Thanks,
Ryan Graves

From: Ryan Graves
Sent: Thursday, December 7, 2023 1:15 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

My sincere condolences for your loss Keir.

Given that things are still unfolding and there is an in-camera meeting on December 21, how about we chat in the first week of the New Year?

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Tuesday, December 5, 2023 4:26 PM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Hi Ryan,

I sincerely do apologize for not communicating with you, [redacted] time off I took unfortunately put me farther behind. With that said, the privacy breach matters I reported to you continue to inch forward; in fact, Council is meeting in-camera Dec. 21/23 for a hearing to consider possible censure and sanctions against Councillor Burchett. Another meeting/hearing for the same purpose re Councillor Poulsen is being scheduled around her availability (hoping Jan/24).

Would a phone conversation be helpful to you?

Regards,

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

On June 9-2026 SAYWARD COUNCIL approved that immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

250-282-5512 Ext. 2 (office)
cao@saywardvalley.ca

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From: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Tuesday, December 5, 2023 4:10 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Good afternoon Keir,

The last substantive update from the Village on this possible privacy breach was about three months ago. I can wait another two weeks for further information (i.e. December 19) but after that point I may need to reach my own conclusions based on the limited information before me.

Thank you,
Ryan Graves

From: Ryan Graves
Sent: Tuesday, November 14, 2023 9:27 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Hello Keir, I'm follow up.

Regards,
Ryan

From: Ryan Graves
Sent: Monday, November 6, 2023 10:16 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Good morning Keir,

I'm following up.

On June 9-2026 SAYWARD COU CIL app immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Thanks,
Ryan

From: Ryan Graves
Sent: Monday, October 16, 2023 10:11 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Sure Keir, no problem. I'm at a conference Thurs-Friday so anytime before next Monday is fine.

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Monday, October 16, 2023 9:40 AM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Good morning Ryan,

Thank you for showing some patience and understanding… as you might have guessed, the last few weeks have continued to be unusually busy with the council conduct related issues and subsequent legal due diligence.

Furthermore, to make my day-to-day working schedule even more demanding, [redacted] Long story short, I'm shorthanded, putting in 12–14-hour days and still not keeping up with the workload.

With the above noted in mind, I'll respectfully delay a more fulsome update to you for a few days when I'm clear of a few tasks with deadlines. However, I am going to schedule time to update you on either Thursday or Friday. I'd appreciate a brief reply from you indicating if this is satisfactory.

Regards,

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

On June 9-2026 SAYWARD COUNCIL approved immediate Rise and Report of the June 9 2026 In-Camera Agenda in its entirety

250-282-5512 Ext. 2 (office)
cao@saywardvalley.ca

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From: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Monday, October 16, 2023 9:20 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Hello Keir, I'm following up.

Thanks,
Ryan

From: Ryan Graves
Sent: Tuesday, October 3, 2023 9:41 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Good morning Keir, I'm touching base on this.

Thanks,
Ryan

From: Ryan Graves
Sent: Monday, September 18, 2023 9:57 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Understood, an update next week is fine with me Keir. Safe travels!

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Monday, September 18, 2023 9:51 AM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: Re: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Good morning Ryan,

Thank you for touching base. The situation continues to evolve.

I am in Vancouver for a busy week at the UBCM Convention; I will send you an update between meetings/sessions over the next few days.

Regards, Keir

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

From: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Monday, September 18, 2023 9:43:42 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Good morning Keir,

I wanted to check in on this matter, see where things stand and what developments there have been.

Thanks,
Ryan

From: Ryan Graves
Sent: Wednesday, August 30, 2023 9:56 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Hello Keir,

Thanks for providing the letter.

Based on the criteria set out in section 11.1 of the FIPPA Regulation, I think the following details need to be made more explicit in the letter:

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

- The date the privacy breach came to the attention of the public body (if I recall correctly, this would be the day that the Mayor himself shared the FB posts to the Village)
- The dates that personal information appears to have been breached on
- Contact information for a person who can answer, on behalf of the public body, questions about the privacy breach. I assume this is you and I also assume the Mayor already knows your direct email/phone number but it should be included anyway.

I agree that the letter should mention that the issue has been reported to the OIPC. However, I'd recommend removing the line that starts "I suggest you contact the OIPC with any questions and/or concerns you have regarding the protection of your privacy." At this point, if any of the affected individuals were to contact my office the only thing I would be at liberty to share is that the issue has been reported to us and is ongoing. As a general rule, we don't share details of a breach we're monitoring if we're satisfied that a public body is taking appropriate steps and actions so I wouldn't want affected individuals to get the impression that I can provide them with more information.

Regards,
Ryan

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Monday, August 28, 2023 5:24 PM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Hello Ryan,

I'd appreciate your review and suggested edits to the attached letter.

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

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

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: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Thursday, August 24, 2023 4:51 PM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Hello Keir,

I hope you enjoyed your time off (well, partially off).

When we spoke on the phone, I had recommended that the Village send formal written notification letters to all parties whose personal info was affected by the Facebook posts. I suggested that the Village send these notification letters after the appearance of Councillor Burchett and John France before Council in September.

Section 36.3(2) of FIPPA says that a public body must, without unreasonable delay, notify an affected individual if the privacy breach could reasonably be expected to result in significant harm to the individual. Section 11.1 of the FIPP Regulation outlines what form that notification must take and specifies that notification must be done in writing.

After reviewing the attachments you provided, I think there is a case to be made that this breach could reasonably be expected to result in significant harm to the affected individuals (e.g. humiliation, damage to reputation, etc.). As such, its my view that this breach may fall within section 36.3(2) of FIPPA, at least for the Mayor. Assuming that is the case, the Village must notify the affected individual in writing without undue delay rather than wait until mid-September.

I recognize that everyone affected by this is presumably already aware of what's happening. Additionally, I recognize that sending notification letters at this point means that the notification will lack some details as the Village has yet to conclusively determine how in-camera information made it to John France.

Nevertheless, out of an abundance of caution and an interest in ensuring that section 36.3(2) of FIPPA is followed, I do think that written notification should be sent prior to the mid-September Council appearance (a follow-up notification letter can be sent down the road once the Village has all the facts).

Please do let me know if you disagree that the breached info meets the threshold set in section 36.3(2), the line can be fuzzy so I'm open to reconsidering. Please also let me know if you'd like me to review any draft notification letters before they're sent out; I'm happy to make suggestions or comments about whether the letters comply with FIPPA. I would, of course, leave any comments regarding non-FIPPA aspects (e.g. employment law, bylaws, etc.) to you and legal counsel.

On June 9-2026 SAYWARD COUNCIL approved immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

We can arrange a call if you'd like to discuss any of this further.

Regards,
Ryan

From: Ryan Graves
Sent: Wednesday, August 16, 2023 9:31 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

Received, thanks!

From: Keir Gervais <cao@saywardvalley.ca>
Sent: Tuesday, August 15, 2023 2:11 PM
To: Ryan Graves <RGraves@oipc.bc.ca>
Subject: RE: OIPC File F23-93977: Breach Notification - The Village of Sayward

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Hi Ryan,

I just completed the file transfer.

Regards,

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

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On June 9-2026 S WARD COU CIL pp e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

From: Ryan Graves <RGraves@oipc.bc.ca>
Sent: Friday, August 11, 2023 11:32 AM
To: Keir Gervais <cao@saywardvalley.ca>
Subject: OIPC File F23-93977: Breach Notification - The Village of Sayward

File Request

Hello Keir,

Thank you for your time on the phone this morning. Please use this link to securely transfer me any of the attachments you tried to send us when you first reported this privacy incident.

Thank you,
Ryan Graves

Please click on the button to respond to this File Request:

Send Requested Files

This File Request expires: **Friday, 25 August.**

If you need assistance accessing or using this system, please contact support at transfer@oipc.bc.ca.

On June 9-2026 SAYWARD COU CIL app e immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

OIPC Secure Transfer Site — Secure File Transfer System:

https://transfer.oipc.bc.ca

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Village of
Sayward

August 15, 2023

Councillor Scott Burchett
[redacted]

Re: In the Matter of the Administration of the Village of Sayward, Sections 117 and 134 of the *Community Charter*, SBC 2003, c. 26

Section 117(1) of the *Community Charter* imposes a statutory obligation and duty on Council members (current and former) to preserve Council confidences. Section 117 of the *Community Charter* reads:

> **Confidentiality**
> **117 (1) A council member or former council member must, unless specifically authorized otherwise by council,**
> (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
> (b) keep in confidence information considered in any part of a council meeting or 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.

Through social media postings of John France on June 29, July 20 and 28, 2023, copies of which are attached, John France's telephone call to Mayor Baker on May 12, 2023 and John France's unsolicited May 18 and 19, 2023 emails to the Village of Sayward ("Village")'s Chief Administrative Officer, the Village has learned that Councillor Sue Poulsen and you likely disclosed to John France records held in confidence by the Village

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

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On June 9-2026 SAYWARD DOCU CIL ... Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

and information considered during *in camera* Council meetings on April 12, 2023 (per Motion IC 23/34), May 3, 2023 (per Motion IC23/38) and on June 20, 2023:

1. Your February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023;
2. Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement;
3. 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");
4. Mayor Baker's letter of apology to each of Councillor Burchett and Talia Clark (the "Apology"); and
5. Proposed motions received from you 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.

Within each of John France's June 29, July 20 and 28, 2023 postings on Rant and Rave, a social media site, John France has referenced information within your February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023 and Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement (together, the "Complaints"), the outcome of the Mediation, Apology and the Motions. For example:

- Within John France's June 29, 2023 posting on Rant and Rave John France has stated (with emphasis added):

> 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 have started in February of [2023]. 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.**
> **(…) resolution of this issue is rightly an in-camera item. (…)**
> **Councillors trying bring a motion have been silenced without proper due process**… their rights have been effectively silenced!
> (…)
> **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, (…) and costs resolving the allegations(???). I suspect these costs may be in the $50,000 range. I think it is 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.** (…)

- Within John France's July 20, 2023 posting on Rant and Rave John France has stated (with emphasis added):

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In Camera Agenda in its entirety

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!**

- Within John France's July 28, 2023 posting on Rant and Rave John France has stated (with emphasis added):

> **Allegations have been against the mayor, I have to say allegations because the resolutions of complaints made are all in camera** (…).
> **This all started in February** when the mayor and (most of) Council attended a function down island. During this function, **the mayor made inappropriate comments, and he did other uninvited "actions", these are both alleged because they have not been made public. I also know there were other allegations of bad behaviour by the mayor. I know this because I was asked on how to handle the allegations. I gave good advice on the process** (…). **I suspect an informal harassment investigation was undertaken, by the Village as is required, and in camera.**
> (…) **it is obvious to me that two Councillors have been silenced by the majority** (…). **I know that two Councillors had important issues silenced because I helped them to draft resolutions to pursue them.** (…)
> **First a real apology acceptable to the aggrieved party/parties and second, behavioural training to show that, he, the is taking the situation seriously and intends on changing his behaviour. He did neither.** To be clear, this is not about liking or disliking the mayor, it is about allegations of bad behaviour (…).
>
> It is costing taxpayer a lot of money to essentially protect the image of the mayor. (…)

Village's Authority to Compel Witnesses

Section 134 of the *Community Charter* provides Village Council with the authority to require your attendance before Council to compel you to be examined about the matters related to the administration of the Village in accordance with the *Supreme Court Civil Rules*, BC Reg. 168/2009. Section 134 of the *Community Charter* reads:

> **Authority to compel witnesses**
> **134** (1) A council or council committee
> (a) has power, under the signature of the mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and
> (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.
> (2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.
> (3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

Enclosed is an appointment requiring your attendance at the Village of Sayward, 652 H'Kusam Way, Sayward, BC V0P 1R0 and **before Council at 9:30 pm on September 12, 2023 to be examined pursuant to section 134 of the** ***Community Charter*** **related to the administration of the Village.**

As noted in the enclosed appointment, you must bring with you all documents in your possession or control relating to:

- the Complaints, letters, emails, notes, memoranda, reports about or related to the Mediation and investigation of the Complaints, the Apology, opinions of legal counsel for the Village and Council *in camera* agenda that the Village received in confidence and discussed during *in camera* Council meetings which you provided to or discussed with John France; and
- the Complaints, letters, emails, notes, memoranda and motions to place before Council that John France wrote on behalf of or assisted you to write relating to the allegations within John France's June 29, July 20 and July 28, 2023 postings on Rant and Rave.

Closing

The Village strongly suggests that you promptly retain legal counsel. In this regard, the Village also reminds you that:

- if you want to share with legal counsel any information received in confidence or discussed during *in camera* Council meetings which is referenced in this letter you must first seek Council's authorization to do so in accordance with section 117 of the *Community Charter*; and
- one member of Council is not entitled to waive privilege over legal advice provided to the Village. Only Council of the Village as a whole can waive privilege: *Anderson* v. *Strathcona (Regional District)*, 2021 BCSC 1800 (CanLII) at paragraphs 70, 71 and 78; and *Powell River (City) (Re)*, 2021 BCIPC 30 (CanLII) at paragraph 43.

Yours truly,

Tom Tinsley

Deputy Mayor Tom Tinsley

On June 9-2026 SAYWARD COUNCIL app e t Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

IN VILLAGE OF SAYWARD COUNCIL CHAMBERS

IN THE MATTER OF THE ADMINISTRATION OF THE VILLAGE OF SAYWARD PURSUANT TO SECTION 134 OF THE *COMMUNITY CHARTER*, SBC 2003, C. 26

AND

JOHN FRANCE, SCOTT BURCHETT AND SUE POULSEN

APPOINTMENT TO EXAMINE

To: Councillor Scott Burchett
Take notice that you are required to attend before Village of Sayward Council to be examined pursuant to section 134 of the *Community Charter* and in accordance with the *Supreme Court Civil Rules,* BC Reg. 168/2009. You must, unless Village of Sayward Council otherwise orders, bring with you all documents in your possession or control relating to:

- Your February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023 and Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement (together, the "Complaints"), letters, emails, notes, memoranda, reports about or related to JB Consultant Inc.'s mediation report from the April 20, 2023 mediation ("Mediation") and investigation of the Complaints, Mayor Baker's letter of apology to Talia Clark and you, opinions of legal counsel for the Village and Council *in camera* agenda that the Village of Sayward received in confidence and discussed during *in camera* Council meetings which you provided to or discussed with John France; and
- any documents, including the Complaints, letters, emails, notes, memoranda and motions to place before Council that John France wrote on behalf of or assisted you to write relating to the allegations within John France's June 29, July 20 and July 28, 2023 postings on Rant and Rave.

Please note the provisions of the *Community Charter* and the *Supreme Court Civil Rules* reproduced below.

Place: Village of Sayward, 652 H'Kusam Way, Sayward, BC V0P 1R0
Date: September 12, 2023 **Time:** 9:30 pm

Implied undertaking to the Village of Sayward
Documents produced are not to be used by the other party(ies) except for the purposes of this matter unless and until the scope of the undertaking is varied by a court order or other judicial order, consent or statutory override or a situation of immediate and serious danger emerges. This implied undertaking continues despite settlement or completion of this matter.

Date: August 15, 2023

Signature of party wishing to conduct examination

Tom Tinsley, Deputy Mayor of the Village of Sayward

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Sections 117 and 134 of the *Community Charter* state:

> Confidentiality
>
> 117 (1) A council member or former council member must, unless specifically authorized otherwise by council,
>
> (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
>
> (b) keep in confidence information considered in any part of a council meeting or 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.
>
> **Authority to compel witnesses**
>
> **134 (1) A council or council committee**
>
> (a) **has power, under the signature of the mayor,** to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and
>
> (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.
>
> (2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.
>
> (3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

Rules 22-7 (5) and 22-8 (4) of the *Supreme Court Civil Rules* state in part:

> 22-7 (5) ... if a person, contrary to these *Supreme Court Civil Rules* and without lawful excuse,
>
> (a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery, ...
>
> then
>
> (f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and
>
> (g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.
>
> 22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court.

On June 9-2026 SAYWARD COU Ch app e t immediate Rise and Report on the June 9-2026 In-Camera Agenda in its entirety

IN VILLAGE OF SAYWARD COUNCIL CHAMBERS

IN THE MATTER OF THE ADMINISTRATION OF THE VILLAGE OF SAYWARD, SECTION 117 AND 134 OF THE COMMUNITY CHARTER, SBC 2003, C. 26

AND

JOHN FRANCE, SCOTT BURCHETT AND SUE POULSEN

AFFIDAVIT OF PERSONAL SERVICE

I, Dave MacDonald, Process Server, of P.O. Box 12, in the community of Black Creek, in the Province of British Columbia, Canada, **MAKE OATH AND SAY THAT:**

On Tuesday, the 5th day of September 2023, at 6:58 PM, I served **SUE POULSEN** at the Council table inside the Council Chambers of the Village of Sayward located at 652-A H'Kusam Way, Sayward, British Columbia, Canada, with a letter dated August 15th, 2023 from Village of Sayward and signed by Deputy Mayor Tom Tinsley, a copy of which is attached to this Affidavit and marked as Exhibit "A", along with an **APPOINTMENT TO EXAMINE,** a copy of which is attached to this Affidavit and marked as Exhibit "B". I served the aforementioned documents by describing the contents of an envelope to **SUE POULSEN,** bearing the name of **SUE POULSEN** before handing them to and leaving them on the Council table in front the designated seat of **SUE POULSEN. SUE POULSEN** was advised at that moment that she had been duly served.

That at the time of service, the person I served did admit to me that she was, **SUE POULSEN,** and that she was the proper person to be served in this matter.

I do not know the person served and the person I served was a true likeness of the photograph provided to me by my client, a copy of which is attached to this Affidavit and marked as Exhibit ""C".

SWORN BEFORE ME at Black Creek, in the Province of British Columbia, this 8th day of September, 2023.

Hedi MacDonald

A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

HEDI MACDONALD
8950 McLarey Ave
Black Creek, BC V9J 1A2
250-702-4221
Expiry:January 31, 2024

Dave MacDonald

DAVE MACDONALD

On June 9-2026 SAYWARD COU CIL appr e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Village of
Sayward

THIS IS EXHIBIT MARKED "A"
REFERED TO IN THE AFFIDAVIT OF
Dave MacDonald
SWORN BEFORE ME THIS 8th DAY
OF September 2023
A COMMISSIONER FOR TAKING AFFIDAVITS
WITHIN THE PROVINCE OF BRITISH COLUMBIA

August 15, 2023

Councillor Sue Poulsen
[redacted]

Re: In the Matter of the Administration of the Village of Sayward, Sections 117 and 134 of the *Community Charter*, SBC 2003, c. 26

Section 117(1) of the *Community Charter* imposes a statutory obligation and duty on Council members (current and former) to preserve Council confidences. Section 117 of the *Community Charter* reads:

> **Confidentiality**
>
> **117 (1) A council member or former council member must, unless specifically authorized otherwise by council,**
>
> (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
>
> (b) keep in confidence information considered in any part of a council meeting or 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.

Through social media postings of John France on June 29, July 20 and 28, 2023, copies of which are attached, John France's telephone call to Mayor Baker on May 12, 2023 and John France's unsolicited May 18 and 19, 2023 emails to the Village of Sayward ("Village")'s Chief Administrative Officer, the Village has learned that Councillor Scott Burchett and you likely disclosed to John France records held in confidence by the Village

On June 9-2026 SAYWARD COUNCIL [illegible] Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

and information considered during *in camera* Council meetings on April 12, 2023 (per Motion IC 23/34), May 3, 2023 (per Motion IC23/38) and on June 20, 2023:

1. Councillor Burchett's February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023;
2. Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement;
3. 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");
4. Mayor Baker's letter of apology to each of Councillor Burchett and Talia Clark (the "Apology"); and
5. 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.

Within each of John France's June 29, July 20 and 28, 2023 postings on Rant and Rave, a social media site, John France has referenced information within Councillor Burchett's February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023 and Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement (together, the "Complaints"), the outcome of the Mediation, the Apology and the Motions. For example:

- Within John France's June 29, 2023 posting on Rant and Rave John France has stated (with emphasis added):

> 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 have started in February of [2023]. 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.**
> **(...) resolution of this issue is rightly an in-camera item. (...)**
> **Councillors trying bring a motion have been silenced without proper due process**... their rights have been effectively silenced!
> (...)
> **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,** (...) **and costs resolving the allegations(???). I suspect these costs may be in the $50,000 range. I think it is 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.** (...)

- Within John France's July 20, 2023 posting on Rant and Rave John France has stated (with emphasis added):

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In Camera Agenda in its entirety

> 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!**

- Within John France's July 28, 2023 posting on Rant and Rave John France has stated (with emphasis added):

> **Allegations have been against the mayor, I have to say allegations because the resolutions of complaints made are all in camera** (...).
> **This all started in February** when the mayor and (most of) Council attended a function down island. During this function, **the mayor made inappropriate comments, and he did other uninvited "actions", these are both alleged because they have not been made public. I also know there were other allegations of bad behaviour by the mayor. I know this because I was asked on how to handle the allegations. I gave good advice on the process (...). I suspect an informal harassment investigation was undertaken, by the Village as is required, and in camera.**
> (...) **it is obvious to me that two Councillors have been silenced by the majority** (...). **I know that two Councillors had important issues silenced because I helped them to draft resolutions to pursue them.** (...)
> **First a real apology acceptable to the aggrieved party/parties and second, behavioural training to show that, he, the is taking the situation seriously and intends on changing his behaviour. He did neither.** To be clear, this is not about liking or disliking the mayor, it is about allegations of bad behaviour (...).
>
> It is costing taxpayer a lot of money to essentially protect the image of the mayor. (...)

Village's Authority to Compel Witnesses

Section 134 of the *Community Charter* provides Village Council with the authority to require your attendance before Council to compel you to be examined about the matters related to the administration of the Village in accordance with the *Supreme Court Civil Rules*, BC Reg. 168/2009. Section 134 of the *Community Charter* reads:

> **Authority to compel witnesses**
> **134** (1) A council or council committee
> (a) has power, under the signature of the mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and
> (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.
> (2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.
> (3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In Camera Agenda in its entirety

Enclosed is an appointment requiring your attendance at the Village of Sayward, 652 H'Kusam Way, Sayward, BC V0P 1R0 and **before Council at 8:15 pm on September 12, 2023 to be examined pursuant to section 134 of the *Community Charter* related to the administration of the Village.**

As noted in the enclosed appointment, you must bring with you all documents in your possession or control relating to:

- the Complaints, letters, emails, notes, memoranda, reports about or related to the Mediation and investigation of the Complaints, the Apology, opinions of legal counsel for the Village and Council *in camera* agenda that the Village received in confidence and discussed during *in camera* Council meetings which you provided to or discussed with John France; and
- the Complaints, letters, emails, notes, memoranda and motions to place before Council that John France wrote on behalf of or assisted you to write relating to the allegations within John France's June 29, July 20 and July 28, 2023 postings on Rant and Rave.

Closing

The Village strongly suggests that you promptly retain legal counsel. In this regard, the Village also reminds you that:

- if you want to share with legal counsel any information received in confidence or discussed during *in camera* Council meetings which is referenced in this letter you must first seek Council's authorization to do so in accordance with section 117 of the *Community Charter*; and
- one member of Council is not entitled to waive privilege over legal advice provided to the Village. Only Council of the Village as a whole can waive privilege: *Anderson* v. *Strathcona (Regional District)*, 2021 BCSC 1800 (CanLII) at paragraphs 70, 71 and 78; and *Powell River (City) (Re)*, 2021 BCIPC 30 (CanLII) at paragraph 43.

Yours truly,

Deputy Mayor Tom Tinsley

On June 9-2026 SAYWARD COUNCIL app immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

IN VILLAGE OF SAYWARD COUNCIL CHAMBERS

IN THE MATTER OF THE ADMINISTRATION OF THE VILLAGE OF SAYWARD PURSUANT TO SECTION 134 OF THE *COMMUNITY CHARTER*, SBC 2003, C. 26

AND

JOHN FRANCE, SCOTT BURCHETT AND SUE POULSEN

APPOINTMENT TO EXAMINE

To: Councillor Sue Poulsen
Take notice that you are required to attend before Village of Sayward Council to be examined pursuant to section 134 of the *Community Charter* and in accordance with the *Supreme Court Civil Rules,* BC Reg. 168/2009. You must, unless Village of Sayward Council otherwise orders, bring with you all documents in your possession or control relating to:

- Councillor Burchett's February 22, 2023 Respectful Workplace Complaint with attached letter dated February 20, 2023 and Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement (together, the "Complaints"), letters, emails, notes, memoranda, reports about or related to JB Consultant Inc.'s mediation report from the April 20, 2023 mediation ("Mediation") and investigation of the Complaints, Mayor Baker's letter of apology to each of Councillor Burchett and Talia Clark, opinions of legal counsel for the Village of Sayward and Council *in camera* agenda that the Village received in confidence and discussed during *in camera* Council meetings which you provided to or discussed with John France; and
- any documents, including the Complaints, letters, emails, notes, memoranda and motions to place before Council that John France wrote on behalf of or assisted you to write relating to the allegations within John France's June 29, July 20 and July 28, 2023 postings on Rant and Rave.

Please note the provisions of the *Community Charter* and the *Supreme Court Civil Rules* reproduced below.

Place: Village of Sayward, 652 H'Kusam Way, Sayward, BC V0P 1R0
Date: September 12, 2023 **Time:** 8:15 pm

Implied undertaking to the Village of Sayward
Documents produced are not to be used by the other party(ies) except for the purposes of this matter unless and until the scope of the undertaking is varied by a court order or other judicial order, consent or statutory override or a situation of immediate and serious danger emerges. This implied undertaking continues despite settlement or completion of this matter.

Date: August 15, 2023

Tom Tinsley
Signature of party wishing to conduct examination

Tom Tinsley, Deputy Mayor of the Village of Sayward

THIS IS EXHIBIT MARKED "B"
REFERED TO IN THE AFFIDAVIT OF
Dave MacDonald
SWORN BEFORE ME THIS 8th DAY
OF September 2023
A COMMISSIONER FOR TAKING AFFIDAVITS
WITHIN THE PROVINCE OF BRITISH COLUMBIA

On June 9-2025 SAYWARD COW CIEapp e immediate rist and Report of the June 9-2025 In-Camera Agenda in its entirety

Sections 117 and 134 of the *Community Charter* state:

> Confidentiality
> 117 (1) A council member or former council member must, unless specifically authorized otherwise by council,
>
> (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
> (b) keep in confidence information considered in any part of a council meeting or 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.

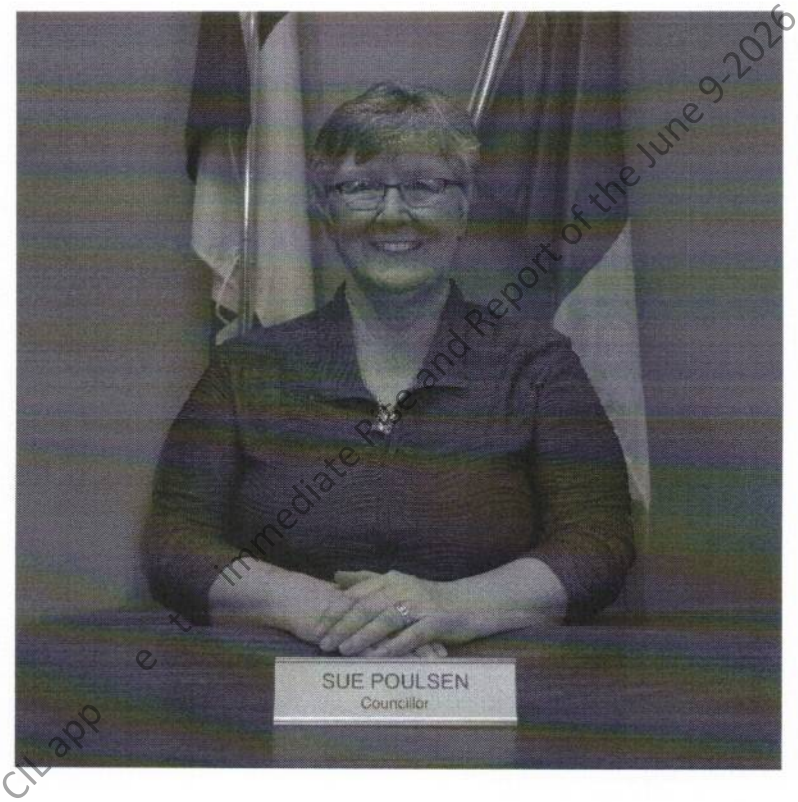
> **Authority to compel witnesses**
> **134 (1) A council or council committee**
>
> (a) **has power, under the signature of the** mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and
> (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.
>
> (2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.
> (3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

Rules 22-7 (5) and 22-8 (4) of the *Supreme Court Civil Rules* state in part:

> 22-7 (5) ... if a person, contrary to these *Supreme Court Civil Rules* and without lawful excuse,
>
> (a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery, ...
>
> then
>
> (f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and
> (g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.
>
> 22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court.

On June 9-2026 SAYWARD Council approved to Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

THIS IS EXHIBIT MARKED "C"
REFERED TO IN THE AFFIDAVIT OF
Dave MacDonald
SWORN BEFORE ME THIS [illegible] DAY
OF September 2023
A COMMISSIONER FOR TAKING AFFIDAVITS
WITHIN THE PROVINCE OF BRITISH COLUMBIA



On June 9-2026 SAYWARD COU CIL app e t immediate Re and Report of the June 9-2026 In-Camera Agenda in its entirety

IN THE SUPREME COURT OF BRITISH COLUMBIA

RE: In the Matter of the Administration of the Village of Sayward, Section 117 and 134 of the Community Charter, SBC 2003, c. 26

AFFIDAVIT OF PERSONAL SERVICE

I, Dave MacDonald, Process Server, of P.O. Box 12, in the community of Black Creek, in the Province of British Columbia, Canada, **MAKE OATH AND SAY THAT:**

On Monday, the 21st day of August 2023, at 6:00 PM, I served **JOHN FRANCE** at [redacted] Courtenay, British Columbia, Canada, with a letter dated August 15th, 2023 from Village of Sayward and signed by Deputy Mayor Tom Tinsley, a copy of which is attached to this Affidavit and marked as Exhibit "A", along with an **APPOINTMENT TO EXAMINE,** a copy of which is attached to this Affidavit and marked as Exhibit "B". I served the aforementioned documents by handing them to and leaving them with **JOHN FRANCE.**

That at the time of service, the person I served did admit to me that he was, **JOHN FRANCE,** and that he was the proper person to be served in this matter.

SWORN BEFORE ME at Black
Creek, in the Province of
British Columbia, this 22nd day of
August, 2023.

Hedi MacDonald

A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA

HEDI MACDONALD
8950 McLarey Ave
Black Creek, BC V9J 1A2
250-702-4221
Expiry: January 31, 2024

Dave MacDonald

DAVE MACDONALD

On June 9-2026 SAYWARD COU Ci app e t immediate Ris and Report of the June 9-2026 In-Camera Agenda in its entirety

Village of
Sayward

THIS IS EXHIBIT MARKED "A"
REFERED TO IN THE AFFIDAVIT OF
Dave MacDonald
SWORN BEFORE ME THIS 22nd DAY
OF August 2023
Vicki MacDonald
A COMMISSIONER FOR TAKING AFFIDAVITS
WITHIN THE PROVINCE OF BRITISH COLUMBIA

August 15, 2023

John France
[redacted]

Re: In the Matter of the Administration of the Village of Sayward, Sections 117 and 134 of the *Community Charter*, SBC 2003, c. 26

Section 117(1) of the *Community Charter* imposes a statutory obligation and duty on Council members (current and former) to preserve Council confidences. Section 117 of the *Community Charter* reads:

> **Confidentiality**
> **117 (1) A council member or former council member must, unless specifically authorized otherwise by council,**
> (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
> (b) keep in confidence information considered in any part of a council meeting or 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.

Through your social media postings on June 29, July 20 and 28, 2023, copies of which are attached, your telephone call to Mayor Baker on May 12, 2023, and your unsolicited May 18 and 19, 2023 emails to the Village of Sayward ("Village")'s Chief Administrative Officer, the Village has learned that two elected officials of the Village, Councillors Scott Burchett and Sue Poulsen, likely disclosed to you records held in confidence by the Village and information considered during *in camera* Council meetings:

On June 9-2026 SAYWARD COUNCIL approved Immediate Rise and Report of the June 9-2026 In Camera Agenda in its entirety

1. February 2023 complaints (the "Complaints") of an elected official and the elected official's partner with allegations against another elected official of the Village;
2. Information received and discussed *in camera* related to a form of apology ("Apology") offered following a confidential investigation of the Complaints;
3. Proposed motions received from an elected official sought to be placed on the agenda for regular and *in camera* Council meetings (the "Motions").

Within each of your June 29, July 20 and 28, 2023 postings on Rant and Rave, a social media site you have referenced information within the Complaints, the outcome of an investigation of the Complaints, the Apology and Motions. For example:

- Within your June 29, 2023 posting on Rant and Rave you have stated (with emphasis added):

> 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 have started in February of [2023]. 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.**
> **(...) resolution of this issue is rightly an in-camera item.** (...)
> **Councillors trying bring a motion have been silenced without proper due process**... their rights have been effectively silenced!
> (...)
> **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, (...) and costs resolving the allegations(???). I suspect these costs may be in the $50,000 range. I think it is 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.** (...)

- Within your July 20, 2023 posting on Rant and Rave you have stated (with emphasis added):

> 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!**

- Within your July 28, 2023 posting on Rant and Rave you have stated (with emphasis added):

> **Allegations have been against the mayor, I have to say allegations because the resolutions of complaints made are all in camera** (...).
> **This all started in February** when the mayor and (most of) Council attended a function down island. During this function, **the mayor made inappropriate comments, and he did other uninvited "actions", these are both alleged because they have not been made**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Release and Report of the June 9-2026 In-Camera Agenda in its entirety

> **public. I also know there were other allegations of bad behaviour by the mayor. I know this because I was asked on how to handle the allegations. I gave good advice on the process (...). I suspect an informal harassment investigation was undertaken, by the Village as is required, and in camera.**
> **(...) it is obvious to me that two Councillors have been silenced by the majority (...). I know that two Councillors had important issues silenced because I helped them to draft resolutions to pursue them.** (...)
> **First a real apology acceptable to the aggrieved party/parties and second, behavioural training to show that, he, the is taking the situation seriously and intends on changing his behaviour. He did neither.** To be clear, this is not about liking or disliking the mayor, it is about allegations of bad behaviour (...).
>
> It is costing taxpayer a lot of money to essentially protect the image of the mayor. (...)

Village's Authority to Compel Witnesses

Section 134 of the *Community Charter* provides Village Council with the authority to require your attendance before Council to compel you to be examined about the matters related to the administration of the Village in accordance with the *Supreme Court Civil Rules*, BC Reg. 168/2009. Section 134 of the *Community Charter* reads:

> **Authority to compel witnesses**
> **134** (1) A council or council committee
> (a) has power, under the signature of the mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and
> (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.
> (2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.
> (3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

Enclosed is an appointment requiring your attendance at the Village of Sayward, 652 H'Kusam Way, Sayward, BC V0P 1R0 and **before Council at 7:00 pm on September 12, 2023 to be examined pursuant to section 134 of the *Community Charter* related to the administration of the Village.**

As noted in the enclosed appointment, you must bring with you all documents in your possession or control relating to:

- the matters referenced in your June 29, July 20 and July 28, 2023 postings on Rant and Rave;
- the motions that you helped the Councillors pursue as referenced in your July 28, 2023 posting on Rant and Rave; and

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

- the Complaints, letters, emails, notes and memoranda reporting on the investigation of the Complaints, the Apology and Council *in camera* agenda that you received from or discussed with Councillors Poulsen and Burchett; and
- the Complaints, letters, emails, notes, memoranda and motions to place before Council that you wrote on behalf of or assisted Councillors Burchett and Poulsen to write relating to the matters you discussed with Mayor Baker on May 12, 2023 and allegations within your June 29, July 20 and July 28, 2023 postings on Rant and Rave.

The Village strongly suggests that you retain legal counsel.

Yours truly,

Deputy Mayor Tom Tinsley

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

THIS IS EXHIBIT MARKED "B"
REFERED TO IN THE AFFIDAVIT OF
Dave MacDonald
SWORN BEFORE ME THIS 22nd DAY
OF August 2023

A COMMISSIONER FOR TAKING AFFIDAVITS
WITHIN THE PROVINCE OF BRITISH COLUMBIA

IN VILLAGE OF SAYWARD COUNCIL CHAMBERS

IN THE MATTER OF THE ADMINISTRATION OF THE VILLAGE OF SAYWARD PURSUANT TO SECTION 134 OF THE *COMMUNITY CHARTER*, SBC 2003, C. 26

AND

JOHN FRANCE, SCOTT BURCHETT AND SUE POULSEN

APPOINTMENT TO EXAMINE

To: John France
Take notice that you are required to attend before Village of Sayward Council to be examined pursuant to section 134 of the *Community Charter* and in accordance with the *Supreme Court Civil Rules*, BC Reg. 168/2009. You must, unless Village of Sayward Council otherwise orders, bring with you all documents in your possession or control relating to:

- the matters referenced in your June 29, July 20 and July 28, 2023 postings on Rant and Rave, a social media site;
- the motions that you helped the Councillors of the Village of Sayward pursue as referenced in your July 28, 2023 posting on Rant and Rave;
- February 2023 complaints of an elected official and the elected official's partner with allegations against another elected official of the Village of Sayward (the "Complaints"), letters, emails, notes, memoranda and reports on the investigation of the Complaints, the apology offered following the investigation of the Complaints and Council *in camera* agenda that you received from or discussed with Councillor Scott Burchett and Councillor Sue Poulsen; and
- the Complaints, letters, emails, notes, memoranda and motions to place before Council that you wrote on behalf of or assisted Councillor Scott Burchett and Councillor Sue Poulsen to write relating to the matters you discussed with Mayor Baker on May 12, 2023 and allegations within your June 29, July 20 and July 28, 2023 postings on Rant and Rave.

Please note the provisions of the *Community Charter* and the *Supreme Court Civil Rules* reproduced below.

Place: Village of Sayward, 652 H'Kusam Way, Sayward, BC V0P 1R0
Date: September 12, 2023 **Time:** 7:00 pm

Implied undertaking to the Village of Sayward
Documents produced are not to be used by the other party(ies) except for the purposes of this matter unless and until the scope of the undertaking is varied by a court order or other judicial order, consent or statutory override or a situation of immediate and serious danger emerges. This implied undertaking continues despite settlement or completion of this matter.

Date: August 15, 2023

Signature of party wishing to conduct examination

Tom Tinsley, Deputy Mayor of the Village of Sayward

On June 9-2026 SAYWARD COU Cil app e t immediate R e and Report of the June 9 2026 In-Camera Agenda in its entirety

Sections 117 and 134 of the *Community Charter* state:

> Confidentiality
>
> 117 (1) A council member or former council member must, unless specifically authorized otherwise by council,
>
> (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
>
> (b) keep in confidence information considered in any part of a council meeting or 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.
>
> **Authority to compel witnesses**
>
> **134 (1) A council or council committee**
>
> (a) **has power, under the signature of the** mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and
>
> (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.
>
> (2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.
>
> (3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

Rules 22-7 (5) and 22-8 (4) of the *Supreme Court Civil Rules* state in part:

> 22-7 (5) ... if a person, contrary to these *Supreme Court Civil Rules* and without lawful excuse,
>
> (a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery, ...
>
> then
>
> (f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and
>
> (g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.
>
> 22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court.

On June 9-2026 SAYWARD COU Ch ap e t Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Lisa Clark

From: SUE POULSEN <espoulsen[redacted]
Sent: Wednesday, October 11, 2023 2:08 PM
To: Lisa Clark
Subject: Fwd: Meeting

Hi Lisa
Scott and I are going to meet with JF at his place tomorrow at noon. You are welcome to attend as we will be discussing what we were accomplished so far and where we are going from here.
I am continuing on to Chemain, us and Duncan for the weekend, but I believe Scott will be coming home after the meeting. So if you wanted to travel with him, give him a call and let him know. He does have a Physio appointment in Campbell River from 9:15 AM for about an hour.
Otherwise I could pick you up so you don't have the hour wait in Campbell River, and you could ride back with Scott.
Let me know if any of these plans would work for you and we can make further arrangements.
I hope you are enjoying today🥰
Sent from my iPhone

Begin forwarded message:

> **From:** John France <jdfrance[redacted]
> **Date:** October 11, 2023 at 12:35:48 PM PDT
> **To:** SUE POULSEN <espoulsen[redacted]
> **Subject: Re: Meeting**
>
> Documents
> Suggest just bring your files
>
> On Wed, Oct 11, 2023, 11:32 a.m. SUE POULSEN <espoulsen[redacted] wrote:
> Good morning!
> Scott has a 915 appointment tomorrow in Campbell River for Physio and then he plans to join us for a meeting at your place. We plan to arrive by 11:30 AM.
> Is there any documentation we need to bring with the object of this meeting to make a plan going forward?
> Should we invite Lisa to attend?
> Look forward to seeing you tomorrow. And.
>
> Sent from my iPhone

On June 9-2026 SAYWARD COUNCIL approve t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

March 22, 2024

Keir Gervais
Chief Administrative Officer
The Village of Sayward
Delivered via email

Dear Keir Gervais:

Re: Breach Notification - Unauthorized Sharing
Village of Sayward
OIPC File F23-93977

I am the Investigator assigned to complete the monitoring of a privacy breach reported to this office on August 8, 2023.

This report is made pursuant to section 42 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and comments on the protective measures taken by the Village of Sayward (the Village) under section 30 of FIPPA.

Description of Breach

On February 22, 2023, a Village Councillor ("CB") and his partner ("TC") submitted Respectful Workplace Complaints regarding interactions they had with the current Mayor. An investigation into the complaints resulted into mediation between the parties and a letter of apology from the Mayor. The Village held *in camera* Council meetings on April 12, May 3, and June 20, 2023.

On June 29, July 20, and July 28, 2023, a former employee of the Village ("JF") made posts on a local Facebook group.[1] JF's posts referenced specific information contained in CB and TC's complaints and the subsequent mediation and *in camera* Council meetings.

The Village believes that JF received the *in camera* information from CB. The Village was concerned that the information shared with JF, and subsequently posted online, constitutes a breach of the Mayor's personal information, and could result in at least some of the harms listed in section 36.3(2)(a) of FIPPA. Specifically, the Village suspects that the information CB

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

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[1] JF was not employed by the Village during this time period and was not a part of the *in camera* meetings.

shared with JF includes the Mayor's personal views/opinions as well as allegations against the Mayor of sexually inappropriate behaviour.[2]

Response to the Privacy Breach

Public bodies in British Columbia have a statutory duty to protect the personal information in their custody or under their control. Section 30 of FIPPA sets out the legal requirement:

> *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 access, collection, use, disclosure or disposal.*

The meaning of reasonable security in section 30 of FIPPA has been examined in a number of orders. For example, the former Commissioner has stated that "the adequacy of a public body's security arrangements is measured on an objective basis against a standard of reasonableness. This does not mean that security arrangements must be perfect but it does signify a rigorous standard."[3]

When a privacy breach occurs, public bodies must make every reasonable effort to recover the personal information, minimize the harm resulting from the breach and prevent future breaches from occurring. It is in this context that I have reviewed the actions of the Village in response to this incident.

Containment, Risk Evaluation and Notification

As mentioned earlier, the Village strongly suspects that CB disclosed the *in camera* information to JF, who then referenced details of it in a public social media post. The Village [redacted] moved to censure CB for, among other things, a breach of confidentiality: these proceedings are still ongoing. I understand from the Village that JF has continued to post about the same topics but there is no evidence that further *in camera* material containing personal information has been disclosed to JF.

The Village evaluated the risks associated with the breach using the criteria for mandatory reporting set out in section 36.3(2) of FIPPA and reported that a breach of this information could reasonably be expected to result in significant humiliation and damage to the reputation of the Mayor. In addition, the Village identified that it could result in a loss of trust in the Village.

On June 9-2026 SAYWARD COUNCIL app ent Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

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[2] The Village confirmed to me that the type of personal information involved is limited to the workplace complaints and related investigations. Other personal identifiers like dates of birth, SIN, employee numbers, etc. were not included.

[3] See para. 75 of Order F15-57.

[redacted] the Mayor was already aware of the Facebook posts.

However, I note that section 11.1 of the *Freedom of Information and Protection of Privacy Regulation* (the Regulation) states that notification under section 36.3(2)(a) of FIPPA must be done in writing.

The Village drafted a notification letter and provided a copy of that draft to me. I provided suggestions for the Village on August 30, 2023, to ensure that the notification letter included the information required by section 11.1 of the Regulation.

On February 29, 2024, the Village advised me that the Mayor had viewed the Village's letter in person but a copy had not actually been sent to him yet.

As per section 36.3(2)(a), notification must be done "without unreasonable delay". While I understand that the Mayor was fully aware of the breach, had been kept apprised of the Village's containment efforts, and had viewed the letter, the Village should have sent a copy to him in September of 2023 to comply with the letter of the law. The Village sent written notification to the Mayor on March 22, 2024.

Prevention

A public body's prevention measures following a breach are typically tied with the vulnerability that caused the breach in the first place. In this case, the Village believes that one of its Councillors was responsible for intentionally disclosing *in camera* information to an external person, who in turn disclosed it to the public.

The Village advised me that the training and education provided to all new council members includes information on confidentiality and protection of personal information shared *in in camera* meetings. The Village states that the CAO reminded CB of confidentiality requirements at the close of the *in camera* meeting on May 3, 2023. In addition, all in camera documents (e.g. investigation report, agendas, etc.) are printed on yellow paper to clearly distinguish them from other documents. Therefore, the Village believes that disclosure of *in camera* information was done despite knowing that the information was supposed to remain confidential: in other words, this was not a breach stemming from human error or a lack of knowledge.

The Village has taken steps to protect *in camera* information from being forwarded or shared outside the meeting. For instance, the Village used to provide *in camera* documents prior to meetings but has changed to only providing the documents at the time of meetings. All *in camera* information is stored electronically in folders that only accessible by the CAO and Corporate Officer.

On June 9-2026 SAYWARD COUNCIL approved the immediate release and Report of the June 9-2026 In-Camera Agenda in its entirety

Furthermore, the Village has instructed the Mayor and Council to only write reference notes on the specific yellow pages during *in camera* meetings and is researching further training options for CB.

Lastly, and as mentioned earlier, the Village [redacted] is moving to censure and sanction CB.

Conclusion

Based on the information the Village has provided, I am satisfied the Village is now taking appropriate steps to meet its duty to protect personal information under section 30 of FIPPA.[4]

This concludes my monitoring of this privacy breach and I have closed my file. If you have any questions or concerns, please message me at rgraves@oipc.bc.ca.

Sincerely,

Ryan Graves
Investigator

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

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[4] Please note that the Village should contact the OIPC again if the Village ultimately finds that the Mayor's personal information was not disclosed by CB as this will change the OIPC's recommendations as to protection measures.

VILLAGE OF SAYWARD
IN-CAMERA COUNCIL MEETING AGENDA
APRIL 16, 2024
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 April 16, 2024, be approved.
4. **Minutes of Previous Meetings - None**
5. **Delegations - None**
6. **Correspondence - None**
7. **Unfinished Business - None**
8. **Staff Reports**
   - a) **Rise and Report of Some *In-Camera* Information and Documents – Keir Gervais, CAO**

     Recommended Resolution

     THAT Council receive the Chief Administrator Officer's Rise and Report of Some *In-Camera* Information and Documents; and,

     THAT Council Rise and Report on Resolution IC23/38.
   - b) [redacted]
   - c) [redacted]

CONFIDENTIAL - CAO Gervais

On June 9-2026 SAYWARD COUNCIL app Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

9. Council Reports - None

10. Mayor's Report - None

11. New Business - None

12. Rise

13. Adjournment

CONFIDENTIAL - CAO Gervais

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

STAFF REPORT

In-Camera

For: Mayor and Council
From: Keir Gervais, CAO
Subject: **Rise and Report of Some *In-Camera* Information and Documents**
Meeting date: April 16, 2024

PURPOSE

The purpose of this report is to provide Mayor & Council with consideration of whether to release some information and documents received and discussed during *in-camera* Village Council meetings.

DISCUSSION

Sayward has been subject to media attention, including the Times Colonist, Chek News, and CBC, and through postings on social media, of issues that are affecting the relationships among Village Council members and staff. Village staff are also receiving FOI requests for information and documents.

As a result of the resignation of Kohen Gilkin as a member of the Village Council "due to the dysfunction in the Village" (Check News on March 15, 2024) the Village needs to hold a by-election.

For the purpose of providing transparency to the public, and also to inform potential Village Council candidates, of some issues that have been discussed in media and social media, Village staff seeks Village Council to consider authorizing release of the following information and documents that have been discussed and received during *in-camera* Council meetings:

- Council Motion IC 23/34 passed on April 12, 2023;
- Councillor Burchett's Respectful Workplace Complaint dated February 22, 2023 with attached letter dated February 20, 2023 from Councillor Burchett and also Councillor Burchett's March 20, 2023 letter;
- Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement of Talia Clark and March 26, 2023 letter;
- Jerry Berry, Senior Advisor of JB Consultants Inc.'s April 20, 2023 confidential

On June 9-2026 SAYWARD COUNCIL [illegible] Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

notes of the mediation;

- Council Motion IC 23/38 passed on May 3, 2023;
- Mayor Baker's letters of apology to each of Councillor Burchett, Talia Clark, Councillor Poulsen, Councillor Tinsley and then Councillor Gilkin,

(collectively, the "Documents").

By releasing/disclosing the Documents, the electors of Sayward can be more fully informed in their voting decisions whether in the by-election or in the next election.

The release/disclosure of the Documents may assist the Ministry's efforts to ameliorate the relationships among Village Council members and staff so that Village Council can make collective decisions in the best interests of the community and provide good governance for the community of Sayward.

Should Village Council agree to pass the sought resolution, Village staff are seeking that Village Council do a rise and report of the passed resolution at the next Council meeting and also release the Documents (with some possible redactions that reference Talia Clark) within the minutes of the Council meeting, which in turn would be published on the Village's website.

There is some risk associated with the proposed release of the Documents should Talia Clark not provide her written consent to release unredacted versions of the Documents. Talia Clark conceivably may argue that the Village's release of the Documents, in which personal information is referenced, is a breach of at least section 32 of the *Freedom of Information and Protection of Privacy Act*[1] ("*FIPPA*").

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera agenda in its entirety

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[1] Sections 32 and 33(3) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 read (with emphasis added):

> **Use of personal information**
>
> **32 A public body may use personal information in its custody or under its control only**
>
> (a) for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose,
>
> (b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use, or
>
> (c) **for a purpose for which the information may be disclosed to the public body under section 33.**
>
> **33(3)** A public body may disclose personal information in any of the following circumstances:
>
> (a) if
>
> **(i) the head of the public body determines that compelling circumstances that affect anyone's health or safety exist,** and
>
> (ii) notice of disclosure is mailed to the last known address of the individual the information is about, unless the head of the public body considers that the notice could harm anyone's health or safety;

Section 33(3) [and 32(c)] of *FIPPA* allows the Village to disclose personal information if the head of the public body (being the Mayor or Deputy Mayor of the Village) determines that compelling circumstances that affect anyone's health or safety exist and notice of disclosure is mailed to the last known address of the individual the information is about, unless the head of the public body considers that the notice could harm anyone's health or safety. In this regard, Village staff understand that the Mayor's health has been affected by Talia Clark's complaints and also the discussion of such complaints within social media.

Also, Village staff questions whether such a complaint would be forthcoming from Talia Clark since Village staff understands that Talia Clark's complaints/allegations against Mayor Baker have been referenced in social media postings and Village staff understands that Talia Clark has disclosed her complaints to others such as the RCMP and the Ombudsperson and by doing so appears to want to disclose her complaints.

Options:

Option 1: THAT Council do not authorize the release of the Documents to the public.

Option 2: THAT Council authorize the release of the Documents to the public without redactions as part of a rise and report at the next Council meeting.

Option 3: THAT Council authorize the release of the Documents to the public with redactions as part of a rise and report at the next Council meeting.

Staff recommends option #2. With that said, Village staff suggests that Village Council direct Village staff to ask Talia Clark for her consent in writing to disclose the applicable Documents. If Talia Clark refuses to provide the sought written consent, Village staff recommends option #3.

RECOMMENDATIONS

THAT Council receive the Chief Administrator Officer's Rise and Report of Some *In-Camera* Information and Documents; and,

THAT Council Rise and Report on Resolution IC23/38.

Respectfully submitted,

Keir Gervais, CAO

On June 9-2026 SAYWARD COU Cl app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Attachments:

- Council Motion IC 23/34 passed on April 12, 2023;
- Councillor Burchett's Respectful Workplace Complaint dated February 22, 2023 with attached letter dated February 20, 2023 from Councillor Burchett and Councillor Burchett's March 20, 2023 letter;
- Talia Clark's February 22, 2023 Respectful Workplace Complaint with attached February 19, 2023 statement of Talia Clark and March 26, 2023 letter;
- Jerry Berry, Senior Advisor of JB Consultants Inc.'s April 20, 2023 confidential notes of the mediation;
- Council Motion IC 23/38 passed on May 3, 2023; and
- Mayor Baker's letters of apology to each of Councillor Burchett, Talia Clark, Councillor Poulsen, Councillor Tinsley and then Councillor Gilkin.

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

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.

On June 9-2026 SAYWARD COUNCIL approve to Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

RECEIVED
FEB 2 2 2023

Appendix B – Respectful Workplace Complaint Form

RESPECTFUL WORKPLACE COMPLAINT FORM	
COMPLAINANT INFORMATION	
Name: SCOTT BURCHETT	Position: COUNCILLOR
Dept: VILLAGE OF SAYWARD	Date: FEBRUARY 22, 2023
RESPONDENT INFORMATION (Alleged Bully or Bully)	
Name(s): MARK BAKER	Position: MAYOR
Dept: VILLAGE OF SAYWARD	Date: FEBRUARY 22, 2023
PERSONAL STATEMENT/COMPLAINT	
Please provide details of the bullying or harassment incident(s), including:	
-Names of all parties involved	*-Details about the incident(s) – behaviour and words used*
-Any witnesses to the incident(s)	
-Location, date and time of the incident(s)	*-All other relevant information*
Attach any supporting documents, such as emails or other social media evidence, notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.	
(OR attach additional pages with the above information included)	
PLEASE SEE LETTER(S) OF COMPLAINT	
Signature: Scott Burchett	Date: FEBRUARY 22, 2023
Received by:	Date:

On June 9-2026 SAYWARD COUNCIL app[illegible] immediate release and Report of the June 9-2026 In-Camera Agenda in its entirety

RECEIVED
FEB 21 2023

Code of Conduct Behavioural Violations

February 20 2023

It is with great concern that these statements have to be recorded or even reported regarding the alleged behaviour of Mark Baker, acting mayor of the Village of Sayward.

To give some background about these allegations the timeline will start on the dates in December(15,16) 2022 when I was a newly elected councillor of the Village of Sayward and was involved in the decorations of the Christmas Light up Parade. While volunteering to do set up of lights and decorations, my girlfriend/partner Talia Clark had volunteered some of her time to help with the decorations. At the time there was inappropriate physical contact that was a concern of hers regarding how mayor Baker touched her while she was helping decorate. I will let her words speak to these allegations, as I was not completely aware of what happened at the time, although I did notice some uncomfortable situations. He seemed to be creeping around her and engaged in close contact/conversation when it was not invited.

Being a new councillor, I was shy and did not want any problems or confrontation regarding said behaviour. Talia had discussed to me immediately after helping set up decorations that she felt uncomfortable about the conduct (touching and general gross eyeballing) that mayor Baker engaged in. While it seemed to be relatively soft, such as a hand on the shoulder or back, and standing too close from behind, it was not warranted or accepted as appropriate to her. At the time we discussed this in private and decided to move on and not make an issue about it, as again, I will state that I was new to the municipal council and did not want to complicate the situation. It was brushed off as rude, gross, and sexist behaviour and we felt that "I guess the mayor is a creep and we will have to be on guard".

Moving forward to this past weeks LGLA (Local Government Leaders Academy) convention in Nanaimo (February 15 -17), this behaviour surfaced again. Let us not confuse private conversations between people not in the public eye, where a group of peers can have varying degrees of humour, the alleged behaviour was public, and witnessed by multiple people.

On Wednesday, February 15, 2023 myself, councillor Kohen Gilkin, and mayor Baker, where having dinner (Top Notch Burgers) at the hotel. We introduced ourselves as mayor and council for the Village of Sayward and where attending the LGLA conference. Our young female server named Ruby (as noted in the receipt) was around 19/20 years old approximately and was subject to very aggressive and sexist remarks from mayor Baker. This not only made myself feel extremely uncomfortable, but the same can be said about councillor Gilkin. It was not appropriate to ask her "are you into guys with lifted trucks" in reference to Kohen's truck. This gross conversation initiated by mayor Baker put councillor Gilkin on the spot and continued until everyone felt uncomfortable. Both myself and councillor Gilkin responded with the remarks to young Ruby that "we are not related to him" in reference to mayor Baker. An awkward laugh was the result, as Ruby was being professional and kind of caught off guard. This is not how the Village of Sayward is to be seen and represented, and I felt horrible.

On Thursday, February 16 2023, my partner Talia Clark came up from Victoria to visit and have dinner and I decided that I did not want to accompany the mayor for this evenings meal, as I was disgusted with the last nights events. We politely joined mayor Baker and councillor Gilkin for a beverage and then went for our own meal at a separate establishment.

On June 9-2026 [illegible] Agenda in its entirety

On the morning of Friday, February 17 2023, the plan was to meet at my hotel room (Best Western 303) at 7:30am to put everyones luggage there for a late checkout (12:30pm) and leave from a there.
Upon arriving at my hotel room to store the luggage, a conversation started about how everyone had a poor sleep. While standing close together in the hotel room, I stated "I barely slept last night at all". Mayor Baker immediately looked at Talia, insinuating that she kept me up all night long, and then proceeded to eyeball her up and down in front of myself to the point where it was grossly uncomfortable. Talia had to walk down the hall to get some distance, and I was caught off guard with such disgustingly rude behaviour. Mayor Baker could not be more obvious and gross with how he conducted himself. This was also witnessed by councillor Gilken and I will let his words speak to this. The boldness of this predatory behaviour was seemingly entitlement and I am now very jaded in how I perceive mayor Baker.

Following this interaction, we had planned to have breakfast before the last day of the convention and we all went downstairs to eat at the hotel restaurant. The gross behaviour continued there. During casual conversation, the tone had changed to the point where my partner Talia actually called the mayor creepy. As his words were inappropriate again.

When our meal was finished, we engaged in conversation with the neighbouring table who were other delegates from the convention. Unbeknownst to myself, the following behaviour took place. Myself, councillor Gilkin, mayor Baker approached the neighbouring table to converse and have a brief meet. While talking to these people, mayor Baker inappropriately put his arm around Talia and pulled her towards himself in a possessive way that made her feel violated and uncomfortable. This was not a mutual agreeable behaviour and not permissible by Talia. I will let her words speak to this. I was not witness to this, as I was engaged in the conversation in front of me, but was made aware of it later. This made me feel sick to my stomach and I will not look past this.

Further to this issue, on February 7 2023 just before the Village of Sayward council meeting, I had a conversation with mayor Baker, councillor Gilkin, and councillor Tinsley. I opened up about my recent bad news that my partner Talia and myself were going through a hard time with [redacted] and that I might not be at my best, and will try to get through our council meeting the best I can. This was a call out for support and a very personal and private matter that is sensitive. I never thought that support from the mayor would be to grossly make my partner feel sexualized in an unwanted manner [redacted]. There are no excuses for this behaviour and it disgusts me just to write this and have to relive it.

It is with great concern that I even have to write this, and will let the statements of the others involved/witnessed speak to there own experience. A pattern of behaviour that makes females and people feel uncomfortable is not acceptable. I have let a few days transpire to let my head cool down and this is my statement. This is not a professional environment to perform in and not a recipe for success. I only want to hold my position of Village Councillor with high regard and ethics. This is not the way to mentor counsellor Gilkin and make him feel comfortable. Lastly, my partner Talia does not feel at all comfortable being around mayor Baker and neither do I.

Scott Burchett

Councillor Scott Burchett

RECEIVED
FEB 21 2023

On June 9-2023 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2023 In-Camera Agenda in its entirety

March 20, 2023

To whom it may concern:

On the night of March 14, 2023 I was attending the Committee of the Whole meeting for the Village of Sayward. I was attending with my partner Talia Clark who was there to support my efforts of councillor and to see first hand how a municipal council meeting works. As we were entering the municipal office at 6:45pm we were greeted by Mayor Baker. I casually said hello and walked by him to enter the chambers. Talia was behind myself and was greeted by Mayor Baker as well. After the meeting ended, Talia informed me that she felt uncomfortable that the Mayor had again touched her without consent and this is unacceptable. I will let her words speak to this. Although it was a casual touch, it is not professional behaviour and a pattern of entitlement that continues and is not acceptable. It pains me to have to write about this again, but proper documentation and procedures is the only professional way to handle this. This is a problem and needs to be addressed for the betterment of our chambers and to align with the Code of Conduct that we all as members of the Village of Sayward have signed and pledged too.

Councillor Scott Burchett

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9 2026 In-Camera Agenda in its entirety

RECEIVED
FEB 22 2023

Appendix B – Respectful Workplace Complaint Form

RESPECTFUL WORKPLACE COMPLAINT FORM

COMPLAINANT INFORMATION	
Name: Talia Clark	Position: N/A
Dept:	Date: Feb 22, 2023
RESPONDENT INFORMATION (Alleged Bully or Bully)	
Name(s): Mark Baker	Position: Mayor
Dept:	Date:
PERSONAL STATEMENT/COMPLAINT	
Please provide details of the bullying or harassment incident(s), including:	
-Names of all parties involved *-Any witnesses to the incident(s)* *-Location, date and time of the incident(s)*	*-Details about the incident(s) – behaviour and words used* *-All other relevant information*
Attach any supporting documents, such as emails or other social media evidence, notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.	
(OR attach additional pages with the above information included)	
See letter	
Signature:	Date: Feb 22, 2023
Received by:	Date:

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

RECEIVED
FEB 2 1 2023

To Whom it May Concern,

Feb 19, 2023

Statement by Talia Clark

December 16, 2022 I was in Sayward visiting my partner Scott Burchett who was to help with the decorating for the light up festival being held the next day. As I was in Sayward to spend time with Scott I decided to go help with the decorating. This was the second or third time I met Mayor Mark Baker and the meetings previous had been very brief. The Mayor seemed interested in engaging me in friendly conversation which didn't surprise me as Scott was new on Council himself so it seemed natural for the Mayor to want to get to know us both more. While doing the decorating the Mayor put his hand gently on my arm and shoulder and rested it there a few times. I was a bit surprised by this action but it seemed harmless and didn't go any further, we were in a public space with others around so I didn't draw attention to this causing a scene. Later in private I asked Scott if he knew the Mayor to be a "touchy" type person and Scott replied that no he did not think he was and asked me to explain why I asked. I told Scott what had happened earlier and we both decided not to say anything but agreed that it was creepy and I would be watching out for any further similar behaviour.

February 16, 2023 I went to visit Scott in Nanaimo while he was there attending the LGLA convention with Mayor Baker and councillor Kohen Gilken. We sat to have a drink with the Mayor and councillor Gilken at the restaurant in the hotel and the Mayor's conversation seemed to be quite focused on what I thought to be inappropriate "advice" towards councillor Gilken in regards to women and a number of sexual comments were made. This struck me to be very odd, gross and unprofessional especially considering councillor Gilken's age and that I thought the Mayor would be mentoring the new councillor's in how to behave in public spaces. Note we were potentially surrounded by other local council members sitting at the nearby tables. Councillor Gilken giggled and blushed a bit at the comments.Scott and I left at this time as we had already decided we were not going to eat with the Mayor as Scott was quite disgusted with the Mayor's comments in the restaurant the previous evening.

February 17, 2023 Scott, councillor Gilken and I were heading to the elevator in the hotel at 7:30 in the morning and met with the Mayor who asked how we all slept. Scott replied he barely slept at all and the Mayor looked at me, made a comment and clearly looked me up and down with a grin insinuating I had kept Scott up all night. This eyeballing by the Mayor disgusted me and made me so uncomfortable I walked down the hall not wanting him to look at me. When we proceeded to breakfast the Mayor asked if we would watch his jacket for him for a moment and councillor Gilken asked if he had anything in his jacket he could take. Mayor Baker responded that he had condoms in his jacket for councillor Gilken which again I found very inappropriate and gross for many reasons. After breakfast Scott , the Mayor and councillor Gilken were introducing themselves to a group of councillors at a nearby table and when I walked up between the Mayor and councillor Gilken the Mayor put his arm on me in a somewhat possessive manner as if to say she's with us. This action was unnecessary and made me uncomfortable though again I did not say anything so as not to make a scene in public.

It is very important to me that I be supportive of my partner councillor Burchett and as he is a political figure acting on behalf of the Village of Sayward I feel we are both accountable for our actions in the public eye, therefore we must behave in a respectful and professional manner at all times. I do not feel Mayor Baker is behaving in this manner. It upsets me that I now take the Mayor's behaviour towards me in consideration before deciding whether or not to attend events where he will be present.

Thank you,

Talia Clark

On June 9-2026 SAYWARD COI Clapp e t Immediate Rise and report of the June 9-2026 in Camera Agenda in its entirety

To Whom it May Concern,

Mar 26, 2023

Statement by Talia Clark

Once again I find myself relaying events from uncomfortable interactions with Mayor Mark Baker. On March 14, 2023 I was attending the Sayward Council meeting as part of the public as I wanted to watch my partner Scott Burchett "in action" as a councillor. I entered the building with Scott and as we walked down the hall to the Village of Sayward Council Chambers we passed Mayor Baker where he greeted both Scott and I. As I walked past he put his hand on my shoulder. This wasn't a big deal but after previous interactions I noted it and again thought it to be odd and unnecessary. I sat down in one of the chairs for the public and quietly watched the meeting as the only member of the public attending that night. At the end of the meeting I believe right after the Mayor adjourned the meeting he made a comment to everyone that I thought to be extremely out of place and completely uncalled for which was" Just so you all know I might be up on charges. I touched Tony's bum" or something very close to that. This made me very uncomfortable as well as all council members and staff also looked very uncomfortable and didn't quite know how to respond. The Mayor carried on to explain that it was some sort of joke maybe. At this point I stopped listening as I was focused on how out of place I thought this comment to be and how this was certainly no way to be speaking immediately after a council meeting with everyone there.

Thank you,

Talia clark

[redacted]

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9 2026 In Camera Agenda in its entirety

Notes of the meeting held April 20, 20232

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:*

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On June 9-2026 SAYWARD COU Cl app e t Immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

> ***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".

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On June 9-2026 SAYWARD COUNCIL approved to immediate Rise and Report on the June 9-2026 In-Camera Agenda in its entirety

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

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On June 9-2026 SAYWARD COU [illegible] app [illegible] immediate R [illegible] and Report of the June 9-2026 In-Camera Agenda in its entirety

(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.

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On June 9-2026 SAYWARD COU CIL app t immediate rise and Report of the June 9 2026 In-Camera Agenda in its entirety

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

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On June 9-2026 SAYWARD COU[illegible]CIL app[illegible] e t[illegible] immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Village of
Sayward

Information and Privacy Commissioner
Office of the Information and Privacy Commissioner
PO Box 9038 Stn Provincial Government
Victoria, BC V8W 9A4

The following resolution was adopted by the Village of Sayward Council at it's May 3, 2023 in-camera council meeting:

MOTION IC23/38

MOVED AND SECONDED

THAT Council is prepared to accept the form of apology offered by Mayor Baker, the terms of which are described in the mediator's report from the April 20 mediation; and,

THAT upon confirmation that a written apology in those terms has been provided to Council, and to each complainant, that Council consider the matter resolved to its satisfaction.

Opposed Cllr Poulsen **CARRIED**

I hereby certify that this is a true copy of a resolution Council adopted on May 3, 2023.

Dated this 3rd, day of August 2023 in Sayward, BC

Keir Gervais
Chief Administrative Officer

On June 9-2026 SAYWARD COUNCIL app [illegible] immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

2023/05/07

Mr. Burchett,

In consideration of the shocking recent events, I would like to offer my sincerest apology. I'm sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it ever been my intention to offend you or anyone else. I often use humor to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or anyone else. I certainly want to abide by municipal policies and serve 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 as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone's feelings.

Once again, I apologize for any conceived offense that I may have unwittingly caused you, Mr. Burchett, or anyone else.

Sincerely,

Mark Baker

Mark Baker

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

2023/05/07

To Ms Talia Clark,

In consideration of the shocking recent events, I would like to offer my sincerest apology. I'm sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it ever been my intention to offend you or anyone else. I often use humor to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or anyone else. I certainly want to abide by municipal policies and serve 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 as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone's feelings.

Once again, I apologize for any conceived offense that I may have unwittingly caused you, council, or anyone else.

Sincerely,

Mark Baker

On June 9-2026 SAYWARD COU CIL app e t immediate Rise and Report of the June 9-2026 In-Camera Agenda in its entirety

Village of
Sayward

Thursday, June 4, 2026

Certified Resolution of Council for the Village of Sayward

I, Andrew Young, Chief Administrative Officer and Corporate Officer for the Village of Sayward, hereby certify that the following is a true copy of the resolution adopted by the Village of Sayward Council at its In-Camera (Closed) Council meeting held on **April 1, 2025** regarding "Confirmation of the Process for Rising and Reporting."

Confirmation of the Process for Rising and Reporting 90(1)(i)

MOTION R25/April 1-2025 #18

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

Andrew Young

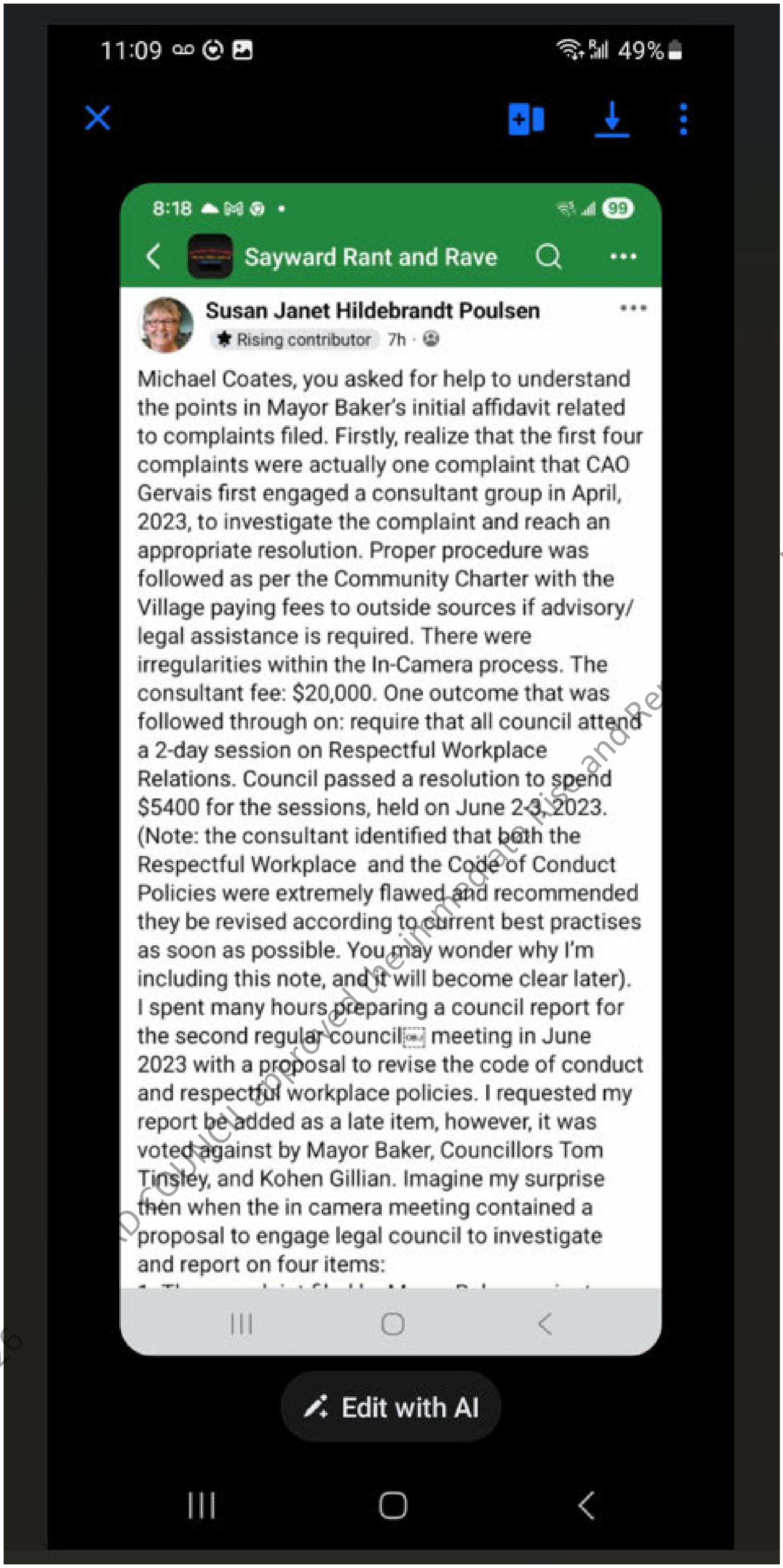
Andrew Young, MCIP, RPP
Chief Administrative Officer & Corporate Officer

JUN - 4 2026

Certified Resolution

On June 9-2026 SAYWARD COUNCIL app e t immediate Rise and Report of the June 2026 In-Camera Agenda in its entirety

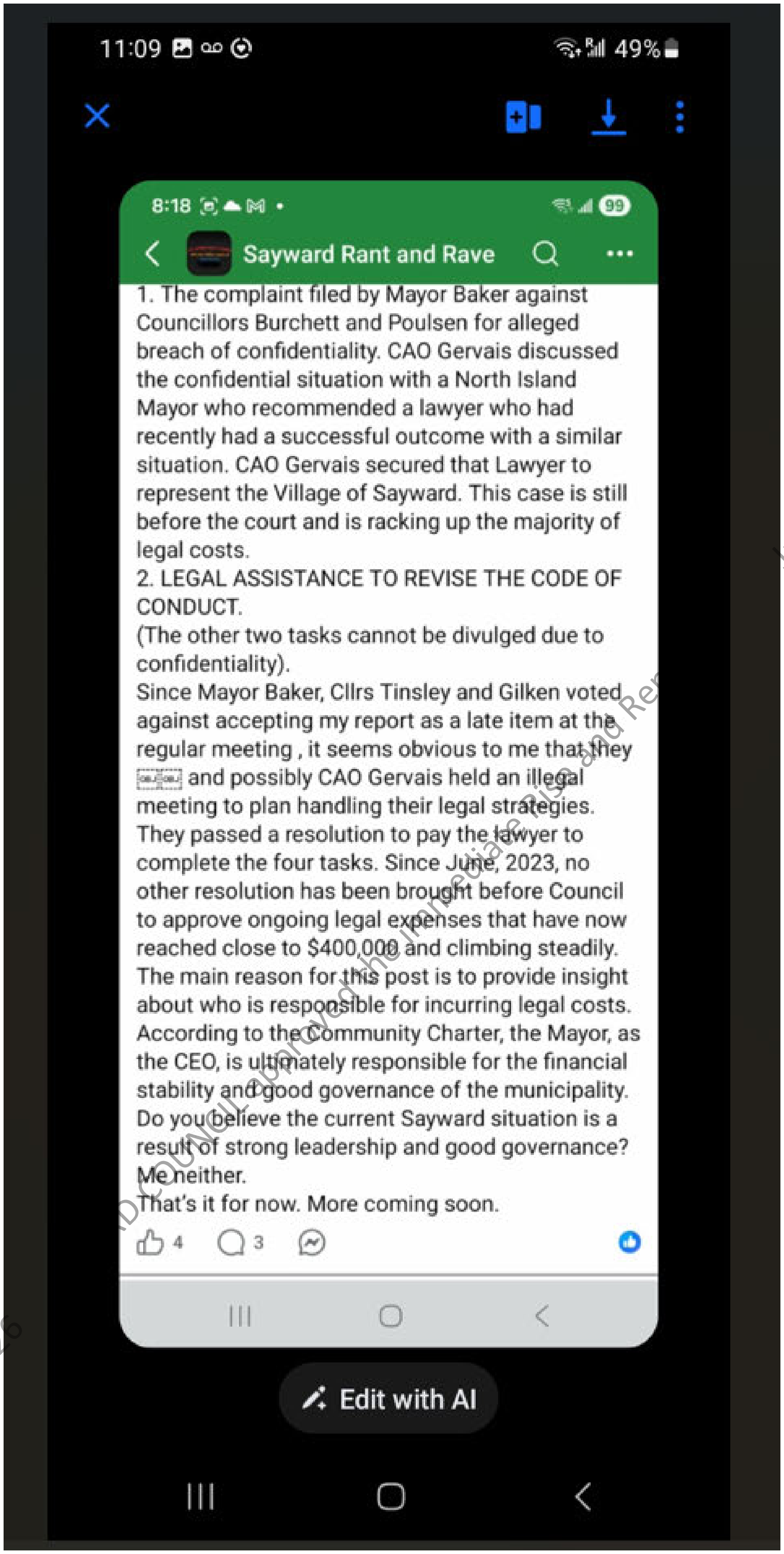
Received March 16, 2026 Cncl Poulsen FB Comments



Susan Janet Hildebrandt Poulsen

Michael Coates, you asked for help to understand the points in Mayor Baker's initial affidavit related to complaints filed. Firstly, realize that the first four complaints were actually one complaint that CAO Gervais first engaged a consultant group in April, 2023, to investigate the complaint and reach an appropriate resolution. Proper procedure was followed as per the Community Charter with the Village paying fees to outside sources if advisory/ legal assistance is required. There were irregularities within the In-Camera process. The consultant fee: $20,000. One outcome that was followed through on: require that all council attend a 2-day session on Respectful Workplace Relations. Council passed a resolution to spend $5400 for the sessions, held on June 2-3, 2023. (Note: the consultant identified that both the Respectful Workplace and the Code of Conduct Policies were extremely flawed and recommended they be revised according to current best practises as soon as possible. You may wonder why I'm including this note, and it will become clear later). I spent many hours preparing a council report for the second regular council meeting in June 2023 with a proposal to revise the code of conduct and respectful workplace policies. I requested my report be added as a late item, however, it was voted against by Mayor Baker, Councillors Tom Tinsley, and Kohen Gillian. Imagine my surprise then when the in camera meeting contained a proposal to engage legal council to investigate and report on four items:

On June 9-2026 Council approved the immediate release and Re... June 9-2026 In-Camera Agenda in its entirety.



1. The complaint filed by Mayor Baker against Councillors Burchett and Poulsen for alleged breach of confidentiality. CAO Gervais discussed the confidential situation with a North Island Mayor who recommended a lawyer who had recently had a successful outcome with a similar situation. CAO Gervais secured that Lawyer to represent the Village of Sayward. This case is still before the court and is racking up the majority of legal costs.
2. LEGAL ASSISTANCE TO REVISE THE CODE OF CONDUCT.

(The other two tasks cannot be divulged due to confidentiality).

Since Mayor Baker, Cllrs Tinsley and Gilken voted against accepting my report as a late item at the regular meeting , it seems obvious to me that they and possibly CAO Gervais held an illegal meeting to plan handling their legal strategies. They passed a resolution to pay the lawyer to complete the four tasks. Since June, 2023, no other resolution has been brought before Council to approve ongoing legal expenses that have now reached close to $400,000 and climbing steadily.

The main reason for this post is to provide insight about who is responsible for incurring legal costs. According to the Community Charter, the Mayor, as the CEO, is ultimately responsible for the financial stability and good governance of the municipality. Do you believe the current Sayward situation is a result of strong leadership and good governance? Me neither.

That's it for now. More coming soon.

On June 9-2026 D COUNCIL approved the Immediate Rise and Re June 9-2026 In-Camera Agenda in its entirety.