STAFF REPORT

To: Mayor & Council
From: John Thomas, A/CAO
Subject: **Confirmation of the Process for Rising and Reporting**
Meeting date: April 1, 2025

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

BACKGROUND

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

DISCUSSION

Municipal councils frequently hold in-camera (closed) meetings to discuss matters that require confidentiality. These meetings are governed by the Community Charter, which permits councils to deliberate in-camera on specific issues such as legal matters, labour relations, and land negotiations. While decisions made in-camera must sometimes remain confidential, it is equally important to release information when it no longer affects ongoing matters.

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

Process for Rising and Reporting Votes:

1. **Council Decision to Rise and Report:** At the conclusion of an in-camera discussion, Council may pass a resolution to "rise and report" on decisions that no longer require confidentiality. Once a resolution to rise and report is adopted, staff will work to issue a press release with the corresponding information and post it online and in the package of the next Regularly Scheduled Council meeting.

2. **Determining What Can Be Released:** Staff will review in-camera decisions and recommend which items can be disclosed publicly. Generally, Council decisions that no longer have a bearing on any existing or future matter before Council should be considered for release.

3. **Formal Reporting:** Once approved, in-camera decisions will be publicly reported through Council meeting minutes or a summary report.

4. **Timing of Disclosure:** Information should only be released when there is no risk to legal, financial, or strategic interests of the municipality.

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

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

The proper rising and reporting of in-camera votes balances transparency with the need for confidentiality. Council should ensure that decisions are released when appropriate while continuing to safeguard sensitive information. Staff will continue to monitor and provide recommendations on items suitable for public disclosure.

STAFF RECOMMENDATIONS

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.

Respectfully submitted,
Original signed

_____
John Thomas, A/CAO

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Baker v. France,*
2026 BCSC 850

Date: 20260508
Docket: S22667
Registry: Duncan

Between:

Mark Baker

Plaintiff

And

John France

Defendant

Before: The Honourable Justice Hamilton

Reasons for Judgment

Counsel for the Plaintiff:	A.G. LaCroix S. Matsell, Articled Student
Counsel for the Defendant:	D.R. Eyford, K.C. J.G. Cummings
Place and Dates of Hearing:	Nanaimo, B.C. February 11 and 12, 2026
Place and Date of Judgment:	Duncan, B.C. May 8, 2026

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INTRODUCTION

[1] In the underlying action, the plaintiff, who is the Mayor of the Village of Sayward, has sued the defendant, Mr. France, for defamation for a series of online posts Mr. France made to a Facebook group called Sayward Rant and Rave.

[2] Sayward is a village of approximately 350 people on the northeast coast of Vancouver Island. Mayor Baker is 61 years old and has been Sayward's mayor since 2020. Sayward is governed by a five-member council, including the mayor. Since 2022, Mayor Baker has also served as the chair and chief executive officer of the Strathcona Regional District, a government body of 14 directors which provides services to more than 48,000 residents from north central Vancouver Island and the Discovery Islands.

[3] During Mayor Baker's term as mayor, Sayward's council has experienced much turmoil and dysfunction and has been the subject of media attention. Sayward has faced serious financial issues and questions have arisen as to whether the municipality of Sayward should be dissolved.

[4] Mr. France is 72 years old. He was Sayward's chief administrative officer ("CAO") from 2017 to 2018. He served as acting CAO for Sayward in 2019, 2020 and 2022 before retiring in January 2023. Mr. France maintains a keen interest in local politics and the operations of Sayward and even ran unsuccessfully for election as a councillor in 2024.

[5] Between the summer of 2023 and the spring of 2024, Mr. France made posts on the Rant and Rave forum that were critical of Mayor Baker. Mayor Baker claims that Mr. France's statements are defamatory and have caused him reputational and other damage.

[6] Mr. France admits he authored and published the communications. In his communications, he comments on matters relating to Sayward's governance and operations and the plaintiff's conduct as Mayor. Mr. France's posts include allegations that Mayor Baker has engaged in sexual harassment, has not

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appropriately handled complaints made about his conduct and has used public funds to defend his conduct.

[7] Mr. France denies that his statements were defamatory. In the alternative, he relies on the defences of justification, fair comment and qualified privilege.

[8] In advance of any determination of the defamation claim on the merits, Mr. France applies to have the action dismissed pursuant to s. 4 of the *Protection of Public Participation Act*, S.B.C. 2019, c. 3 (the "*PPPA* Application*"*).

[9] The *PPPA* is a pre-trial screening process in which defamation claims are assessed to determine if the public interest in preserving free speech and debate outweighs the harm that the plaintiff's defamation action purports to address.

[10] The issues in this *PPPA* Application engage stage 2 and the final weighing stage of the legislative test and are as follows:

a) Are there grounds to believe that there is substantial merit to Mayor Baker's defamation proceeding?

b) Are there grounds to believe that Mr. France's defences will likely fail? and

c) Even if there is substantial merit to Mayor Baker's defamation action, and there are grounds to believe that Mr. France's defences are likely to fail, does the public interest in protecting free speech outweigh the public interest in protecting Mayor Baker and his reputation from harm?

[11] For the reasons that follow, I am satisfied that Mayor Baker's defamation action should be dismissed because there are reasonable grounds to conclude that at least one of Mr. France's defences will succeed. In the alternative, I find that the public interest in protecting free speech in this case outweighs the public interest in protecting Mayor Baker and his reputation from harm.

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Defendant's Preliminary Objection to Certain Evidence

[12] The defendant raised a preliminary objection to portions of the plaintiff's affidavit materials. I agree with the defendant that the plaintiff's affidavits contain many examples of inadmissible hearsay, opinion, expert medical opinion, irrelevant statements and vague assertions. Two particularly egregious examples of inadmissible hearsay evidence are:

a) Mayor Baker's statements in his affidavit regarding what the RCMP investigator told him about what Talia Clark told the RCMP. The RCMP investigator is not an affiant. Some of this evidence is thus triple hearsay and inadmissible; and

b) Mayor Baker's affidavit attaches an affidavit of a third party, John Thomas, as an exhibit. Mr. Thomas is a former chief administrator officer of Sayward and his affidavit was filed in a different proceeding in a different registry. As an exhibit, the affidavit of Mr. Thomas is hearsay. The reliability and necessity of the evidence have not been established in this proceeding. Mr. Thomas is unable to be cross-examined in these proceedings when he is not an affiant.

[13] These two examples of hearsay are inadmissible.

[14] Being mindful of the preliminary nature of a *PPPA* Application, I have not taken an overly exclusionary approach to the evidence. Thus, I have approached the remaining impugned evidence with caution in terms of weight. This includes certain evidence offered by Mayor Baker and his wife, which would require expert medical opinion evidence by a qualified medical professional. I will address this evidence in more detail below.

BACKGROUND FACTS

Complaints Made Regarding the Plaintiff's Conduct

[15] Most of the defendant's posts relate to complaints made about Mayor Baker's conduct at the following three events:

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a) A Christmas decorating event on December 16, 2022;

b) A municipal leadership conference held at a Nanaimo hotel on February 16 and 17, 2023; and

c) A Sayward council meeting on March 14, 2023.

[16] To put the issues in the application in context, it is necessary to set out the conduct in which Mayor Baker is alleged to have engaged.

[17] On December 16, 2022, Sayward councillor Scott Burchett's common law partner Talia Clark, volunteered to help decorate Sayward for an outdoor Christmas event. Ms. Clark deposes that Mayor Baker, whom she had only met two or three times before, seemed interested in engaging her and rested his hand on her shoulder and arm several times. Ms. Clark describes Mayor Baker's behaviour as unexpected and "creepy".

[18] Two months later, on February 16 and 17, 2023, councillors Burchett and Gilken and Mayor Baker attended a conference at a hotel in Nanaimo. Ms. Clark stayed at the hotel with her partner Councillor Burchett.

[19] During the conference, Ms. Clark and Mr. Burchett contend that:

a) Mayor Baker seemed inappropriately focussed on Councillor Gilken (who was only 18 years old at the time), finding a girlfriend. Talia Clark states that Mayor Baker made one comment after another in that regard, such as suggesting Mr. Gilken 'keep up his appearance for the ladies' and that he make sure he stays single when travelling because 'women abroad are amazing'.

b) Mayor Baker dined in the hotel restaurant on February 16, 2023 with Councillors Gilken and Burchett at which time Mayor Baker asked the young female server if she dated guys who drove "lifted" trucks like Mr. Gilken's vehicle and whether Mr. Gilken's truck would increase his chances of getting a girlfriend. Mr. Burchett thought the young server

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looked awkward in reaction to the comments. Mr. Burchett described feeling horrible that this was how Sayward was being represented at the conference.

c) Mayor Baker had a discussion with Mr. Burchett, Mr. Gilken and Ms. Clark the morning of February 17, 2023 by the hotel elevator during which Mr. Burchett said he had not slept well. Ms. Clark says that Mayor Baker then looked her up and down, insinuating that she had kept Councillor Burchett up all night having sex. Ms. Clark says she was disgusted and walked away to stop Mayor Baker from leering at her.

d) Mayor Baker attended breakfast at the hotel on February 17, 2023, with Councillors Gilken and Burchett and Ms. Clark at which he:

    a. Put his arm around Ms. Clark's shoulder while introducing her to a table of municipal officials; and

    b. At another point during breakfast, joked that his pockets were full of condoms he had brought for Councillor Gilken's use.

[20] Mayor Baker does not deny that he made the jokes alleged in a) and b) above. His counsel submits that Mayor Baker's humour is "mildly sophomoric" but intended to be "light-hearted". He suggests that no reasonable person would be offended by Mayor Baker's humour.

[21] Mayor Baker denies leering at Ms. Clark or suggesting she kept Mr. Burchett up all night at the Nanaimo conference.

[22] As for the touching behaviour, Mayor Baker does not specifically recall touching Ms. Clark either at the Christmas decorating event or when introducing her at the Nanaimo conference. However, he admits that he sometimes gives people a warm greeting by touching them on the shoulder or arm. Mayor Baker emphasizes that he never touched Ms. Clark "for a sexual purpose". Mayor Baker takes issue

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that these jokes or the alleged touching could be characterized as sexual harassment.

[23] In late February 2023, following the December decorating event and the Nanaimo conference, Ms. Clark and Mr. Burchett each made formal sexual harassment complaints against Mayor Baker to the Village of Sayward.

[24] On March 14, 2023, Ms. Clark attended a council meeting with Mr. Burchett in Sayward. Despite having filed a sexual harassment claim against Mayor Baker less than three weeks prior, Ms. Clark states that Mayor Baker again touched her on her shoulder in the hall before the meeting. Then, during the council meeting, Ms. Clark claims that Mayor Baker looked straight at her while he joked that he "might be brought up on charges" because he "touched Tony's [the janitor's] bum".

[25] Ms. Clark says she felt that Mayor Baker was directing his comment at her in response to her filing a complaint.

[26] Mayor Baker states that he does not specifically recall touching Ms. Clark in the hall before the council meeting. Mayor Baker also denies that he stared at Ms. Clark during the meeting. However, he admits that during the council meeting, he joked that he "might be brought up on charges" because he accidentally "touched Tony's bum". As with the Nanaimo conference, Mayor Baker states that no one would be offended by his mildly sophomoric humour.

[27] Ms. Clark made a further complaint to the municipality of Sayward against Mayor Baker based on his conduct and statements at the March 2023 council meeting.

[28] Keir Gervais, who was the Village of Sayward's CAO in February 2023, deposes that Sayward retained a consultant named Jerry Berry to do an initial investigation of the sexual harassment complaints.

[29] Mr. Berry apparently did not interview Ms. Clark but recommended mediation. Mr. Gervais states that an informal mediation occurred April 20, 2023, although the

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process only involved Mr. Burchett and Mayor Baker, not Ms. Clark. The mediation was unsuccessful.

[30] Mr. Gervais confirms that the sexual harassment complaints were then addressed at an *in camera* meeting of council. Mr. Berry attended. Mr. Burchett was not permitted to attend the *in camera* session. Apparently, three council members (i.e. a majority), including Mr. Gilken voted to accept the wording of proposed letters of apology from Mayor Baker to Ms. Clark and Councillor Burchett.

[31] Following the *in camera* council meeting, Mayor Baker signed separate but identical apology letters to Ms. Clark and Councillor Burchett on May 7, 2023. The apology letters do not acknowledge that Mayor Baker engaged in sexual harassment. In the apology letters, Mayor Baker states that he did not intend to offend Mr. Burchett/Ms. Clark and that he is sorry if his behaviour offended them.

The Defendant's Alleged Defamatory Posts

[32] The Sayward Rant and Rave Facebook group has approximately 1700 members. Its stated purpose is to provide a platform for discussion of matters of public interest, including the governance of Sayward and the conduct and activities of Sayward's elected representatives and administrators. Mr. France is a member of the group and participates in discussions on the platform.

[33] Mr. France initially learned of the sexual harassment allegations against Mayor Baker in February 2023 when a Sayward staff member called him for advice as the former CAO of Sayward. Mr. France told the staff member to ensure that the complainant(s) were provided with the right form in which to make their complaints and to encourage the complainants to contact the current CAO.

[34] Mr. France was away until April 2023. After the council's *in camera* meeting, Mr. Burchett told Mr. France that Mayor Baker had written them letters of apology but that he and Ms. Clark were not satisfied with the content.

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[35] Mr. France then called Mayor Baker on May 12, 2023, to offer him advice regarding how to handle the complaints. Mr. France knew Mayor Baker because his time as acting CAO for Sayward overlapped with Mayor Baker's term as Mayor. Mr. France's suggestions included that Mayor Baker offer a public apology in a form acceptable to Mr. Burchett and Ms. Clark and take sensitivity training. Mayor Baker chose not to accept Mr. France's advice. Mayor Baker says he found Mr. France's call threatening.

[36] Unsatisfied with the way her municipal complaints were handled, Ms. Clark complained to the RCMP; however, no charges were laid.

[37] Unsatisfied with how his municipal complaint was handled, Councillor Burchett filed a complaint with the British Columbia Human Rights Tribunal, alleging that Mayor Baker and Sayward's chief administrative officer Mr. Gervais, discriminated against him based on his relationship with Ms. Clark. I understand the Human Rights Tribunal complaint is yet to be addressed.

[38] Between June 29, 2023 and March 26, 2024, Mr. France made 15 posts to Sayward Rant and Rave. Mayor Baker alleges that 13 of Mr. France's posts made between August 28, 2023 and March 26, 2024, are defamatory.

[39] Mr. France's 15 posts are reproduced at Appendix A to these reasons. Mayor Baker does not take issue with Mr. France's first two posts made June 29, 2023 and July 28, 2023, on the Facebook forum. However, I include them for context.

[40] The 13 impugned posts include Mayor Baker's counsel's underlining of the portions which he says are defamatory. Before addressing Mr. France's *PPPA* application, I will summarize the posts to provide the evolution of the alleged defamatory speech over between the summer of 2023 and the spring of 2024.

[41] Mr. France's posts can be summarized as follows:

a) **June 29, 2023**: Mr. France says he enjoyed working with staff and council when he was CAO but finds the current behaviour of council unfortunate

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and feels the need to speak up. Mr. France says he was approached by staff for advice in February 2023 about how to handle alleged sexual misconduct by a council member, gave some advice and hoped the matter would be resolved fairly and inexpensively. Mr. France states that he has not received any confidential *in camera* information and is unaware as to the outcome of the sexual misconduct complaint. However, he questions whether the particularly nasty, divisive behaviour amongst Sayward councillors at their meetings might relate to the sexual misconduct allegations. He states that council needs to follow the meeting rules contained in the bylaws to help regulate their behaviour at meetings and expresses concern about Sayward residents already paying the large tax increases.

b) **July 28, 2023**: Mr. France expresses concern regarding (1) the majority of council members silencing the minority at meetings; and (2) council's dysfunction costing Sayward taxpayers money. Mr. France says he does not have full details but knows that the misconduct allegations were against the Mayor for inappropriate comments and uninvited actions in February 2023. Mr. France repeats his concern that council's dysfunction and division observable during the public portion of council meetings might relate to the allegations. He expresses concern that the Mayor is not following proper council meeting rules in order to silence council members. Mr. France says he hopes that the Mayor has not put himself in a conflict position by directing the investigation into the allegations. He expresses hope that the allegations can be addressed fairly, inexpensively and with accountability.

c) **August 28, 2023**: Mr. France encourages people to observe council meetings themselves, stating that it is improper for council to deal with a resolution *in camera* just because council does not want to address it publicly. Mr. Frances suggests it was improper for counsel to discuss the following *in camera*:

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i. whether the Sayward auditor should audit alleged unauthorized or irregular expenses; and

ii. which councillor would represent Sayward at the UBCM meetings.

Mr. France states that after going *in camera,* council chose to send the Mayor to the UBCM meetings. He suggests this is improper given the allegations that the Mayor engaged in sexual harassment at the Nanaimo conference and has not accepted responsibility for his actions.

d) **September 7, 2023**: Mr. France posts that he was summoned to appear before council, for an "inquisition" meeting to determine whether he had received confidential *in camera* information (which Mr. France denies). Mr. France states his view that council are taking this step to attempt to hide the Mayor's sexual harassment behaviour. Mr. France expresses disappointment that council is spending money on inquisitions that could better be used for public services for Sayward residents.

e) **Undated**: in response to a question from another member of the Facebook group, Mr. France confirms that the Mayor has not been charged criminally but that there are complaints to the Ombudsperson for council impropriety and a human rights complaint. Mr. France states that Mayor Baker signed two apology letters in relation to the sexual harassment complaints, adding "you don't apologize for something you didn't do. He states that he has seen one apology letter but not the second. Mr. France asks the other member, "Are you really saying it didn't happen? If so ask the Mayor…"

f) **September 8, 2023**: Mr. France states that Mayor Baker should not have been involved in any emails or *in camera* votes that related to his sexual harassment behaviour.

g) **September 12, 2023**: Mr. France posts he will not be attending the special meeting that night. He states the Mayor admitted to sexual harassment

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behaviour. Mr. France states that the Mayor must have participated in the decisions (to summons Mr. France) despite having a conflict of interest because the Mayor's vote was needed to form a majority. He expresses concern for the way Sayward has been administered and the legal fees that must have been incurred to date handling the complaints in this manner. Mr. France states he is still willing to offer his services to help bring the "whole farce" to a less confrontational, less costly end.

h) **September 20, 2023**: Mr. France confirms that he did not attend the "inquisition" meeting with council. Mr. France states that the Mayor issued two apology letters in relation to the sexual harassment complaints. Mr. France states that he has read one of the letters which was rejected because it wasn't really an apology. He states the majority of council wrongfully assumed he had received confidential *in camera* information about the complaints. Mr. France repeats his previous suggestion that summoning him to attend an inquisition improperly deflects attention from the Mayor's harassment case. He states that the Mayor sexually harassed two individuals, which: (1) put him in a conflict of interest regarding any decisions about the complaints; and (2) subjects him to sanctions under the community charter including being disqualified from public office. Mr. France questions whether $40,000(?) of public funds has been spent protecting the Mayor's image instead of resolving the complaints months ago.

i) **October 7, 2023**: Mr. France states that he received a "SLAPP" letter from Mayor Baker, which he explains refers to Strategic Lawsuits Against Public Participation used to silence public critics by forcing them into legal battles. He addresses his post to Mayor Baker, stating:

   i. I use the term "sexual harassment because that is what you did;

   ii. You did not own up to your behaviour in your "fake" apology letter;

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iii. Because you did not own up to your behaviour and apologize sincerely, the matter remains unresolved and continues to cost Sayward money;

iv. You sexually harassed two individuals and pulled the issue from the online public agenda to keep your behaviour hidden;

v. The law says harassment exists for both the recipient and persons who heard or saw the misbehaviour. Your comment that sexual harassment requires an employer/employee relationship is incorrect;

vi. Mr. France explains that his allegation of abuse of power relates to public council meetings in which council majority (including Mayor Baker) have repeatedly used their power to silence the two councillors who are in the minority.

vii. Mr. France reiterates his offer, even after all that has taken place, to help council resolve its differences and "start the healing process".

j) **October 23, 2023**: In a caustic post, Mr. France sarcastically "apologizes" to Mayor Baker for such things like not better informing him of council rules and procedures including the proper use of *in camera* meetings when he was CAO of Sayward. He also "apologizes" for not advising Mayor Baker that unwanted touching and/or lewd comments to anyone and over several/any occasions (against several different women) is wrong and not funny.

k) **October 26, 2023**: Mr. France posts that it was inappropriate for the Mayor to ask Ms. Clark to leave the council meeting. He states that Ms. Clark was the person who Mayor Baker harassed, adding that "she was not the only recipient of unwanted advances". Mr. France states that Mayor Baker's wife, who attended the meeting, has been spreading an inaccurate version of the harassment around Sayward. He comments on

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some goings on in Sayward and states that the Ombudsman complaint and the human rights complaints on harassment are still “in the pipes.”

l) **October 28, 2023**: Mr. France reiterates that he initially learned of the Mayor’s misbehaviour in February, 2023 when he was asked by a staff member to assist. He states that he offered to assist but that the majority of council decided to take a more costly path. He reiterates much from the previous posts.

m) **January 15, 2024**: Mr. France wishes everyone a happy New Year. He says he is reporting on the ‘continuing disaster that is the control of the majority on Sayward council’ and its negative impact on the community. He posts his “New Year's Resolutions” for Sayward. He says his job will be done when Mayor Baker apologizes for his behaviour in an acceptable manner. In the meantime, he encourages others not to believe that Sayward’s overspending relates to the two minority councillors. Instead, he states the overspending relates to the poor advice council received in dealing with the harassment complaints (a lot of money spent trying to protect the Mayor) and the issues relating to council process.

n) **March 20, 2024**: Mr. Gilken resigned so Mr. France wishes him well. He refers to Mayor Baker as “Touchy” and another council member as “Testy” in the post. Mr. France hopes that council’s governance will be more accountable and transparent going forward because Mr. Gilken’s resignation gets rid of the majority. He hopes the lack of majority means council members will listen to each other even if they do not like each other. He also hopes to receive details about Sayward’s spending for 2023.

o) **March 26, 2024**: Mr. France expresses his view that efforts to compel him to appear before counsel were made in an attempt to continue to cover up the Mayor’s bad behaviour.

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***PPPA* APPLICATION**

A. The Legal Test

[42] Section 4 of the *PPPA* states:

> **4** (1) In a proceeding, a person against whom the proceeding has been brought may apply for a dismissal order under subsection (2) on the basis that
>
> (a) the proceeding arises from an expression made by the applicant, and
>
> (b) the expression relates to a matter of public interest.
>
> (2) If the applicant satisfies the court that the proceeding arises from an expression referred to in subsection (1), the court must make a dismissal order unless the respondent satisfies the court that
>
> (a) there are grounds to believe that
>
> (i) the proceeding has substantial merit, and
>
> (ii) the applicant has no valid defence in the proceeding, and
>
> (b) the harm likely to have been or to be suffered by the respondent as a result of the applicant's expression is serious enough that the public interest in continuing the proceeding outweighs the public interest in protecting that expression.

[43] The *PPPA* serves two important purposes:

> (1) to protect free speech by screening out, at an early stage, strategic lawsuits that adversely affect debate and participation in matters of public interest; and
>
> (2) to ensure that people can seek redress for harm to their reputations caused by defamatory statements
>
> *Teneycke v. McVety,* 2024 ONCA 927 at para. 34.

[44] In *Hobbs v. Warner,* 2021 BCCA 290 at paras. 11–15, our Court of Appeal outlined the steps under s. 4 in deciding whether a proposed action should proceed:

> a) In the first step, under s. 4(1)(a) and (b), the onus is on the applicant defendant to demonstrate on a balance of probabilities that:

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i. the proceeding arises from an expression made by the defendant; and

ii. the expression relates to a matter of public interest. The words "relates to a matter of public interest" are to be given a broad, liberal interpretation: *1704604 Ontario Ltd. v. Pointes Protection Association*, 2020 SCC 22 [*Pointes*] at para. 28.

b) In the second step, under s. 4(2)(a), the onus shifts to the respondent plaintiff to show that the action should not be dismissed. At this stage, the plaintiff must satisfy the judge that there are grounds to believe that:

i. the proceeding has substantial merit; and

ii. the defendant has no valid defence to the proceeding.

c) The final step, under s. 4(2)(b), requires weighing the public interest in allowing meritorious lawsuits to proceed against the public interest in protecting expression on matters of public interest.

B. Analysis

1. Step 1: Section 4(1)(a): Does the proceeding arise from an expression made by the defendant?

[45] The defendant admits that he made the 13 impugned posts. Thus, the threshold burden under s. 4(1)(a) of the *PPPA* is met.

2. Step 1: Section 4(1)(b): Does the expression relate to a matter of public interest?

[46] Mayor Baker concedes that the expressions, if true, relate to a matter of public interest. I agree. The posts relate to the conduct of Sayward's mayor and council as well as council's governance, transparency, accountability and fiscal responsibility. Discussions about Sayward governance and operations, including the conduct of the mayor and elected council members are matters of public interest within the community of Sayward. These matters are of public interest even beyond

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the community, particularly in light of the media coverage regarding whether Sayward will be dissolved as a municipality.

[47] Mr. France, as applicant, has met the threshold burden under s. 4(1)(b) of the *PPPA*: the expressions that form the subject matter of this lawsuit are expressions that relate to matters of public interest.

3. Step 2: Section 4(2)(a)(i): Are there grounds to believe the proceeding has substantial merit?

[48] At this stage of the analysis, the plaintiff must satisfy the court that there are grounds to believe that his defamation claim is legally tenable and supported by evidence that is reasonably capable of belief. That is, Mayor Baker must show that his defamation claim has a real prospect of success: *Hobbs* at para. 13.

[49] "Grounds to believe" that the claim is legally tenable requires something more than mere suspicion, but less than proof on the balance of probabilities standard: *Pointes* at paras. 39–40.

[50] The "grounds to believe" standard only requires a basis in the record and the law, taking into account the relatively early stage of the litigation: *Pointes* at para. 39. Any basis in the record and the law will suffice. A basis will exist if there is a single basis in the record and the law to support a finding of substantial merit and the absence of a valid defence: *Bent* at para. 88.

[51] The "substantial merit" standard is less stringent than a strong *prima facie* case, or the test for summary judgment. However, "substantial merit" is more demanding than a claim having *some* chance or a *reasonable prospect* of success: *Pointes* at paras. 51–52 [Emphasis in original.]

[52] In assessing whether there are grounds to believe that the plaintiff's defamation proceeding has substantial merit for the purposes of s. 4(2), I must consider the three elements that the plaintiff must establish in his defamation case:

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a) the words complained of were published, meaning that they were communicated to at least one person other than Mayor Baker;
b) the words complained of referred to Mayor Baker; and
c) the impugned words were defamatory in the sense that they would tend to lower Mayor Baker's reputation in the eyes of a reasonable person.

See *Hamer v. Jane Doe*, 2024 ONCA 721 at para. 56.

[53] In terms of the first element, there is no issue that the allegations were published— Mr. France admits he posted the 13 posts to the Rant and Rave Facebook forum. In terms of the second required element, Mr. France concedes that 12 of the 13 posts relate to Mayor Baker. The focus of the analysis therefore shifts to the third requirement—whether there are grounds to believe that the posts that refer to Mayor Baker were defamatory.

[54] In a defamation claim involving a series of online posts, it is appropriate to consider the cumulative effect of the posts rather than to take a piecemeal approach to each post: *Hamer* at paras. 58–59.

[55] As in *Hamer*, I find that the posts are inseparable from each other as part of a series. It is appropriate for me to consider them together to ascertain the main thrust or "sting" of the defamation. Considering the posts together, I find that the sting of the expressions is that the respondent, as mayor of Sayward has: (1) engaged in sexual harassment; (2) dealt with the sexual harassment complaints inappropriately; and (3) has used public funds to defend his conduct.

[56] In *Janzen v. Platy Enterprises Ltd.*, (1989) 1 S.C.R., 1252 the Supreme Court of Canada addressed the broad meaning of "sexual harassment", stating at para. 56:

> Without seeking to provide an exhaustive definition of the term, I am of the view that sexual harassment in the workplace may be broadly defined as unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of harassment. …

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[57] In *Janzen* at para. 49, the Court cites Professors Constance Backhouse and Leah Cohen as follows:

> Sexual harassment can manifest itself both physically and psychologically. In the milder forms, it can involve verbal innuendo and inappropriate affection and gestures. It can, however, escalate to extreme behaviour amounting to attempted rape and rape. Physically, the recipient may be the victim of pinching, grabbing, hugging, patting, leering, brushing against and touching. Psychological harassment can involve a relentless proposal of physical intimacy, beginning with subtle hints which may lead to overt requests for dates or sexual favours.

[58] In *Ms. K* v. *Deep Creek Store and another*, 2021 BCHRT 158, the British Columbia Human Rights Tribunal adopted the following definition of sexual harassment:

> [80] On judicial review from *Mahmoodi*, the BC Supreme Court in *Dutton v. British Colombia (Human Rights Tribunal)*, 2001 BCSC 1256 [***Dutton***] cited *Janzen* as well as Arjun P. Aggarwal, Sexual Harassment in the Workplace (Toronto: Butterworths, 1987):
>
> > *Sexual harassment is any sexually-oriented practice that endangers an individual's continued employment, negatively affects his/her work performance, or undermines his/her sense of personal dignity. Harassment behaviour may manifest itself blatantly in forms such as leering, grabbing, and even sexual assault. More subtle forms of sexual harassment may include sexual innuendoes and propositions for dates or sexual favours: cited at para. 68.*

[59] Regarding a complainant's obligation to prove that alleged sexual harassment was "unwelcome" or "unwanted", the tribunal stated:

> [93] In summary, to find sexual harassment contrary to the *Code*, the Tribunal must determine that the conduct is unwelcome or unwanted. The burden on the complainant is to prove that they were adversely impacted by the sexualized conduct. If they do so, it is implicit in that finding that the conduct is unwelcome. It is open to a respondent to challenge an alleged adverse impact, so long as they do not rely on gender-based stereotypes and myths.

[60] The thrust of Mr. France's posts is that:

a) Mayor Baker engaged in sexual harassment behaviour;

b) formal sexual harassment complaints were made;

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c) Mayor Baker and council did not handle the sexual harassment complaints properly (including dealing with matters *in camera*, Mayor Baker remaining involved in decisions relating to the complaints (despite an obvious conflict of interest) and Mayor Baker not accepting responsibility for his actions); and

d) as a result, the sexual harassment complaints were not resolved promptly and inexpensively.

[61] While Mayor Baker's primary focus and opposition to the posts relates to what he claims is Mr. France wrongfully describing his behaviour as "sexual harassment", Mr. France's primary focus in the posts is on the way the complaints were mishandled. However, within his series of posts, Mr. France does make reference to Mayor Baker having made lewd jokes and unwelcome actions or advances at the February 2023 leadership meeting.

[62] Mr. France's statement that Mayor Baker made lewd jokes and unwelcome actions or advances describes behaviour on the milder end of the sexual harassment continuum compared to sexual assault, for example.

[63] However, it is generally understood that even "milder" forms of sexual harassment can have serious impact on victims and on the environment in which the harassment occurs. Thus, in my view, allegations of sexual harassment of any type are serious allegations which would tend to lower one's reputation among reasonable people.

[64] Here, the focus of Mr. France's posts extends beyond Mayor Baker engaging in sexual harassment behaviour. Mr. France states repeatedly that Mayor Baker failed to properly address the sexual harassment complaints. Mr. France states that Mayor Baker used his power to direct that the complaints be addressed *in camera* to keep his misconduct out of the public forum.

[65] The statements that Mayor Baker, having engaged in sexual harassment, tried to hide his misconduct would also tend to lower Mayor Baker's reputation in the

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eyes of reasonable people. Similarly, Mr. France's statements that Mayor Baker has used public funds to continue to defend his conduct rather than resolve matters would also lower Mayor Baker's reputation in the eyes of reasonable people.

[66] For these reasons, I find that there are grounds to believe that the plaintiff's defamation claim is legally tenable and has a real prospect of success. Mayor Baker has satisfied this branch of the test.

4. Step 2: Section 4(2)(a)(b): Are there grounds to believe the applicants have no valid defences?

[67] The next step in the analysis requires the court to assess whether there are grounds to believe that the applicant has no valid defences to the defamation action. Mr. France must first raise the defences he intends to rely on, and Mayor Baker must then show that there are grounds to believe that none of those defences have a real prospect of success: *Hobbs* at para.14.

[68] Mayor Baker is not required to establish that Mr. France's defences are invalid, only that there are "grounds to believe" that none of his defences are valid. The standard is less than a balance of probabilities. This burden is satisfied where there is a basis in the record and the law for concluding that the defences asserted will not succeed: *Mondal*, at paras. 50-51; *Bent*, at para. 103; and *Subway Franchise Systems of Canada Inc. v. Canadian Broadcasting Corporation*, 2021 ONCA 26, 455 D.L.R. (4th) 525, at paras. 66-68, leave to appeal refused, [2021] S.C.C.A. No. 87.

a) What defences have been raised?

[69] In his pleadings and on this application, Mr. France has identified three defences: (1) justification; (2) fair comment; and (3) qualified privilege. I will address the defence of justification first.

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b) Are there grounds to believe that no defences have a real prospect of success?: Justification

[70] If the defendant raises a defence, then the plaintiff bears the onus of demonstrating that there is a basis in the record and the law—taking into account the stage of the proceeding—to support a finding that the defence does not tend to weigh more in the defendant's favour. In *Bent*, Côté J. described this stage of the analysis as follows, at para. 103:

> … The logical syllogism is clear: (i) Dr. Platnick must show that there are grounds to believe that Ms. Bent's defences have no real prospect of success (*Pointes Protection*, at para. 60); (ii) this requires a showing that there are grounds to believe that the defences do not tend to weigh more in favour of Ms. Bent (para. 49); (iii) in light of the definition of "grounds to believe", this means that there must be a basis in the record and the law — taking into account the stage of the proceeding — to support a finding that the defences do not tend to weigh more in favour of Ms. Bent (para. 39).

[71] At this stage, the court is called upon to determine a defence's validity on a limited record at an early stage of the proceeding: *Hobbs* at para. 14.

[72] A determination that a defence could go either way, in the sense that a reasonable trier could accept or reject it, is a finding that a reasonable trier could reject the defence: *Simán v. Eisenbrandt,* 2023 BCSC 379 at para. 106, aff'd 2024 BCCA 176.

[73] Justification (truth) is a complete defence to defamation. The test is substantial truth: *Morton v. Union of BC Indian Chiefs*, 2026 BCSC 788 at para. 58, citing *Zhao v. Corus Entertainment Inc.,* 2020 BCSC 1533 at paras. 78–79*,* aff'd *2021 BCCA 408*; *Casses v. Canadian Broadcasting Corporation,* 2015 BCSC 2150 at para. 550 and *Taseko Mines Limited v. Western Canada Wilderness Committee,* 2016 BCSC 109 at paras. 20–23*,* rev'd in part on other grounds 2017 BCCA 431.

[74] In *Taseko Mines* at para. 22, the Court addressed the meaning of "substantially true", adopting the definition used by Raymond E. Brown in *Brown on Defamation*, which in part states:

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> …
>
> A statement is substantially true where the alleged defamatory statement is no more ignominious in the mind of the average listener than a true statement would have been. Minor inaccuracies are acceptable and will be ignored. The literal truth of the precise statement made does not have to be shown. The law "overlooks minor inaccuracies and concentrates upon substantial truth." The test is substantial, not literal, accuracy …
>
> If a false statement in the publication is immaterial to the gist or sting of the libel, it does not render an otherwise true statement defamatory.
>
> …
>
> The test is "whether the libel as published would have a different effect on the mind of the reader from that which the pleaded truth would have produced." In other words, does the publication make the plaintiff significantly worse off than a literally true publication would have, or would the plaintiff have been exposed to any more opprobrium if the publication had been free from error? It must be "so misleading that it produces a different effect on a reader's mind than would the truth" …
>
> [Emphasis in original.]
>
> *Morton* at para. 59.

[75] Mayor Baker takes issue with the reliability of Ms. Clark's affidavit. However, I do not accede to his arguments as much of the relevant evidence regarding Mayor Baker's interactions with Ms. Clark and Mr. Burchett is undisputed.

[76] Mayor Baker admits that he made the comments about Mr. Gilken's lifted truck and about the condoms. He also admits to making the joke at the council meeting that he could be up on charges for touching Tony's bum.

[77] With regard to Ms. Clark's complaints that Mayor Baker repeatedly touched her, Mayor Baker has no specific recollection of touching Ms. Clark but admits that he touches people's arms in greeting them. He denies touching Ms. Clark in a sexual or nefarious way.

[78] Mayor Baker argues that Mr. France's statements that he engaged in "sexual harassment" either by touching Ms. Clark or by making comments in Ms. Clark's or Mr. Burchett's presence are false. Mayor Baker steadfastly maintains that none of his behaviour constitutes sexual harassment.

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[79] In addition, Mayor Baker argues that the following select portions of Mr. France's statements are false: (1) that Mayor Baker "admitted" to sexual harassment behaviour (September 7, 12 and 20th posts); (2) that Mayor Baker made "advances" toward two women (October 26th post); (3) that Mayor Baker sexually harassed "two individuals", engaged in "unwanted touching" or made "lewd comments" on "several" occasions towards "several" women (October 23rd post).

[80] I will first deal with Mayor Baker's argument that his joking and touching conduct is not sexual harassment. Mayor Baker claims his conduct is not sexual harassment for reasons including that:

a) his jokes about lifted vehicles, condoms and touching Tony's bum were not "vulgar" and not intended to offend;

b) his joke about touching Tony's bum was not directed at Ms. Clark;

c) he did not touch Ms. Clark in a sexual way, was not alone with Ms. Clark, did not ask her for a date or make sexual advances toward her; and

d) his intention in touching people is to greet them warmly, not to make people uncomfortable.

[81] In my view, Mayor Baker's explanations miss the mark.

[82] First, Mayor Baker's intentions are irrelevant to whether his conduct constitutes sexual harassment. Neither *Janzen* nor *Ms. K.* v *Deep Creek Store and another* identify a respondent's intention as a relevant factor in determining whether the respondent's behaviour constitutes sexual harassment. Mayor Baker's explanations that he did not intend to offend anyone and had no intention of pursuing sexual relations with Mr. Clark are irrelevant to the assessment.

[83] Second, Mayor Baker's suggestion that jokes and comments must be "vulgar" to be considered sexual harassment is inconsistent with the broad definition of sexual harassment in *Janzen* and *Ms. K*. Mayor Baker's subjective assessment of what constitutes a vulgar or offensive joke or comment is also not part of the test.

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[84] Third, Mayor Baker's suggestion that putting his hand or arm on someone's arm cannot constitute sexual harassment also ignores the broad definition of sexual harassment. The Supreme Court of Canada specifically refers to hugging, patting, brushing up against as examples: *Janzen* at para. 49.

[85] Ms. Clark describes in detail Mayor Baker's behaviour at the Christmas decorating event in December 2022 as "creepy". She deposes that she hardly knew Mayor Baker but that over the course of an hour, he repeatedly rested his hand on her arm and shoulder and it made her uncomfortable.

[86] Two months later, when they stayed at the Nanaimo hotel for the leadership conference, Ms. Clark describes Mayor Baker continually making sexual jokes and comments based on Mr. Gilken's relationship status including the need for him to find a girlfriend.

[87] Ms. Clark's detailed evidence that on the morning of February 17, 2023 near the elevator at the Nanaimo hotel, Mayor Baker stared her up and down as if he was checking her out and insinuated that she had kept Mr. Burchett and Mr. Gilken up all night having sex.

[88] Ms. Clark and Mr. Burchett each depose that Mayor Baker's behaviour was not welcome and made them uncomfortable. They each made formal complaints to the municipality of Sayward. Then, at the meeting of council the following month, Ms. Clark's evidence is that despite her complaint (or perhaps in spite of her complaint) Mayor Baker again touched her on the arm. During the meeting itself, she says Mayor Baker looked right at her when he made the "joke" that he might be up on charges for touching Tony's bum. The comment could reasonably make Ms. Clark uncomfortable. Mayor Baker, knowing Ms. Clark had just made a sexual harassment complaint and knowing Ms. Clark was at the council meeting, admits to joking about being charged for touching someone.

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[89] I am mindful that this is a *PPPA* application and I am not to make factual determinations. However, my preliminary assessment is that Mayor Baker's claim that the joke was not directed at Ms. Clark seems unlikely.

[90] Taken as a whole, I find that Ms. Clark's evidence about Mayor Baker's touching, comments and jokes is sufficient to support a finding that Mayor Baker sexually harassed Ms. Clark. I reject Mayor Baker's arguments to the contrary.

[91] I will now address Mayor Baker's argument that Mr. France's posts contain factual inaccuracies. As mentioned above, Mayor Baker argues that the defence of justification is not valid because the following statements in Mr. France's posts are false: (1) that Mayor Baker "admitted" to sexual harassment behaviour (September 7, 12 and 20th posts); (2) that Mayor Baker made "advances" toward two women (October 26th post); (3) that Mayor Baker sexually harassed "two individuals", engaged in "unwanted touching" and/or made "lewd comments" on "several" occasions towards "several" women (October 23rd post).

[92] First, regarding the suggestion that Mayor Baker admitted to sexual harassment behaviour, I agree that his apology letter was not an admission. Having reviewed the wording of the apology letter, Mayor Baker certainly does not admit that he did anything wrong. I suspect that is why Ms. Clark and Mr. Burchett rejected Mayor Baker's apology. Mr. France, in a later post, confirms that Mayor Baker did not admit to anything in the apology letter.

[93] However, as for Mr. France's more general statements that Mayor Baker admitted to sexual harassment behaviour, it is true that he has admitted to making jokes and comments that I have found are capable of supporting a finding that he engaged in sexual harassment. That is, he admitted to behaviour that objectively fits the definition of sexual harassment, even if he did not believe it constituted sexual harassment.

[94] With respect to the remaining issues Mayor Baker takes with Mr. France's posts, in my view, Mayor Baker misconstrues the defence of justification. He seems

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to assume that the defence requires that every word be literally true. However, as mentioned, the defence of justification will be successful if the posts are "substantially true". The question to ask is whether Mayor Baker is significantly worse off by the impugned statement than he would have been if every word were literally true.

[95] I cannot conclude that he is significantly worse off.

[96] If I were to remove the statement that Mayor Baker admitted to sexual harassment behaviour in his apology letter and replace the remaining impugned words in the posts to state that:

(1) Mayor Baker sexually harassed one female, although two people formally complained of sexual harassment;

(2) The specific sexual harassment behaviour includes Mayor Baker:

(a) engaging in unwelcome touching of the female individual at three events; and

(b) making sexual jokes and comments in the presence of the female and others over the course of two days while representing Sayward at leadership conference in Nanaimo; and

(3) Mayor Baker issued identical apology letters to the female individual and the other complainant but continues to deny that his conduct constitutes sexual harassment. Neither the female individual nor the other complainant accepted Mayor Baker's apology,

the overall effect of such language would be the same.

[97] In Mayor Baker's submissions, he did not take issue with the truth of the other major focus of the posts that: (1) the investigation of Ms. Clark's complaints were mishandled; (2) he should have avoided any involvement in the investigation or

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handling of the complaints because he was in a conflict of interest; (3) he did not follow the proper procedures regarding meetings including dealing with certain items *in camera*; and (4) if the complaints had been properly handled, it would have cost Sayward less money. These are part of the thrust of the posts.

[98] Overall, I cannot conclude that the impugned words were so misleading as to produce a different effect on the reader's mind than the literal truth. In both versions, Mayor Baker engaged in sexual harassment behaviour resulting in formal complaints which were not dealt with transparently and remained unresolved.

[99] I find that the defence of justification tends to weigh more in the defendant's favour than the plaintiff's. Mayor Baker has failed to demonstrate that the defence of justification has no real prospect of success. Therefore, Mayor Baker has failed to show that there are grounds to believe that Mr. France has no valid defences.

[100] I have considered for the purposes of s. 4(2)(a)(ii), the defendant's primary defence of justification and found that the plaintiff has not satisfied his statutory merits-based burden. It is thus unnecessary for me to consider the defendant's alternative defences: *Pointes* at para. 112.

5. Final Step: Section 4(2)(b) Weighing Exercise

[101] Subsections 4(2)(a)(i), 4(2)(a)(ii) and 4(2)(b) are conjunctive: *Mawhinney* v. *Stewart*, 2022 BCSC 1243 at paras. 62-63. In the case at hand, the plaintiff failed to demonstrate reasonable grounds to believe that none of the defendant's defences are valid pursuant to s. 4(2)(a)(ii). Thus, there is no need for me to make a determination under s. 4(2)(b). However, in the event I am incorrect in my conclusion under s. 4(2)(a)(ii) of the *PPPA*, I will nonetheless address the balancing exercise mandated by s. 4(2)(b).

[102] Section 4(2)(b) of the *PPPA* is the final stage and "the crux" of the analysis. At this stage the court must weigh the public interest in allowing meritorious lawsuits to proceed against the public interest in protecting freedom of expression on matters of public interest: *Hobbs* at para. 15.

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[103] The Supreme Court of Canada described the final weighing stage of the analysis as a "robust backstop to protect freedom of expression": *Pointes* at para. 53.

[104] I must keep in mind in this weighing exercise that the objective of the *PPPA* is to identify and deal with strategic lawsuits, and ensure abusive litigation is stopped but that legitimate action can proceed: *Pointes* at paras. 61–62.

[105] The Court of Appeal in *Hobbs* held:

> [18] An inevitable result of the weighing process is that, on occasion, plaintiffs will be prevented from vindicating their rights through otherwise valid and legitimate lawsuits. Conversely, notwithstanding the deleterious effects on freedom of expression and public participation, defendants will occasionally have to defend against lawsuits claiming damages for expressions that relate to matters of public interest.

[106] In this final weighing stage, the plaintiff has the onus of proving on a balance of probabilities that-- due to the harm likely to have been suffered or likely to be suffered as a result of the defendant's expression—the public interest in allowing the proceeding to continue outweighs the proceeding's deleterious effects on expression and public participation: *Morton* at para. 119, citing *Hansman* at para. 59 and *Pointes* at para. 82.

[107] The first step of the weighing exercise in s. 4(2)(b) of the *PPPA*, requires the plaintiff to establish both the existence of harm and that the defendant's expression caused the harm: *Hobbs* at para. 19.

[108] In defamation actions, general damages are presumed, and this is sufficient to constitute harm: *Hobbs* at paras. 81, 84. However, on an application under s. 4 of the *PPPA* to dismiss the plaintiff's defamation claim, the court must evaluate the degree of the harm in order to assess whether the public interest in permitting the action to continue outweighs the public interest in protecting the expression: *Bent* at para. 144.

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a. Has the plaintiff established the existence of harm?

[109] In this case, Mayor Baker deposes to suffering from damage to his reputation and describes general symptoms of anxiety and depression. His evidence is that he has received medical care but does not state when he received medical care (either the dates or length of treatment), who provided medical care (either the name or type of doctor) or provide any medical records to confirm the diagnosis or prognosis. Mayor Baker admits he experienced depression previously but claims that his symptoms became worse after the posts. Given these gaps, I am unable to give much weight to this evidence.

[110] Mayor Baker states that his doctor has told him that his health problems are likely the result of Mr. France's posts, but this is unattributed hearsay and not provided in the form of a medical report and therefore inadmissible.

[111] Mayor Baker's evidence of harm consists mainly of bald assertions. While he is not required to provide complete medical reports, I would have expected some confirmation of his diagnoses, symptoms, treatment and prognosis. I am left without any cogent evidence of significant harm suffered by Mayor Baker.

b. Was harm suffered as a result of the defendant's expression?

[112] The SCC has held that the plaintiff must show a causal link between the plaintiff's assertion of harm and the defendant's expression: *Hansman v. Neufeld*, 2023 SCC 14 at para. 68.

[113] In this case, I agree with Mr. France that Mayor Baker faces a significant causation issue. People other than Mr. France have spoken out about Mayor Baker's conduct. For example, the complainants, Ms. Clark and Mr. Burchett, have spoken about Mayor Baker's sexually harassing them and have filed multiple complaints with multiple authorities. Ms. Clark has made complaints to the municipality of Sayward and the RCMP and she has informed the Strathcona Regional District about her sexual harassment complaint. Mr. Burchett has filed a complaint with the BC Human Rights Tribunal. It seems likely that the formal

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complaints and the fact of Ms. Clark and Mr. Burchett speaking out would have caused Mayor Baker embarrassment, stress and potentially anxiety and depression.

[114] In addition, for several years during Mayor Baker's term as mayor, council has been dysfunctional and council meetings marred by conflict. Two out of five council members resigned in the spring of 2024. Dealing with council's conflict and dysfunction would likely have added to Mayor Baker's stress.

[115] As well, there has been extensive media coverage on Sayward's governance. In 2024, CBC reporter Mr. McElroy attended a council meeting and reported on Sayward's governance problems in his March 5, 2024 article entitled "BC Municipality to debate whether it should continue to exist." Mr. McElroy reported that the council meeting he attended was chaotic including shouting and outbursts. He reported that Sayward was (1) behind on its budget; (2) agendas and recordings of meetings were not being published in a timely manner; (3) untested allegations had been made against Mayor Baker and were being handled *in camera*. On March 6, 2024, the Times Colonist published an article about Sayward's divisive council in which Mayor Baker is quoted saying "We need some help." Other media outlets followed suit. When two council members resigned in March and May of 2024, this attracted further negative press regarding Sayward's governance. The extensive, negative press regarding Sayward's governance under Mayor Baker's leadership would likely have caused Mayor Baker stress, embarrassment or other harm and decreased likelihood of being re-elected.

[116] I am unable to find a clear correlation between Mr. France's posts regarding Mayor Baker and the harm that Mayor Baker alleges, including his claim of being treated poorly within the community of Sayward. Rather, it seems more likely that any harm to Mayor Baker flows from Ms. Clark and Mr. Burchett speaking out about their sexual harassment allegation and the overall constellation of negative media coverage.

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c. Weighing of the public interests

[117] Once the harm has been shown to be causally related to the expression, s. 4(2)(b) requires that the harm and corresponding public interest in permitting the proceeding to continue be weighed against the public interest in protecting the expression. At this stage of the process, public interest becomes critical to the analysis: *Pointes* at para. 73.

[118] I have found that Mayor Baker has failed to show significant harm. I have also found that he has not demonstrated that any harm he alleges is causally linked to Mr. France's expression. However, in the event I am incorrect, I will consider the next step in the weighing exercise.

[119] "Public interest" is used differently in s. 4(1)(b) than it is in s. 4(2)(b). As noted by Justice Côté in *Pointes* at para. 74*:*

> … Under s. [4(1)(b)], the query is concerned with whether the expression relates to a *matter* of public interest. The assessment is not qualitative — i.e. it does not matter whether the expression helps or hampers the public interest. Under s. [4(2)(b)], in contrast, the legislature expressly makes the public interest relevant to specific goals: permitting the proceeding to continue and protecting the impugned expression. Therefore, not just *any matter* of public interest will be relevant. Instead, the *quality* of the expression, and the *motivation* behind it, are relevant here.
>
> [Emphasis in original.]

[120] The weighing exercise requires me to consider whether there is a public interest in preserving the particular speech at issue in this case. I must consider to what extent the Facebook posts are speech that, from a public interest perspective, is worthy of protection.

[121] Section 2(b) of the *Canadian Charter of Rights and Freedoms* provides that everyone has the following fundamental freedoms: (b) freedom of thought, belief, opinion and expression.

[122] The SCC states that freedom of expression is connected to three core values:

a) Individual self-fulfillment;

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b) Seeking and attaining the truth; and

c) Democratic discourse

Ford v *Quebec*, [1988] 2 S.C.R. 712 at pp. 765-66; *Irwin Toy Ltd*. v *Quebec (Attorney General),* [1989] 1 S.C.R. 927 at p. 976.

[123] The plaintiff is the elected Mayor of a municipality. The proper management and functioning of a municipal government affects a community's quality of life.

[124] Mr. France is keenly interested in Sayward's governance. Before his retirement, he spent his career working within local government. He was Sayward's CAO in 2017 to 2018 and filled in as Sayward's acting CAO in subsequent years until he retired in January 2023. As CAO, he worked closely with Sayward staff and council. He gave council advice including on governance. Mr. France continues to actively follow local politics, including attending council meetings as an observer when possible. As mentioned, he is also one of the approximately 1700 members of the Facebook forum Sayward Rant and Rave. One of the purposes of the forum is to share views on local politics. Mr. France was an active participant on Sayward Rant and Rave until Mayor Baker commenced this action.

[125] While Mayor Baker has focussed heavily on Mr. France choosing to label his behaviour as sexual harassment, the real thrust of Mr. France's expression was in respect of the sexual harassment allegations and complaints were being handled. Mr. France was concerned that proper procedures were not being followed for the investigation, the meeting dealing with the allegations, Mayor Baker's involvement in decisions relating to the harassment complaints, the division in council and concerns that the majority were improperly silencing the minority on council and the apparent inability of council and Mayor Baker to resolve the complaints promptly, cost-effectively and to the satisfaction of all.

[126] Mr. France posted about his observations at council meetings, the improper use of *in camera* meetings, the importance of avoiding conflicts of interests and the importance of following established rules at council meetings to reduce chaos and

On June 9-2026 SAYWARD COUNCIL approved the Immediate Risk and Report of the June 9-2026 In-Camera Age a in ty.

restore order. He encouraged members of the Facebook forum to observe council meetings for themselves and encouraged democratic discourse generally. He also repeatedly posted that he hoped for a solution and offered to assist in any way he could.

[127] Overall, Mr. France's posts held out Mayor Baker's conduct for public scrutiny and brought attention to the way that Sayward staff and council investigated and sought to resolve the complaints against the Mayor. He expressed concern that the complaints were being shielded from public scrutiny by being dealt with *in camera.*

[128] I find that Mr. France's expression is deserving of significant protection-- it amounted to free expression about substantive issues of local politics, matters that were clearly matters of public interest. Political engagement is a core concept in a democracy. The strength of the democratic process is the opportunity for individuals to hold elected officials to account. My concern is that the defamation action had a chilling effect not only on Mr. France's freedom of expression but others in the Village of Sayward and surrounding area.

[129] My findings are that:

a) Mayor Baker has incurred negligible if any harm as a result of Mr. France's posts; and

b) A significant level of protection is to be afforded to Mr. France's expression.

[130] In light of these determinations, I conclude that the public interest in protecting the defendant's expression heavily outweighs the public interest in allowing the plaintiff's claims to proceed.

Conclusion and Costs

[131] I therefore grant the defendants' application for dismissal of the plaintiffs' claim under s. 4 of the *PPPA.*

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

[132] If the parties are unable to agree on costs, they may arrange a brief appearance before me to address the costs consequences of this application.

"Hamilton J."

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Appendix A

Get Outlook for iOS

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

Today at June.29.23 by John France 12:65pm

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

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

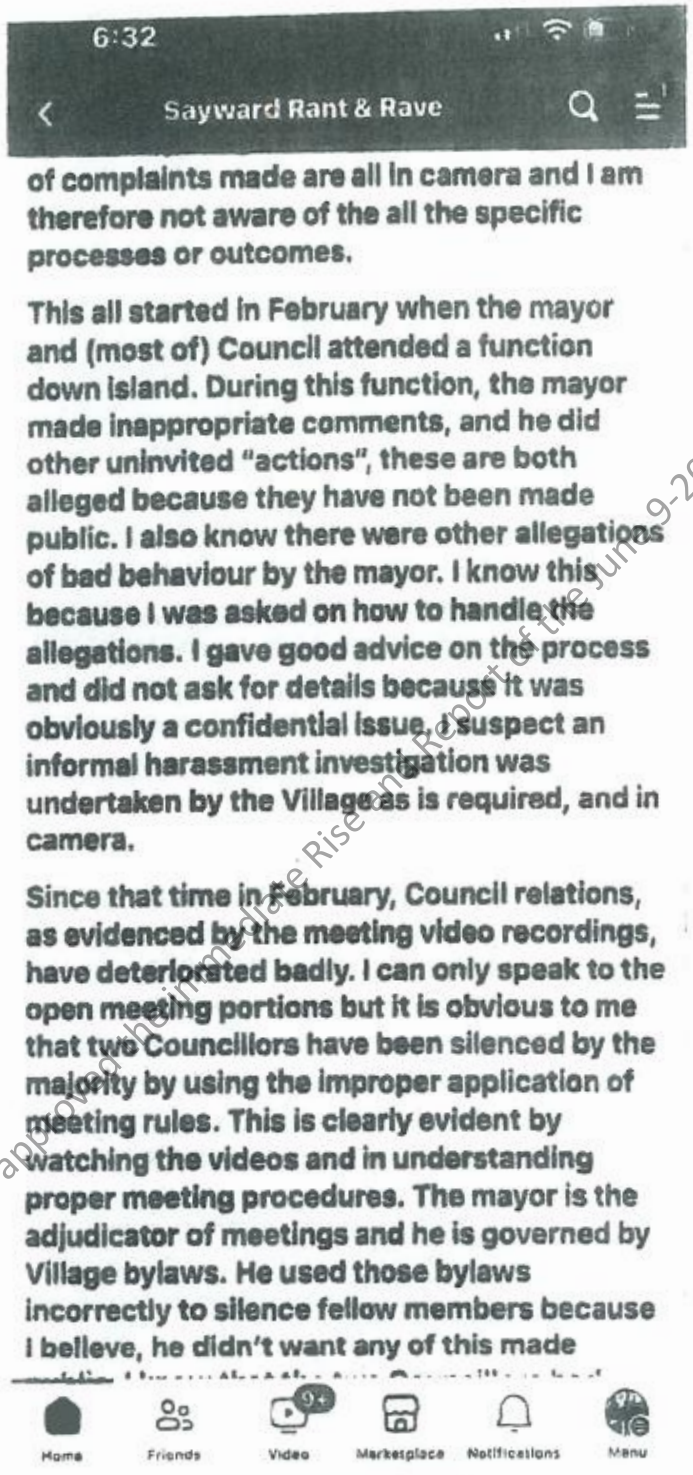
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going to Council training, seminars, team building and costs associated with resolving the allegations (???). I suspect these costs may be in the $50,000 range. I think its time for Council to make clear to the public where and how funds are being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

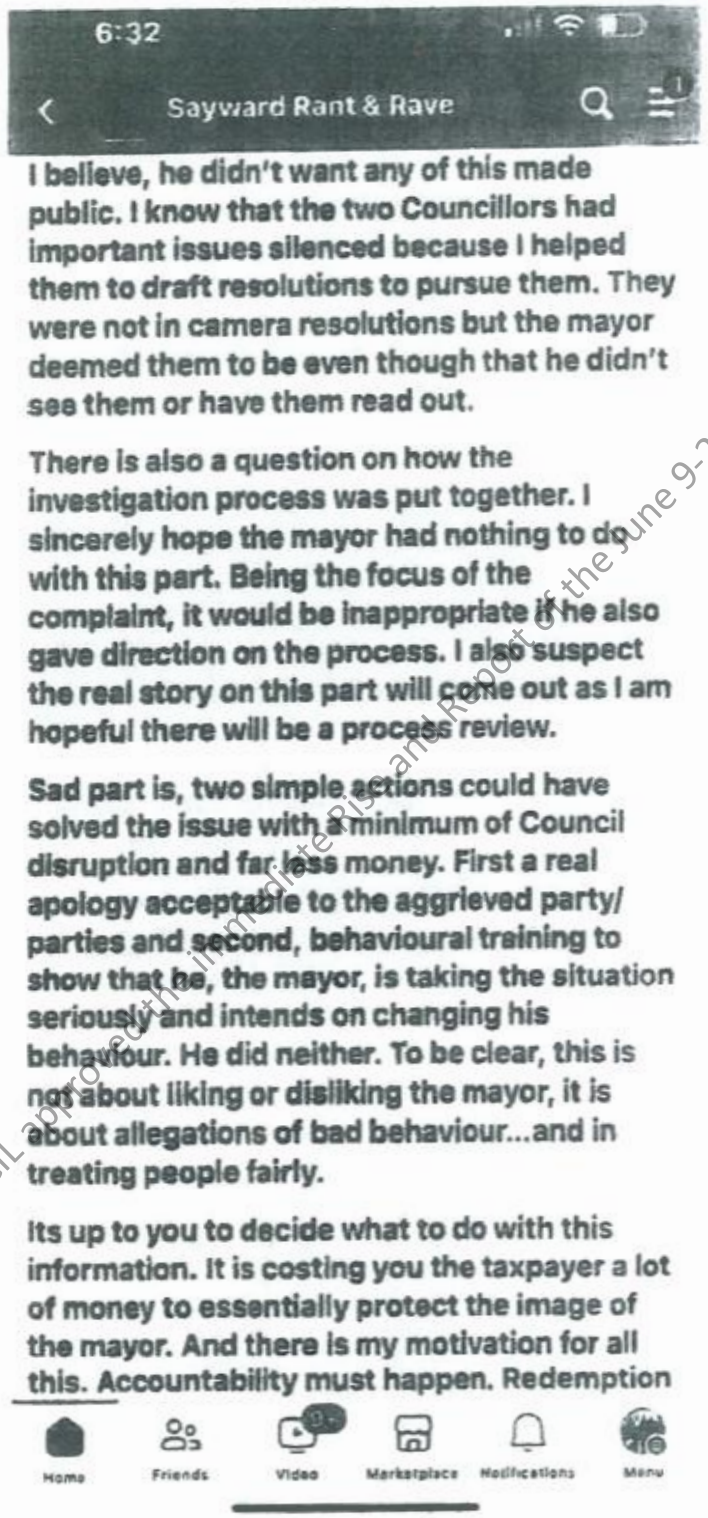
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6:32

Sayward Rant & Rave

I believe, he didn't want any of this made public. I know that the two Councillors had important issues silenced because I helped them to draft resolutions to pursue them. They were not in camera resolutions but the mayor deemed them to be even though that he didn't see them or have them read out.

There is also a question on how the investigation process was put together. I sincerely hope the mayor had nothing to do with this part. Being the focus of the complaint, it would be inappropriate if he also gave direction on the process. I also suspect the real story on this part will come out as I am hopeful there will be a process review.

Sad part is, two simple actions could have solved the issue with a minimum of Council disruption and far less money. First a real apology acceptable to the aggrieved party/ parties and second, behavioural training to show that he, the mayor, 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...and in treating people fairly.

Its up to you to decide what to do with this information. It is costing you the taxpayer a lot of money to essentially protect the image of the mayor. And there is my motivation for all this. Accountability must happen. Redemption

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

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August 28, 2023 ·

August 26 Sure is good to be back!

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

Here are the two take aways for this post:

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

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

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

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

This letter was promptly put into in camera by the majority using a vague reason (again challengeable). This was a serious request and I know it was not taken lightly. But it is a necessary step because of the inaction by the majority over the past several months to respond to requests for information by the minority. Interesting at the August 15 when the minority again asked for the information. Testy Tom voiced

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inaction by the majority over the past several months to respond to requests for information by the minority. Interesting at the August 15 when the minority again asked for the information, Testy Tom voiced his displeasure saying it wasn't necessary. AT LAST, admin stepped in and said a variance report would be coming in September, belated, but well-done staff! The important point here is, what happened to the audit request? Council can't simply ignore it, especially as it is their actions that need audit oversight here???

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

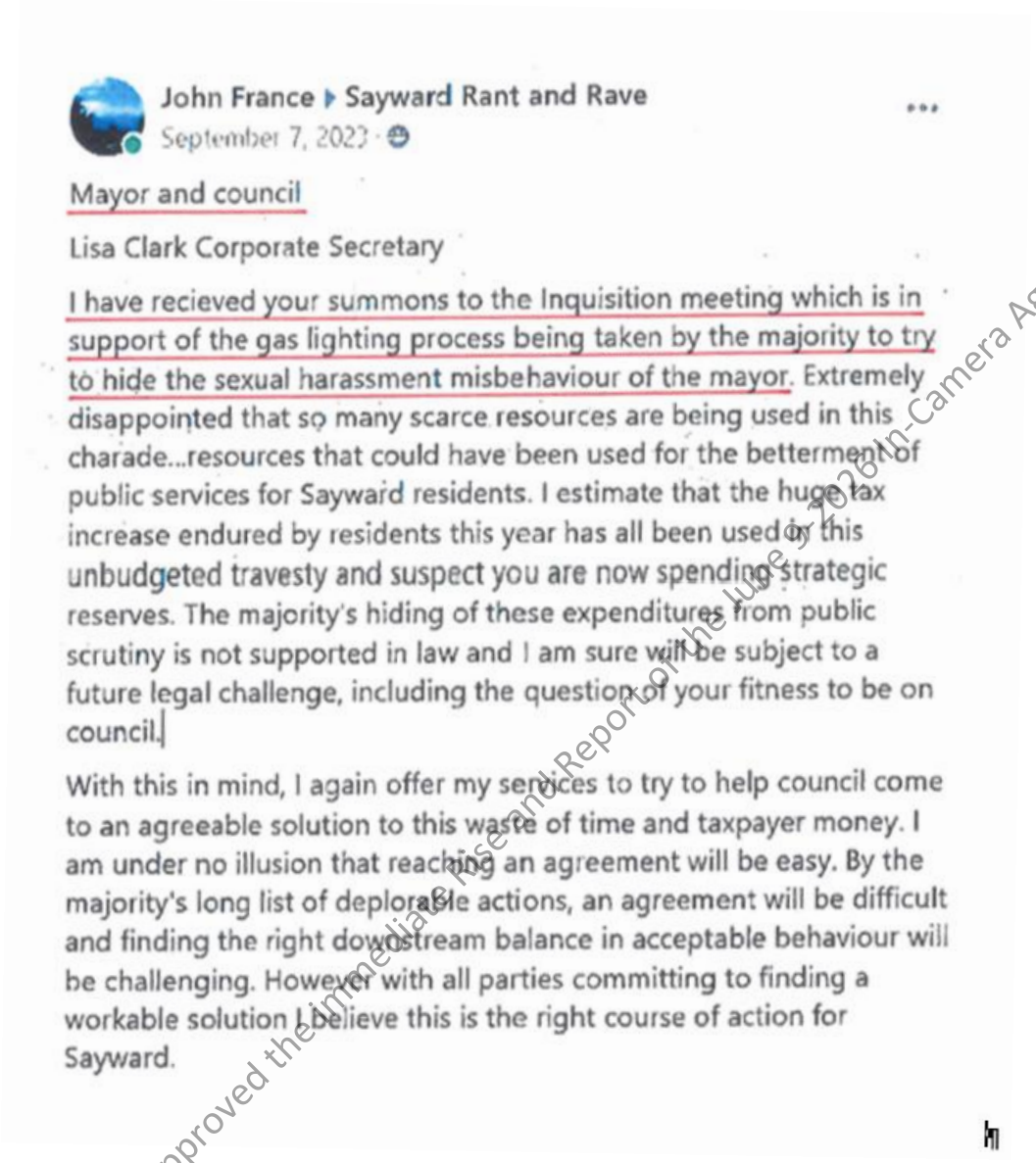
Lynn Beaton and 5 others 4

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Delores E Mancell Top contributor

amen John

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John France ▸ Sayward Rant and Rave
September 7, 2023 ·

Mayor and council

Lisa Clark Corporate Secretary

I have recieved your summons to the Inquisition meeting which is in support of the gas lighting process being taken by the majority to try to hide the sexual harassment misbehaviour of the mayor. Extremely disappointed that so many scarce resources are being used in this charade...resources that could have been used for the betterment of public services for Sayward residents. I estimate that the huge tax increase endured by residents this year has all been used by this unbudgeted travesty and suspect you are now spending strategic reserves. The majority's hiding of these expenditures from public scrutiny is not supported in law and I am sure will be subject to a future legal challenge, including the question of your fitness to be on council.

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

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

As for my inquisition summons, I have several questions:

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

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

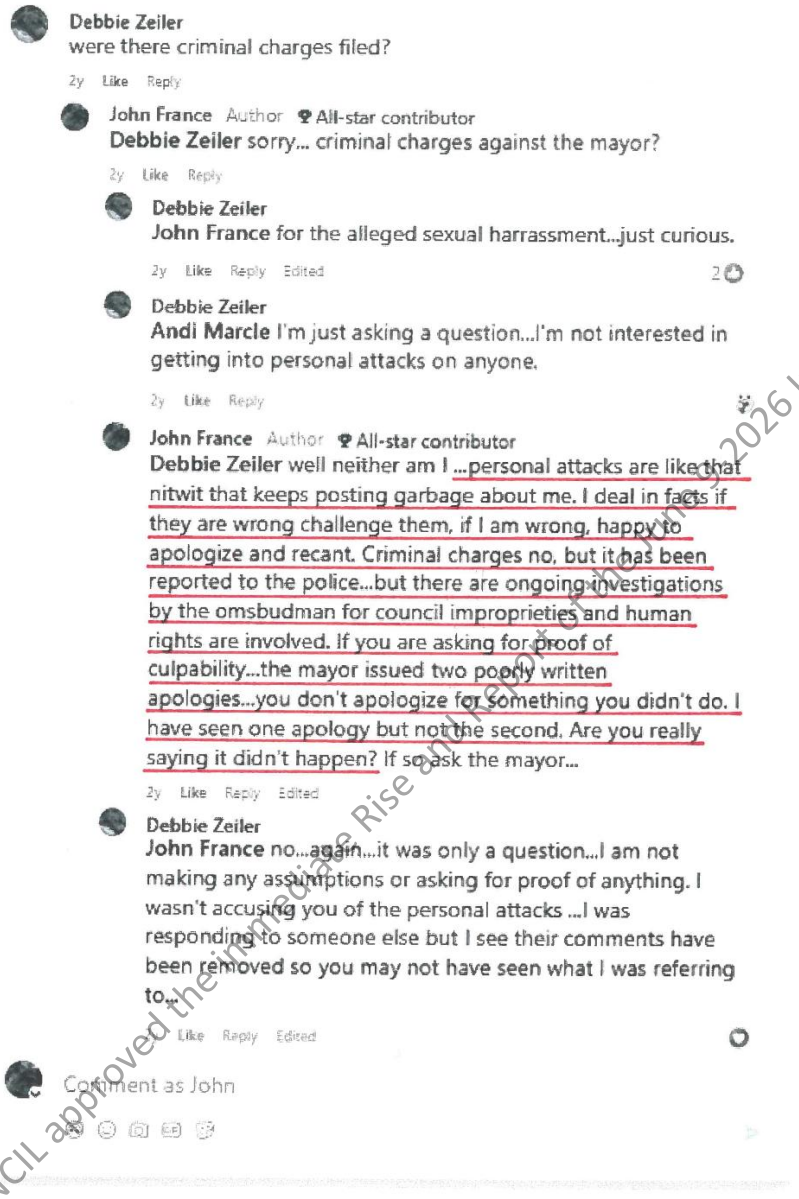
Sincerely

John France CAO Sayward Retired (almost)

CC Residents of Sayward

Rosemary Romaine

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.



Debbie Zeiler
were there criminal charges filed?

2y Like Reply

John France Author All-star contributor
Debbie Zeiler sorry... criminal charges against the mayor?

2y Like Reply

Debbie Zeiler
John France for the alleged sexual harrassment...just curious.

2y Like Reply Edited 2

Debbie Zeiler
Andi Marcle I'm just asking a question...I'm not interested in getting into personal attacks on anyone.

2y Like Reply

John France Author All-star contributor
Debbie Zeiler well neither am I ...personal attacks are like that nitwit that keeps posting garbage about me. I deal in facts if they are wrong challenge them, if I am wrong, happy to apologize and recant. Criminal charges no, but it has been reported to the police...but there are ongoing investigations by the omsbudman for council improprieties and human rights are involved. If you are asking for proof of culpability...the mayor issued two poorly written apologies...you don't apologize for something you didn't do. I have seen one apology but not the second. Are you really saying it didn't happen? If so ask the mayor...

2y Like Reply Edited

Debbie Zeiler
John France no...again...it was only a question...I am not making any assumptions or asking for proof of anything. I wasn't accusing you of the personal attacks ...I was responding to someone else but I see their comments have been removed so you may not have seen what I was referring to...

Like Reply Edited

Comment as John

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John France ▸ Sayward Rant and Rave
September 8, 2023 ·

Sayward council

Thank you for your email.

I note you have responded under the deputy mayor's authority. Interesting that you are finally twigging to the idea that the mayor mark should not be involved in any of this affair including emails but more importantly all of the in-camera majority decisions that presumably set up this charade. Any in camera resolution voted on by the mayor puts him in a conflict-of-interest position – this is after all, about his sexual harassment misbehaviour. And seeing as Cllrs Sue and Scott could not have been involved in the passing of the resolutions (setting up the charade), council did not have a legally required quorum to pass the resolutions. Good lord, how much money has the majority spent to get to this point?

For you, council and Sayward residents here is my response (in bold italics) to your response to my September 7 email:

The Village of Sayward ("Village") respectfully declines your offer to provide services to the Village as outlined in your September 7, 2023 email. ***Sad, but understandable, easier to spend more taxpayer money than actually try to resolve the issue.***

What follows is a reply to your questions in the order asked within your September 7, 2023 email about your appearance before Council on September 12, 2023 to be examined about matters related to the

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-camera Age a in ty.

What follows is a reply to your questions in the order asked within your September 7, 2023 email about your appearance before Council on September 12, 2023 to be examined about matters related to the administration of the Village pursuant to *Community Charter* section 134:

1. The examination will be recorded. After the examination, you may attend at the Village and review the video recording of your examination during the Village's office hours and in the presence of Village staff at a time that is convenience for both Village staff and you.

This is insufficient. There is a matter of trust here. Seeing as the village has in past changed official documents after publishing them, I wish to have originals of the recording and written transcript in my possession. This non negotiable.

2. You will not be given a copy of any materials before your examination. Providing you with any materials that you will be examined upon prior to your examination will undermine the purpose of your examination pursuant to section 134 *Community Charter.* The subject matter of the examination relates to the disclosure to you of information and records held in confidence pursuant to section 117 of *Community Charter* about which you have published information about on your postings on Sayward Raves, formerly named Rant and Rant.

I will have to get advice on this response. You have all of my info but I don't have yours. I think disclosure by both sides is fair and warranted.

3. The Village will reimburse you the requested travel costs of $.65 per kilometre for your travel from your primary residence to the Village

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3. The Village will reimburse you the requested travel costs of $.65 per kilometre for your travel from your primary residence to the Village and the return to your primary residence upon the Village's receipt of an invoice for such travel costs.

Thank you

4. The authority for your examination before Village Council is set out in the August 15, 2023 appointment to examine. Your examination before Village Council will be conducted in a closed meeting pursuant to *Community Charter* sections 90(1)(f) and 90(1)(i).

As I have stated above the authority must be given by a majority of council present. As the mayor is in direct conflict, resolutions going in camera and any subsequent resolutions are null because no quorum as required by law was available.

…d so, on goes this waste of time designed simply to protect the image of the mayor from his misbehaviour, misbehaviour for which he has already issued a lame apology.

Again, until I have proper responses, I can't proceed with this charade.

Sincerely John France CAO Sayward Retired

Regards,

Keir Gervais Chief Administrative Officer

9 comments

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John France ▸ Sayward Rant and Rave
September 12, 2023 ·

The inquisition continues September 12, 2023

I will not be attending the special meeting set for September 12 at 7PM. I have considered how council got to this point and offer the following:

1: This whole process, including this meeting, originates from the sexual harassment behaviour admitted to by the mayor.

2. Council alleges that certain info was shared with me by other members of council, this of course is false. **Council does not actually allege** (I put that in there), **they accuse** which is interesting as it shows a negative bias and questions their ability to fairly consider the facts.

3. Any decisions made by council in camera on the holding of the special meeting and other decisions as may be, were made by the majority, councillors Tinsley and Gilken, together with the mayor. Councillors Poulsen and Burchett were excluded from these decisions/ meetings.

4. As the mayor has a conflict of interest, pursuant to **Community Charter ss 100 2 (b)**, he should have excused himself from the meeting, he did not. This means that all in camera resolutions passed in this matter by the majority are illegal.

The mayor's conflict of interest stems from his actions in the sexual harassment cases and his willingness to retaliate against councillor Burchett for bringing the sexual harassment case forward to council. He is joined by councillors Tinsley and Gilken in this retaliation. The

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The mayor's conflict of interest stems from his actions in the sexual harassment cases and his willingness to retaliate against councillor Burchett for bringing the sexual harassment case forward to council. He is joined by councillors Tinsley and Gilken in this retaliation. The public record of meetings show clearly that the majority is trying to silence the minority.

"The key consideration is whether a reasonable person would conclude that a private interest or personal benefit could **influence or affect the decision making and be in conflict with the locally elected official's public duties.**"

Clearly the mayor is in a conflict of interest and therefore invalidates his ability to participate in the process. The possible consequences for conflict of interest include disqualification from office, subject of course, to a supreme court ruling on the facts which strongly support the disqualification.

ave other legal arguments which need to be addressed. This is a meeting of council, why were the rules for convening this meeting not followed? It is a meeting of council and therefore agendas time and place, etc. must be publicly posted.

This is sad commentary on the mayor's administration of the village and I suspect the costly legal backlash is just starting. While I appreciate how difficult it is for you to hear this, I am still willing to try to bring this whole farce to a far less confrontational and costly end.

Sincerely John France CAO Sayward retired

Rosemary Romaine and 5 others 9 comments

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John France
Top contributor · September 20, 2023 ·

Sept 20/2023

I posted my comments to council last week and my reasons for not attending their inquisition. For greater clarity:

· The mayor has issued two apologies to individuals for sexual harassment, nothing new there. I have seen one of them. I know one was rejected because it wasn't really an apology.

· The mayor and majority then started a process AKA inquisition, because they thought in camera (IC) information had been shared with me by Councillors Poulsen and Burchett. They did not allege, rather, they accused. This puts a negative bias on the process, they appear to have already decided that information was shared without any factual basis.

· The inquisition is designed to draw public attention away from the mayor's harassment case.

· The IC information dealt with the inquisition deliberations around the sexual harassment admitted to by the mayor. I know this because of the letter I received from the inquisition leaders.

· The mayor by participating in the process, a process he started by sexually harassing two individuals, puts him in a conflict-of-interest

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position and pursuant to the community charter, subjects him to sanctions including being disqualified from public office.

This is not speculation; the mayor was and is in a conflict-of-interest position on any decisions he participated in by council on this process. Not only did sexually harass two individuals, he then approved tax payer monies ($40,000?) to silence the minority on council. Is this who Sayward really wants to see as their mayor. A mayor who represents Sayward to the North Island and beyond? Someone who will spend your money in trying to protect his image?

I offered months ago to try to find a settlement, but the majority refused. Sad, council would have spent a lot less money. Village issues which are presently not being addressed because of the inquisition, would have been addressed. And maybe, the mayor would have avoided his conflict of interest. Sometimes politicians respond to a situation in ways that are not in the best interests of residents as a whole but rather in their personal interests. Unfortunately, the path taken by mayor was not in his best interests either.

Next steps, your call Sayward.

6 6

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John France ▸ Sayward Rant and Rave
October 7, 2023 ·

October 7, 2023

Good day Sayward, so I got my SLAPP letter from mark baker. For those that don't know what a SLAPP is...A SLAPP is a "Strategic Lawsuits Against Public Participation (SLAPPs)" are used by individuals and corporations to intimidate and silence public critics by forcing them into legal battles they cannot afford until they cease their criticism or opposition. So let me start by saying, what a weak effort! Did you (whenever "you" is used, I refer to mayor baker) really think this would work? Well, bring it on, exposing you in a court of law and have you pay my legal expenses...it will be karma for you and justice for Scott and Sue. I hope the municipality is not again paying for legal bills associated with this case.

I am going to share with residents portions of your letter to me and my responses, so here goes...sorry everyone, my post will be long.

Yes, I have used the term sexual harassment several times in my posts, because what you did was sexual harassment. You did not own up to it in your fake apology letter and this of course is the reason why this issue has persisted and has cost the village so much money. Had you made a proper sincere apology, we wouldn't be talking about this issue now. I appreciate using the term "sexual harassment" is serious. If you hadn't behaved in that manner, I would not have used the term, however, clearly you did sexual harass individuals. On May 16, Council received an offer from an experienced mediator. This offer spoke about a code of conduct violation, your violation. It did not mention sexual harassment. but when one Councillor asked whether the sexual

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harassment case was now out of in camera, you and the CAO responded no. You didn't correct the sexual harassment statement. This same mediator's offer was then pulled from the online agenda package, why? It was pulled to hide from the public that the mayor had been involved in the sexual harassment of two individuals. Contrary to what you state in the letter, **the law says harassment exists for both the recipient and the persons that heard or saw the misbehaviour. Therefore, your comment about there being no employee/employer relationship because Cllr Burchett's "girlfriend" is not an employee, hence no sexual harassment, does not absolve you.** To think that sexual harassment only exists in an employee/employer relationship is plain silly. I also note that the occasion of the sexual harassment was while you were at a municipally sponsored event, yes you were on the municipal clock. You also mention Scott's "girlfriend" as if to imply being only a girlfriend, then your behaviour didn't matter. I asked Scott for permission to use this point, he advised she has been his partner for 8 years and is considered a common law partner. I won't say anything more about this part because more will come out soon and you have more to be accountable for. Karma/accountability can be harsh. One last point, if you want to argue in a court about whether sexual harassment was committed by you, I suggest you wait until Human Rights court case coming shortly has addressed the complaints. Might save you some money and but more importantly my time. You and your lawyer can dress it up anyway you want, you committed sexual harassment.

By the way, my posts were not malicious, they were simply stating

On June 9-2026 SAYWARD COUNCIL approved the Immediate Risk and report of the June 9-2026 In-Camera Age a in ty.

facts and trying to move you and the majority to stop all this nonsense and wasting taxpayer money.

The RCMP part...I reported accurately that the RCMP had been contacted. Its not up to me to report from that point on what the outcome was unless it was made public and it was not. Suffice to say, someone was upset enough about your behaviour that they felt it appropriate to report it. If you wanted to clarify it, you could have stated publicly your position, you didn't, so any outcome was/is on your shoulders. But then you know this part is a legal strawman.

The money issue you raised. Using **your** words, you neglected to state I used **estimates** each time and not just the $70K figure. Furthermore, the majority on Council has been hiding the true amount behind an improper use of in camera law, good ombudsman material. My estimates were based on my experience with similar cases and ranged from $40K to $70K (again, you try to mislead)...not knowing all the items approved in camera, they were appropriately named estimates. And yes, I questioned the rationale for spending so much money, it didn't need to happen, I gave you a way out in June.

The next part is juicy because you use the words nefarious and rapt, get this, you use "rapt" to describe my Facebook audience. Are you, audience, my "rapt" audience??? I don't think so. I get comments about 50/50 in support and in suggesting I take a trip. This para is interesting...yes, I accuse you and majority of abuse of power to silence Sue and Scott. The evidence is pervasive. Videos of council meetings show many examples of testy tom interrupting a speaker

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meetings show many examples of testy tom interrupting a speaker contrary to council rules and in an extraordinarily loud excited voice, they will see you closing off discussion and doing this without following the procedure bylaw as required by you. Attendees have questioned you about your leniency to testy tom's behaviour to which you shrug your shoulders and move on. By not following the bylaw, by showing different treatment to testy tom's bad behaviour and you own bad behaviour but holding others to a higher standard for a lesser behaviour (laughing is not a problem worth ejecting a councillor for), by obviously holding Sue and Scott to a different standard, **it is an abuse of power especially when your abuse tries to cover up your behaviour.** My assertions are not false but yours are. The puzzling part is, its all on tape.

Let's talk about your next SLAPP point...your adventure into the pond. You suggest I am defaming your good person by my post. Let's see, your car went into the pond because you had no brakes, ergo it seems reasonable to conclude it was unfit to drive, otherwise why would you drive into the pond. It went into the pond after you guided it through the village. You put residents at risk...because again, you had no brakes and then you guided it into the pond because your speed would not allow you to make the turn at the intersection. The proof I have is the picture of your vehicle in the pond. As for the spillage, that was reported to me, I guess you can deny it but I suggest loss of brakes is tied to several possible mechanical reasons including loss of braking fluid...when was the last time you checked your braking fluid? Sorry forgot, your vehicle was donated to the fire department and is now scrap...otherwise it was in good working order.

On June 9-2026 SAYWARD COUNCIL approved the immediate release of the June 9-2026 In Camera Age a in

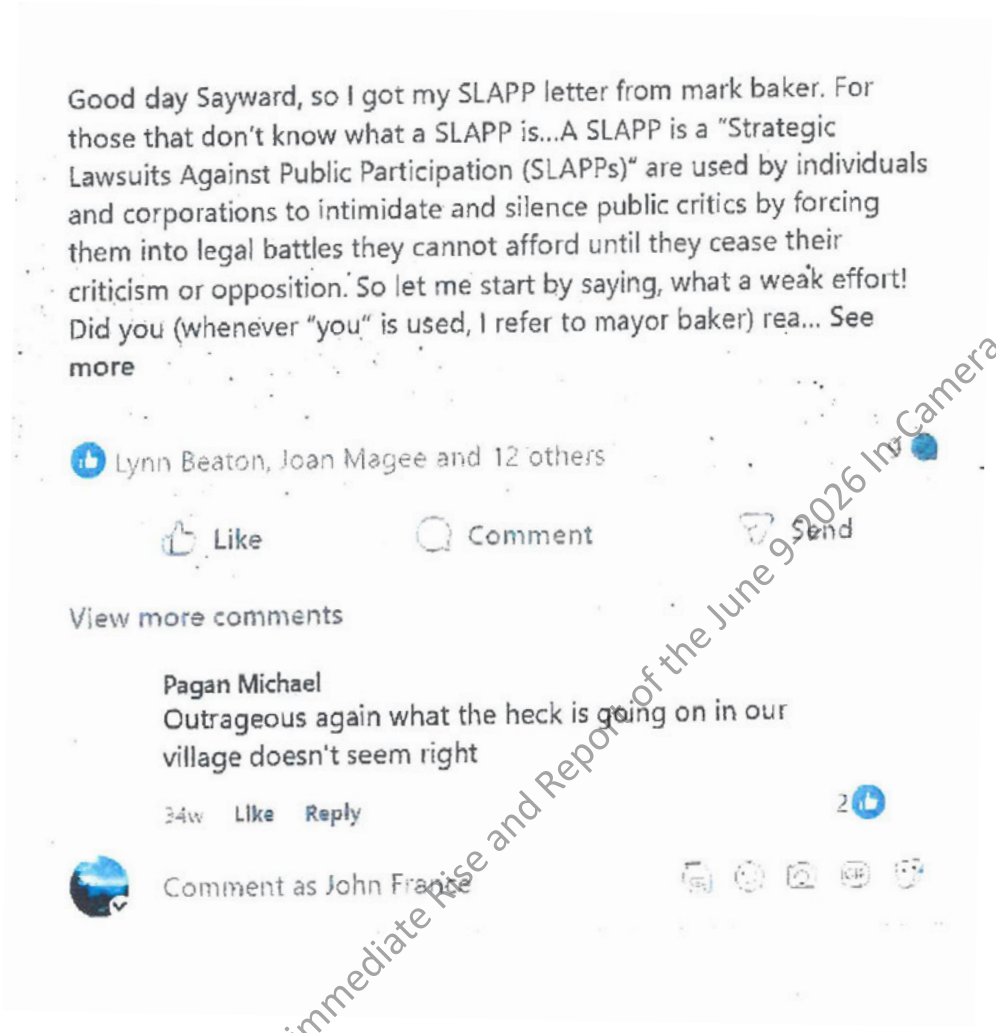
braking fluid...when was the last time you checked your braking fluid? Sorry forgot, your vehicle was donated to the fire department and is now scrap...otherwise it was in good working order.

We are getting to the end. I believe I have stated facts about your behaviour and actions truthfully. I have always stated that if my facts were incorrect, show me and I will retract. Your letter to me is not a factual representation of what has transpired over the past six months and so far, you have avoided accountability. I see residents are waking up to your behaviour and waste of taxpayer money. The letting go of Lisa is the latest and saddest example...this mistake will cost the village approximately $50,000 not including damages as may apply.

I acknowledge your comment about your family, I am sorry your family had to go through this all because of your bad behaviour.

So, in short, you have my position. If you want to take your deck of cards to court, bring it on. You are managing an unsustainable administration; your hole is getting deeper and its really sad you are using taxpayer money to do it. Even after all this nonsense, I am still willing to offer my services, gratis, to find a way for council to resolve its differences and to start the healing process. Your taxpayers deserve better. Sorry for the long post, had to be said.

On June 9-2026 SAYWARD COUNCIL approved the immediate Release of Report of the June 9-2026 In Camera Age a in



Good day Sayward, so I got my SLAPP letter from mark baker. For those that don't know what a SLAPP is...A SLAPP is a "Strategic Lawsuits Against Public Participation (SLAPPs)" are used by individuals and corporations to intimidate and silence public critics by forcing them into legal battles they cannot afford until they cease their criticism or opposition. So let me start by saying, what a weak effort! Did you (whenever "you" is used, I refer to mayor baker) rea... See more

Lynn Beaton, Joan Magee and 12 others

Like Comment Send

View more comments

Pagan Michael
Outrageous again what the heck is going on in our village doesn't seem right

34w Like Reply 2

Comment as John France

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera Age a in ty.



John France ▸ Sayward Rant and Rave
October 23, 2023 ·

Apology to Mark Baker October 22, 2023

I have been asked to present an apology to mark for remarks I have made about him; this request came to me in his recent SLAPP letter. After giving this much thought I offer mark the following. Note it is not in the Sayward News as requested because I couldn't trust that it would be added verbatim.

I offer my apologies to mark for the following:

· I apologize for not instilling in your cao and the majority a rightful sense of duty the cao and majority should have in the proper administration of the village and to not use their "power" to silence and humiliate;

· I apologize for not informing you better on the processes that you are required to follow by law and by bylaw, including proper use of points of order, proper conduct of meetings, proper process to spend taxpayer monies, proper use of in camera meetings and the downside of making such a huge mess of the village administration that nothing gets done except the unnecessary spending of taxpayer monies;

· I apologize for not explaining to you that dismissing a valued community member and long-term employee for no cause is a terrible injustice especially for someone that has served the community so faithfully and is very costly;

On June 9-2026 SAYWARD COUNCIL approved the immediate release of the June 9 2026 In-Camera Age a in ty.

faithfully and is very costly;

· I apologize for not explaining that when a new employee has not performed to stated expectations and continues to make huge mistakes, you can always extend his/her probation until you are sure they can do the job and are a good fit for the village - sorry to say, the extension would not have helped;

· I apologize for not advising you that unwanted touching and/or lewd comments to anyone, and over several/any occasions (against several different women) is wrong and certainly not funny;

· I apologize for not explaining that the mess you make in in camera meetings will eventually be made public, you simply can not hide forever;

· I apologize for not telling you that the cao or council has no authority under the act to stop an audit being done by the auditor when a citizen believes there are financial irregularities pursuant to the Community Charter;

· I apologize for not advising you that keeping things in camera which should be in the public's domain causes freedom of information requests which are far more costly/labor intensive than hiding behind improperly applied in camera rules;

· Etc., etc., etc....you get the gist.

There you go mark, I apologize, but less so to you and more to the village. I am taking responsibility and accountability for everything because as everyone should know by now, you are not good at either. There appears to be a tongue and cheek in here somewhere. I can

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

- I apologize for not advising you that keeping things in camera which should be in the public's domain causes freedom of information requests which are far more costly/labor intensive than hiding behind improperly applied in camera rules;

- Etc., etc., etc....you get the gist.

There you go mark, I apologize, but less so to you and more to the village. I am taking responsibility and accountability for everything because as everyone should know by now, you are not good at either. There appears to be a tongue and cheek in here somewhere. I can make it up to you, when you are ready, I will come back to Sayward and help you sort out the mess you and the majority have created...and actually get some work done! **Self preservation makes you do strange things don't they mark!**

Joyce E Ellis, Delores E Mancell and 9 others 11 comments

Like Comment Send

Top comments

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in



John France ▸ Sayward Rant and Rave

October 26, 2023 ·

October 26, 2023

A few comments about the meeting this week. Sorry its long...

I think it was highly inappropriate for the mayor to ask Cllr Scott to have his partner leave the meeting. His partner was the person who the mayor harassed (and she was wasn't the only recipient of unwanted advances). If he thought his actions were no big deal, why ask her to leave? Was she too much of a bad memory of his actions for him? And equally, why has he asked his wife to spread an inaccurate version of the harassment around the village? And yes, his wife having knowledge of the harassment is a violation of the in-camera rules, the same rules (and issues) that the inquisition is going after Sue and Scott for...hypocrisy!

Then there was the text message he sent to his wife advising that Scott's partner was sitting in front of her...I think there is a rule against using electronics in council meetings but I guess that rule doesn't apply to him. The sad part is that a very nasty resident then got up and took a picture of Scott's partner...intimidation or just plain ignorance. You have to be a special kind of low life to victimize the victim.

And sleepy, your comments were heard too, have the courage to speak out if you have an issue and not make insulting remarks thinking no one is listening. You are learning all the wrong stuff!

I counted four adds to the agenda by Cllr Scott, in my opinion all

On June 9-2026 SAYWARD COUNCIL approved the remainder Rise and Report of the June 9-2026 In-Camera Age a in ty.

worthy of a council discussion:
· Cancelling of video access to council meetings without the appropriate council resolution. Administration said covid is over, no need for video access. Covid is spiking in BC right now so this logic is faulty and it does restrict mobility compromised residents from seeing what is happening on council.
· UBCM reports – past mayors always produced a report on meetings at UBCM because it is important feedback to council and residents on the issues important to Sayward, mark produced a vague account and couldn't remember the names of people he talked to.
· Sayward Fire service changes, again a pass by council majority. This has huge implications for Sayward, zero staff reports, zero discussion, zero info to residents.
· Nature Trail issue, it has been an ongoing safety issues for years (despite what testy tom said), the opportunity to negotiate is lost with the granting of the tax exemption.

testy tom got going by objecting to the additions and claiming there should be rules on what can be added at meetings. Well, there are rules (tt look at the procedure bylaw) and instead of silencing councillors maybe just take a little time to discuss the issues. These rules do say late items must be of an urgent nature and they also say that members of council have a right to be heard.
Tt, if you were smart, you would add them to a later meeting without discussion, then defeat whatever Cllr Scott was asking for like you do now, that way it at least you can fake a good process. The funny part was, you complained about the added items, then tried to add one

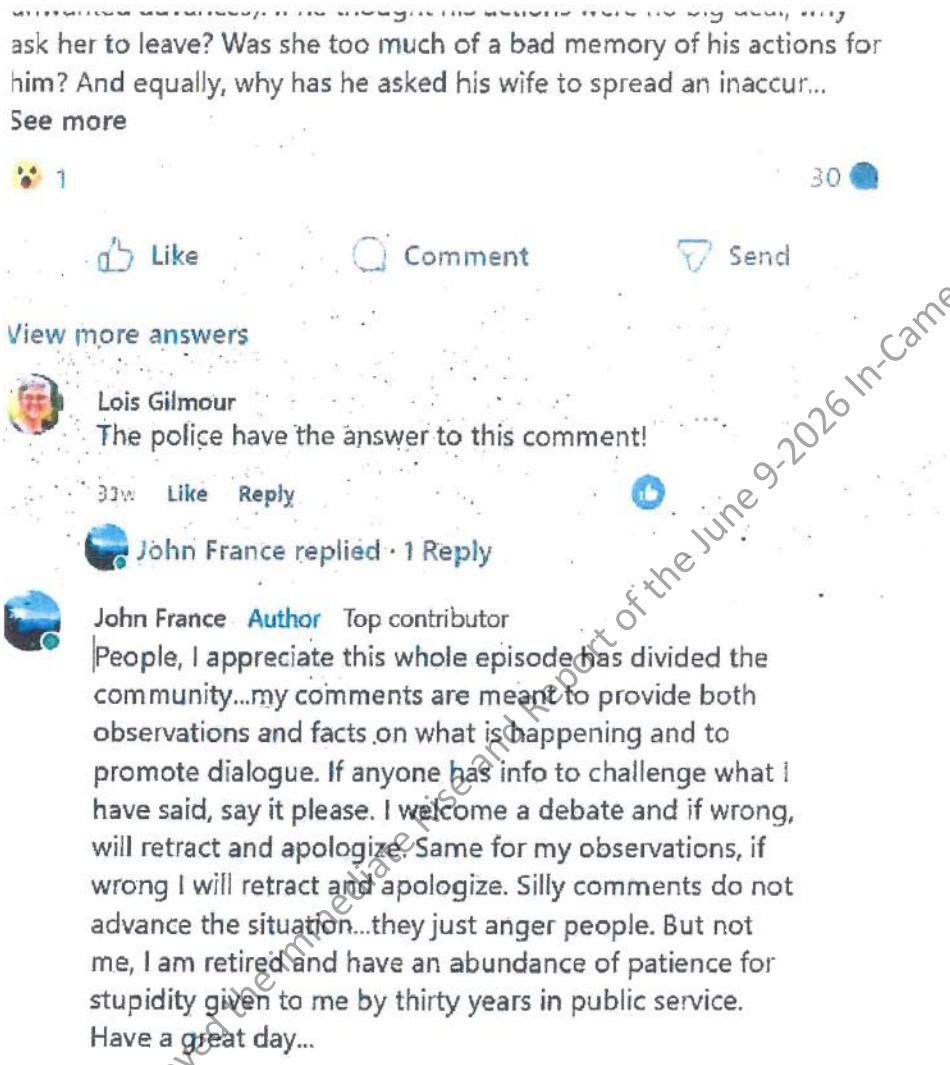
On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9 2026 In-Camera Age a in ty.

yourself, omg! Then there was the claim by the mayor that councilors need only to send the cao an email to get items on the agenda, but completely ignored the fact that these same items were shared with the cao and Council on two other occasions dating back to early September. All these issues are important to Sayward including: Creation of a Regional Fire Service, Regional Transportation Service, Regional Recreation Service. Regional Housing Service, and the expansion of the current Strathcona Gardens Service, all important, all zero reports from the mayor and cao.

CAO Keir, when council is in agreement on an issue, go with it. You created yourself a bunch more work on the HVAC issue and produced an incomplete report. I suggest that given Sayward's location you may want to ask all contractors exactly what their warranties are...adding a travel surcharge is not unheard of. And of course you are busy, you dismissed one of your star employees for no valid reason. Year end and budget are going to be interesting...nice shooting yourself in the foot!

In the pipes are:
· Ombudsman complaint in process on incorrect council meeting processes, bias/incorrect processes under S134 of the Community Charter, and taking away the right of a councilor to be heard.
· Human rights complaints on harassment, very soon.
· FOI request for financial information. Information on legal fees should have been shown in summary by invoice. Privacy Commissioner has already ruled on this one, too bad your lawyer didn't know this.

On June 9-2026 SAYWARD COUNCIL approved the immediate release of Report of the June 9-2026 In-Camera Age a in ty.



ask her to leave? Was she too much of a bad memory of his actions for him? And equally, why has he asked his wife to spread an inaccur...
See more

1 30

Like Comment Send

View more answers

Lois Gilmour
The police have the answer to this comment!
30w Like Reply

John France replied · 1 Reply

John France Author Top contributor
People, I appreciate this whole episode has divided the community...my comments are meant to provide both observations and facts on what is happening and to promote dialogue. If anyone has info to challenge what I have said, say it please. I welcome a debate and if wrong, will retract and apologize. Same for my observations, if wrong I will retract and apologize. Silly comments do not advance the situation...they just anger people. But not me, I am retired and have an abundance of patience for stupidity given to me by thirty years in public service. Have a great day...

On June 9-2026 SAYWARD COUNCIL approved the meeting Research Report of the June 9-2026 In-Camera Age a in ty.



John France ▸ Sayward Rant and Rave
October 28, 2023 ·

October 28, 2023

About my posts

A few of you will find this post unbelievable or difficult, you are entitled to your opinion. I learned of the mayor's misbehaviour last February, I was approached by staff on how to handle it. At that time, nothing about this encounter was in camera, because the complaint had not been given to the CAO. My actions at that time were to direct staff to the processes contained in village codes/bylaws...to try to support all those involved and the cao in the search for a mutual agreement. When I approached the CAO to offer help, I was rudely dismissed. He didn't want help from someone with 30 years of local government experience and 5 years in Sayward...I could have saved him a lot of grief, time and money. This is not grandiose statement on my part, the answer to this whole situation was simply honest reflection on all parties and a process using local expertise who already knew the workings within council...no, the three inquisitors took a different far more costly and destructive path.

Unfortunately, it did not take long for things to go wrong, mostly because, in my opinion, an open attempt of revenge on the part of the mayor because he didn't like being held accountable for his actions. His subsequent actions also potentially put him in a conflict-of-interest position...how can he vote on resolutions advocating actions against councillors for the alleged sharing of in camera information on an issue directly related to him (and Cllr. Scott)? We will see, that issue will be adjudicated and not by the three inquisitors.

On June 9-2026 SAYWARD COUNCIL approved the Amended Rise and Report of the June 5 2026 In Camera Age a in ty.

I now have more knowledge on what actually happened last February. This knowledge did not come from anyone on council. When I heard it, I was disgusted. The extent of the mayor's misbehavior on the harassment and subsequent actions will eventually come out. In the meantime:

· The inquisition three will continue to spend tax payer money on their false narrative.

· Testy tom, who says he is fiscally conservative, but continues to support the expenditure of over $100,000 not in the financial plan.

· Sleepy continues to spend tax payer money while not paying any taxes in Sayward.

· The mayor continues his defence of his harassment behaviour using your tax dollars.

· The inquisition continues to hide the true cost of their misadventures.

· The illegal silencing of two council continues.

· The only staff person that was actually producing something for council and Sayward has now been fired because why? Ask Council or the CAO because it sure wasn't a performance issue. And the CAO bumbles on...clearly not equipped to be CAO.

So here is the hard part. In my 30 years of experience in local government I have always respected politicians because they get paid little for their long hours of work and they have to put with difficult, argumentative and sometimes impassioned people. **And now I am one of those people and I hate it.** At the same time, I will not stand by

On June 9-2026 SAYWARD COUNCIL approved the immediate release of the June 9-2026 In-Camera Age a in ty.



Besides I would much prefer to be doing something different, yes, it is true, it takes a lot of effort to do this...but don't do it for any one person, do it for Sayward.

Lynn Beaton, Milena Gradisar and 5 others 5

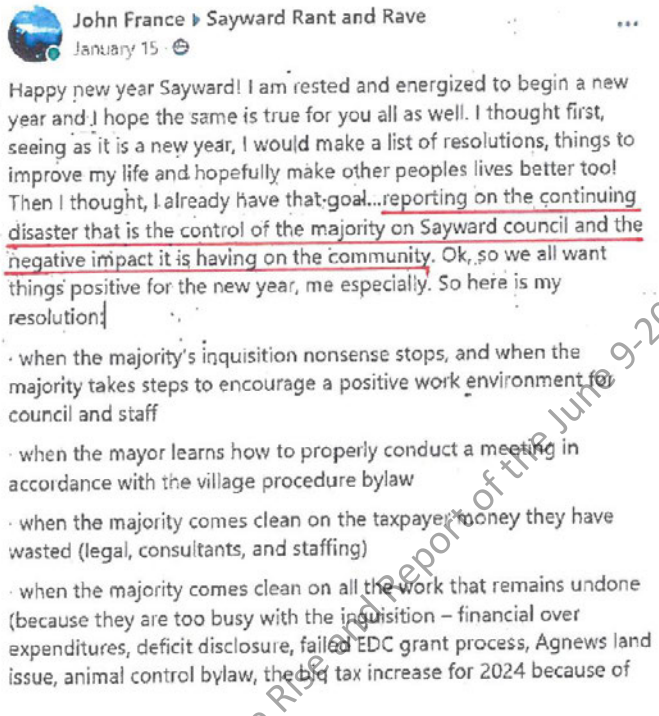
Like Comment Send

Delores E Mancell Top contributor
awesome John keep up the good work . .
31w Like Reply 2

Lynn Beaton Top contributor
What a tangled web has been woven! Will be interesting to hear the outcome at what cost? Just on a side note, Bill Ives, what sticks out for me when you were on council was the number of people that resigned. I may stand corrected but was it not and st... See more
31w Like Reply

John France replied · 3 Replies

On June 9-2026 SAYWARD COUNCIL approved the immediate release Report of the June 9-2026 In-Camera Age a in



John France ▸ Sayward Rant and Rave
January 15 ·

Happy new year Sayward! I am rested and energized to begin a new year and I hope the same is true for you all as well. I thought first, seeing as it is a new year, I would make a list of resolutions, things to improve my life and hopefully make other peoples lives better too! Then I thought, I already have that goal...reporting on the continuing disaster that is the control of the majority on Sayward council and the negative impact it is having on the community. Ok, so we all want things positive for the new year, me especially. So here is my resolution:

- when the majority's inquisition nonsense stops, and when the majority takes steps to encourage a positive work environment for council and staff
- when the mayor learns how to properly conduct a meeting in accordance with the village procedure bylaw
- when the majority comes clean on the taxpayer money they have wasted (legal, consultants, and staffing)
- when the majority comes clean on all the work that remains undone (because they are too busy with the inquisition – financial over expenditures, deficit disclosure, failed EDC grant process, Agnews land issue, animal control bylaw, the big tax increase for 2024 because of

On June 9-2026 SAYWARD COUNCIL approved the immediate Release of the Report of the June 9-2026 In-Camera Age a in ty.

issue, animal control bylaw, the big tax increase for 2024 because of poor management, improper posting of staff positions, Adama land issue...etc. etc. etc....incompetence!)

· when they recognize the wrong person was fired

· when the mayor apologizes for his behaviour in an acceptable manner

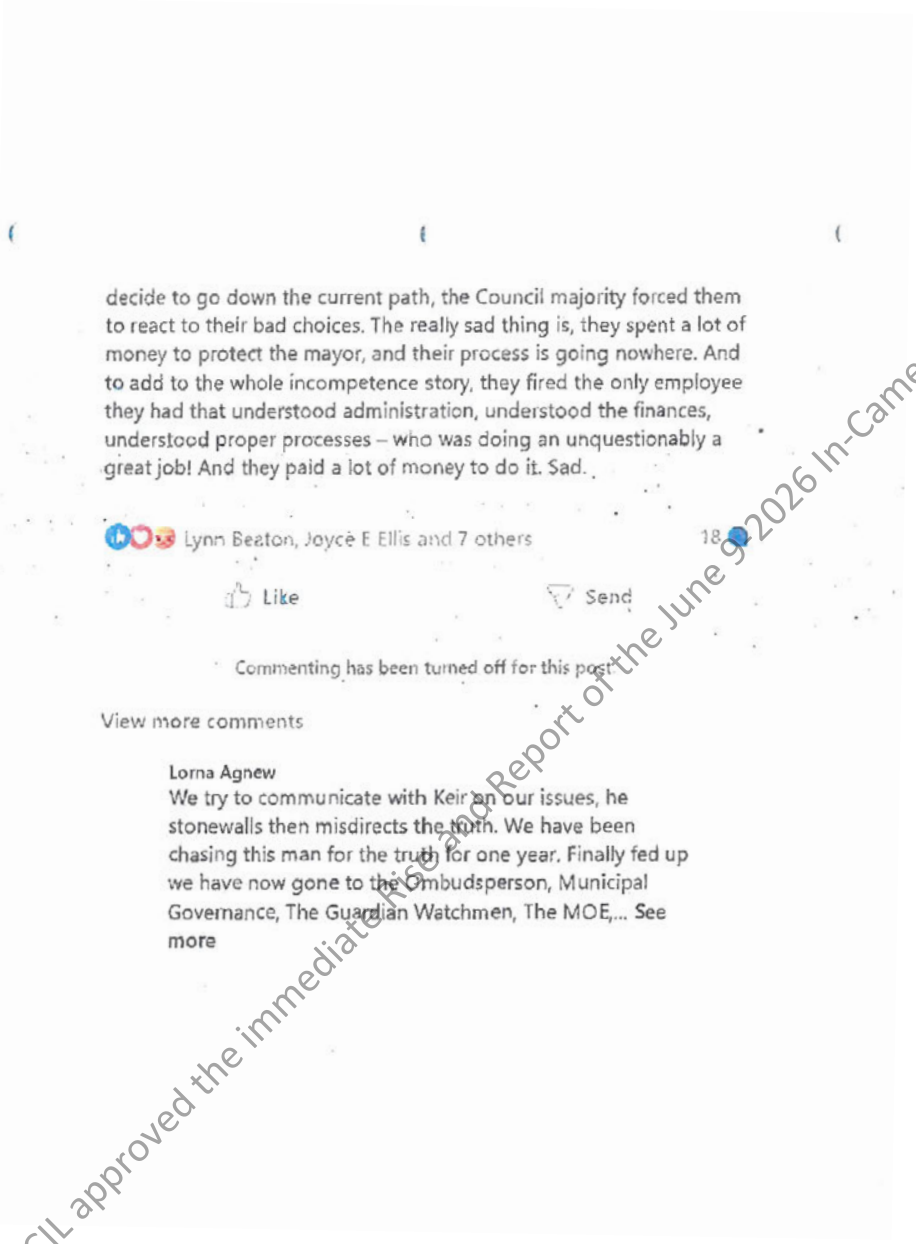
· THEN at that point, I will say job done. I know, it's a huge resolution!

In the meantime, a fresh new year, lots to expose, lots to look forward to – Ombudsman complaints, auditor explaining their lack of action on an official complaint on irregular spending of taxpayer funds, and the harassment complaints against the mayor.

Please do attend the meeting tomorrow. There is a storm coming so I will not attend in person and because the cao has stopped electronic attendance (to limit access to the show?), so I can't attend that way either. But I will be providing comments. I hear through the gripevine that a couple of people do have access to the meetings electronically, friends of the mayor I guess. Another thing for the ombudsman to determine and to rule on.

PS Please don't believe the majority when they say the over expenditures have occurred because of Sue and Scott. Over expenditures have occurred because of the poor advice given to Council and the incompetent way they have handled the whole harassment issue and council process issue. Sue and Scott did not decide to go down the current path, the Council majority forced them to react to their bad choices. The really sad thing is, they spent a lot of money to protect the mayor, and their process is going nowhere. And

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.



decide to go down the current path, the Council majority forced them to react to their bad choices. The really sad thing is, they spent a lot of money to protect the mayor, and their process is going nowhere. And to add to the whole incompetence story, they fired the only employee they had that understood administration, understood the finances, understood proper processes – who was doing an unquestionably a great job! And they paid a lot of money to do it. Sad.

Lynn Beaton, Joyce E Ellis and 7 others 18

Like Send

Commenting has been turned off for this post.

View more comments

Lorna Agnew
We try to communicate with Keir on our issues, he stonewalls then misdirects the truth. We have been chasing this man for the truth for one year. Finally fed up we have now gone to the Ombudsperson, Municipal Governance, The Guardian Watchmen, The MOE,... See more

On June 9-2026 SAYWARD COUNCIL approved the immediate release of the Report of the June 9-2026 In-Camera Age a in



John France ▸ Sayward Rant and Rave
March 20 ·

March 20, 2024

Good day Sayward, a few comments about last night. But first, Kohen, I wish you well. Go out and have fun, live life. I was disappointed in how you lined up with testy and touchy and I sincerely hope you give reflection to it and learn something from it...that is what life is about. Experiencing and learning. Whatever the ups and downs, its not the end of the world, move on.

The cao decided that the Adama project should move forward last night. I have looked at minutes over the past 6 months, I saw no staff report on the timing, process, location or chair appointment. Common practice by administration is provide council with a detailed report on the process, legalities, and what I have mentioned above, before the public hearing. This is normal, it provides clarity on process and informs council and the public on expectations, this is good transparency. What happened last night was bad for everyone, but it at least serves one purpose.

I do not know if all the issues with this project have been addressed; there are many and the potential liability is substantial for taxpayers. This does not mean the project should not be done, it simply means it has to be looked at carefully by the village. The cao will probably say the law on public hearings for zoning has been done correctly...I do not know this to be true, I have doubts. But the real issue here is; an important project for the village is now delayed again because two elected officials had concerns about the project and process and the

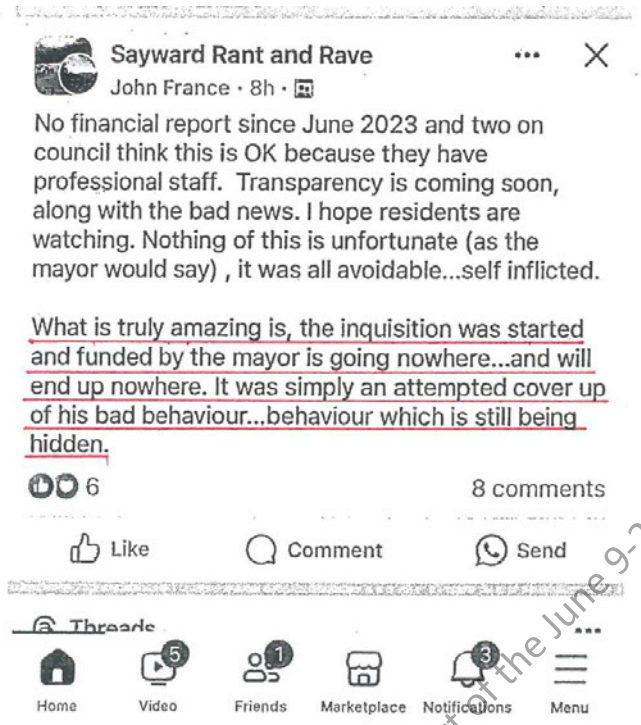
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important project for the village is now delayed again because two elected officials had concerns about the project and process and the mayor and cao refused to hear them in an open public forum. It is another example of failed administration or as the mayor would say, it was unfortunate. Well, there was nothing unfortunate about last night. Scott and Sue raised their concerns several days before the meeting. The cao and mayor had ample time to cancel the meeting and then address their concerns. Instead, they acted like a majority and pushed ahead, **the outcome is all on them**. Fortunately, they no longer have a majority and will be forced to actually abide by the democratic process. They will have to respond to all of council, no more silencing and no more unchallenged bad behaviour.

This debacle will at least serve one purpose, accountable and transparent governance. It serves as a reminder to the ex-majority that they can no longer gratuitously ignore council members because they simply don't like them. Hopefully they learned the lesson, time will tell. I am equally hopeful that we will now hear about the overspending (its now march and still no accounting for 2023!!!), we will hear about what went on in the private meetings held by the majority, we will learn how the majority illegally stopped a lawfully requested audit to cover up their spending and so much more. Transparency and accountability are great things and are necessary for this council to get back to doing the community's business.

View in group

On June 9-2026 SAYWARD COUNCIL approved the Immediate Bus and Report of the June 9-2026 In-Camera Age a in ty.



On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

Duncan
24-Sep-25
REGISTRY

This is the 1st affidavit
of John France in this action and
was made on 23 September 2025

No. S22667
Duncan Registry

In the Supreme Court of British Columbia

Between:

Mark Baker

Plaintiff

And:

John France

Defendant

AFFIDAVIT

I, John France, retired public servant, of [redacted] Courtenay, British Columbia, AFFIRM THAT:

1. I am the defendant in this action, and as such have personal knowledge of the facts and matters deposed to in this affidavit, except where said facts and matters are stated to be made on information and belief, and where so stated I verily believe the facts and information to be true.

I. BACKGROUND

2. I am 72 years old. I live in Courtenay, British Columbia. I lived in the Village of Sayward from February 2017 to May 2018.

3. I have been involved in municipal administration and council affairs most of my adult life. I have been interested in municipal politics and issues in my local community for as long as I can remember.

4. I believe that it is important for the public to be aware of governance issues in their community and hold their elected and administrative representatives accountable. I am motivated to promote good governance and the public's access to information, especially when I see those principles threatened.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age am ty.

II. EMPLOYMENT EXPERIENCE

5. I was the chief administrative officer for the Village of Sayward from 2017 to 2018. At the request of council and due to unexpected vacancies at the position, I returned and served as acting chief administrative officer three separate times: in 2019, 2020, and 2022, for approximately six months on each occasion. While serving as chief administrative officer, I reported to council.

6. From 2000 to 2015, I was the chief administrative officer and general manager corporate services for the Sunshine Coast Regional District.

7. From 1995 to 2000, I was the treasurer for the Comox Strathcona Regional District.

8. From 1994 to 1995, I was the treasurer and deputy administrator for the Kitimat Stikine Regional District.

9. From 1990 to 1994, I was the treasurer and collector for the District of Chetwynd.

10. From 1989 to 1990, I was the assistant secretary treasurer for School District 59 in Dawson Creek.

11. Between 1983 and 1989, I held three positions with the territorial government in Iqaluit, Northwest Territories: accounts payable supervisor, finance manager, and comptroller for the Baffin Divisional Board of Education.

12. From 1982 to 1983, I worked for the Canada Revenue Agency as a collections officer.

III. EDUCATION

13. In 1992, I obtained a diploma in accounting from Northern Alberta Institute of Technology.

14. Between 1985 and 1994, I completed certified management accountant and certified general account programs by correspondence to the fifth level.

15. In 1997, I obtained an Intermediate Certificate of Local Government from the Local Government Management Association Board of Examiners.

16. In 1998, I obtained a Local Government Certificate from Capilano College.

17. In 2002, I obtained a Senior Certificate of Local Government from the Local Government Management Association Board of Examiners.

On June 9-2026 SAYWARD COUNCIL approved the immediate Release and Report of the June 9 2026 In Camera Mee a in ty.

18. In 2004, I obtained a diploma in Local Government Management from the University of Victoria.

IV. VILLAGE OF SAYWARD

19. The Village of Sayward is located on the northeast coast of Vancouver Island. Its population today is approximately 350. It was incorporated in 1968.

20. Sayward's economy was historically rooted in the forestry industry; logging remains a staple industry in the region. Tourism has become an important industry as well.

V. "SAYWARD RANT AND RAVE" FACEBOOK GROUP

21. There is a Facebook group named "Sayward Rant and Rave" (the "**Forum**"). The Forum is a private group, which means that only members can participate in it. Administrators of the Forum have the power to accept or refuse requests to join the membership and to remove existing members. As of the date of making this affidavit, the Forum has over 1,700 members. Some of these are people who used to live in Sayward but have since moved away, as well as people who have never lived in Sayward but are interested in the information shared in the Forum.

22. I first joined the Forum in or around June 2020, was removed by a Forum administrator in June 2023, then re-admitted in August 2023 and have continued as a member ever since.

23. The Forum description reads: "For posts for issues/events directly related to Sayward".

24. The Forum is used by members to discuss and raise awareness about issues affecting Sayward. On the Forum, members frequently discuss and debate political issues including council's activities. Prior to the commencement of this action, I used the Forum for these purposes.

VI. MY RELATIONSHIP WITH MARK BAKER

25. My first contact with Mr. Baker was through the Forum in mid-2020, before he became Mayor. I was not Chief Administrative Officer of Sayward at the time.

26. The acting mayor, Bill Ives, had awarded a construction contract for a dam project despite the contract amount not being included in the approved financial plan, contrary to the *Local Government Act*, or approved by council, contrary to council policy. Mr. Baker and I debated the issue in the Forum. I was critical of Mr. Ives' decision, but Mr. Baker defended him.

On June 9-2026 SAYWARD COUNCIL approved the Immediate Re and Report of the June 9-2026 In-Camera Age a In ty.

27. During my tenures as chief administrative officer of the Village between 2017 and 2022, I maintained good working relationships with all members of council and staff, including Mr. Baker after he was elected mayor. When my last contract expired in January 2023, Mr. Baker told me that he was happy we had gotten along so well the past five months.

VII. MR. BAKER'S PERFORMANCE AS MAYOR

A. OVERVIEW

28. Mr. Baker was elected mayor of Sayward in November 2020. His election platform included the phrase: "[...] vote for me and I will stand by my words with honesty, integrity and transparency." Attached and marked as **Exhibit "A"** is a true copy of a flyer containing Mr. Baker's election platform.

29. In my experience, Mr. Baker has disregarded the laws, bylaws, and policies which govern Sayward and council. In my view, he has from time-to-time failed to discharge his responsibilities under section 116 of the *Community Charter* and disregarded sections 2-8 of Sayward's *Code of Conduct Bylaw 442*. As well, he has prevented council members from fulfilling their responsibilities under section 115, as discussed in paragraphs 40-43 and 50-51 below.

30. My impression, based on having observed Mr. Baker over the course of over four years, is that he has a tendency to belittle and intimidate those who disagree with him. I have also found that he abuses his position as mayor to suppress dissent, as discussed in paragraphs 48-49 and 69-75 below.

B. DISREGARD FOR COUNCIL MEETING PROCEDURE

31. Since Mr. Baker was elected, council has had a consistent majority (initially, Mr. Baker and Councillors Tom Tinsley and Kohen Gilkin, now Councillors Jason Johnson and Debbie Coates) and minority (Councillors Scott Burchett and Sue Poulsen). I have observed that, when the minority raises issues at council meetings, Mr. Baker has a tendency to immediately call a vote on the proposed resolutions before council has discussed them. I believe that doing this is contrary to sections 2 and 3 of Village of Sayward *Code of Conduct Bylaw 442*. Based on my observations of Mr. Baker, I have concluded that he uses this tactic to prevent full discussion about the issue and council's operation.

32. I have observed that Mr. Baker lacks understanding of simple council meeting protocols. For example, he:

(a) introduces issues on the proposed agenda before the agenda is approved;

On June 9-2026, SAYWARD COUNCIL approved the immediate use and Report of the June 9-2026 In-camera Age a in ty.

(b) forgets to ask for resolutions to be seconded;

(c) moves on to new items before a previous item has been voted on; and

(d) does not call for an adjournment to end a meeting.

33. Before my last contract ended, I suggested that council receive training in meeting protocol to help address these issues.

34. Since my last contract ended, I have from time-to-time attended Sayward council meetings (in person or by live stream) and watched recordings of Sayward council meetings. In doing so, I have observed that Mr. Baker continues to exhibit the same behaviours I have listed in paragraph 32 above.

C. Failure to Report to Council on SRD Issues

35. The Strathcona Regional District (the "**SRD**") is a government body which provides services such as water, sewage, fire protection, land use planning, emergency response, and recreation to over 48,000 residents in north central Vancouver Island, the Discovery Islands, and mainland area inlets. It is governed by a 14-member board of elected officials. It was established on 15 February 2008. Mr. Baker has been the chairperson of the SRD since 09 November 2022.

36. It was the practice of Sayward's SRD appointees before Mr. Baker to report to Sayward council on issues discussed at SRD meetings, especially those affecting Sayward. However, to my knowledge, Mr. Baker has never provided his own written report to council on issues discussed by the SRD. Also, to my knowledge, Mr. Baker has never instructed staff to prepare a report on how a given SRD proposal would affect Sayward.

37. For example, between 2022 and 2024, the SRD discussed implementing the following services:

(a) a regional fire service which would give the SRD increased control over fire departments in the regional district;

(b) transfer of Sayward's fire service to the SRD;

(c) a regional transportation service which would create two new bus lines leading to Campbell River;

(d) a regional recreation service which would manage facilities, parks, and trails and be funded by a regional tax;

On June 9-2026 SAYWARD COUNCIL approved the immediate use and report of the June 9-2026 In-Camera Age a in ty.

(e) a regional housing service which would establish regional taxes to be used to build low-cost housing; and

(f) a service to include municipalities and electoral areas in the funding of Strathcona Recreation Facilities.

38. To my knowledge, Mr. Baker never provided council his written report on any of these topics or instructed staff to prepare a report on them.

39. In January 2025, Sayward passed *Code of Conduct Bylaw 512*, which requires Sayward's SRD appointees to report back to council following an SRD meeting. To the best of my knowledge, Mr. Baker has yet to make any such report to council.

D. Failure to Respond to Request for Audit

40. At a council meeting in or around July 2023, the minority members of council requested an audit of Sayward finances pursuant to section 172 of the *Community Charter*. Mr. Baker promptly put the matter *in camera*. To my knowledge, no action was ever taken to respond to the request and no information was ever released to the public.

E. Delay in Passing Financial Plan and Tax Rate Bylaw

41. In the spring of 2024, council failed to pass the Financial Plan and Tax Rate Bylaw by the deadline mandated by the provincial government and *Local Government Act* (15 May 2024). The bylaw was approved on 16 May 2024, but the minutes of the May 16 meeting were not approved until 15 July 2025.

42. I am aware that media outlets reported on this issue. Attached and marked as **Exhibit "B"** is a true copy of an article titled "Sayward would be first municipality to miss financial deadline since charter enacted" by Carla Wilson and published in Times Colonist on 16 May 2024.

43. I was told by Sue Poulsen and Scott Burchett, and reasonably believe to be true, that one of the reasons council missed the deadline was that Mr. Baker walked out of council meetings three times in April and May 2024.

F. Excessive Expenditure on Legal

44. Before 2023, council's usual annual expense for legal issues was approximately $16,000-$20,000. Under Mr. Baker, legal expenses have increased significantly. Attached and marked as **Exhibit "C"** is a true copy of a financial statement produced by the Village which shows that the budget for legal in 2023 was $16,000, but the Village spent $55,750. I could find no resolution or bylaw amendment approving this over expenditure.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

45. Attached and marked as **Exhibit "D"** is a true copy of an excerpt of council's meeting agenda for the 01 April 2025 meeting, including the proposed 2025-2029 financial plan. The plan shows that council budgeted $20,000 for legal in 2024, but spent $105,551. The plan also shows that the Village budgeted $90,000 for legal in 2025.

46. Attached and marked as **Exhibit "E"** is a true copy of council's meeting minutes for 01 April 2025, which show at section 11.b) that council approved the 2025-2029 financial plan.

47. Attached and marked as **Exhibit "F"** is a true copy of the minutes of the Village of Sayward special council meeting held on 24 October 2023. The minutes show that Mr. Baker responded "no" when asked if Village funds were being used for a legal case against me.

G. TREATMENT OF COUNCILLOR POULSEN

48. I have observed Mr. Baker treat Councillor Poulsen poorly during council meetings. He interrupts her, speaks to her in a condescending tone, and minimizes the importance of her comments.

49. During council meetings, I have observed Mr. Baker's supporters snickering and making rude facial expressions at Councillor Poulsen. At a council meeting in 2024 which I attended, this issue was put to Mr. Baker, but he did nothing to stop it.

VIII. DYSFUNCTION WITHIN SAYWARD COUNCIL UNDER MR. BAKER

50. While serving as chief administrative officer and afterward, I observed dysfunction in council's operation, including the following:

(a) high turnover rate among council members and Village staff;

(b) since 2022, council has failed to regularly report progress updates for projects in its strategic plan. To my knowledge, the last progress report to be completed was the one I prepared in November 2022;

(c) in October 2023, Finance Officer Lisa Clark made a harassment complaint against Chief Administrative Officer Keir Gervais. In October 2023, Mr. Baker and Mr. Gervais terminated Ms. Clark's employment, resulting in a severance payment of approximately $60,000. In August 2024, Ms. Clark was re-hired as Finance Officer; and

(d) council's failure to promptly approve and upload meeting minutes to its website.

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

51. In May 2025, I reviewed Sayward's website to determine which meeting minutes had not been uploaded. As of May 2025, for the period from July 2023 through December 2024:

(a) there were no minutes posted online for seven regular council meetings:

(i) 20 February 2024;

(ii) 02 April 2024;

(iii) 16 April 2024;

(iv) 07 May 2024;

(v) 04 June 2024;

(vi) 23 July 2024; and

(vii) 06 August 2024;

(b) seven regular council meetings were cancelled without notice to the public:

(i) 07 November 2023;

(ii) 21 November 2023;

(iii) 19 December 2023;

(iv) 02 January 2024;

(v) 06 February 2024;

(vi) 21 May 2024; and

(vii) 18 June 2024; and

(c) minutes of seven regular and special council meetings were approved more than a year after the meeting:

(i) 03 October 2023 regular meeting minutes were adopted 04 February 2025;

(ii) 24 October 2023 special meeting minutes were adopted 04 February 2025;

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in

(iii) 05 December 2023 regular meeting minutes were adopted 18 March 2025;

(iv) 05 March 2024 regular meeting minutes were adopted 06 May 2025;

(v) 04 April 2024 special meeting minutes were adopted 06 May 2025;

(vi) 09 April 2024 special meeting minutes were adopted 06 May 2025; and

(vii) 29 February 2024 special meeting minutes were adopted 15 April 2025.

52. Attached and marked as **Exhibit "G"** is a true copy of the minutes from council's meeting on 21 January 2025, which notes "Staff are working to complete the backlog of minutes and agendas for 2023 and 2024."

53. Attached and marked as **Exhibit "H"** is true copy of the minutes from council's meeting on 05 December 2023. Item 10(a) of the agenda – a resolution that "the Village of Sayward Council unanimously support a request for governance assistance from the Ministry of Municipal Affairs" – was carried.

54. Attached and marked as **Exhibit "I"** is a true copy of a letter dated 16 March 2024 from Tara Faganello, Inspector of Municipalities, to Mr. Baker and Sayward council. Ms. Faganello explains in her letter that municipal advisor Brian Carruthers would work with staff and council for three months and provide recommendations to council on governance approaches.

55. To my knowledge, Mr. Carruthers worked with council for approximately five months from spring 2024 until August 2024. Mr. Carruthers produced a report for council in August 2024 in which he made 13 recommendations to council. Acting chief administrative officer of Sayward, John Thomas, prepared a staff report for the council meeting on 05 November 2024 in which he updated council on the progress of implementing Mr. Carruthers' 13 recommendations. A true copy of the staff report for 05 November 2024 is attached and marked as **Exhibit "J"**.

IX. COMPLAINTS AGAINST MR. BAKER

56. My last contract expired in January 2023. Some time in early February 2023, Sayward finance officer Lisa Clark phoned me and told me Scott Burchett had just asked her how to go about making a complaint of a sexual harassment nature against the mayor. She asked for my advice on how she should handle it. I told her I would call her back.

On June 9-2026 SAYWARD COUNCIL received the Impact Rise and Report of the June 9-2026 In-Camera Agenda in ty.

57. I reviewed the bylaws for about 10 minutes to determine the complaint process. Then I called Lisa Clark back, informed her of the applicable bylaw, and told her to refer Mr. Burchett to the applicable bylaw, give him a complaint form, and tell him to go talk to the chief administrative officer.

58. I was away on vacation from the end of February 2023 to 04 April 2023 and during this time I did not communicate with anyone about a complaint against Mr. Baker.

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

60. On 12 May 2023 I phoned Mr. Baker because I wanted to help him resolve the ongoing issues arising out of Ms. Clark's and Mr. Burchett's complaints. Our phone call lasted about 10 minutes.

61. I remember telling Mr. Baker that I didn't think people were very happy with what was going on. I told him if he wanted this to be over he should make a public apology to Ms. Clark and Mr. Burchett, in a form approved by them and council. I recommended that he take sensitivity training. I also recommended that he relinquish all appointments until council deems his behaviour has changed.

62. Mr. Baker did not say much in response. He told me that he was not involved in the process of determining the outcome of the investigation.

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

64. Attached as a bundle and marked as **Exhibit "L"** are true copies of documents Scott Burchett emailed to me on 17 October 2023.

65. Based on the documents within Exhibits "K" and "L", I formed the conclusion that Mr. Baker had sexually harassed Talia Clark.

X. COUNCIL'S DEMAND TO EXAMINE ME

66. In August 2023, I received a letter from then deputy mayor, Tom Tinsley, dated 15 August 2023. Enclosed with his letter was a document titled "Appointment to Examine". A true copy of the letter and enclosure are attached as **Exhibit "M"**. The Appointment to Examine requests my attendance on 12 September 2023.

On June 9-2026 SAYWARD COUNCIL approved the immediate dismissal report of the June 9-2026 In Camera Age a in ty.

67. I responded by email to staff and council on 08 September 2023. True copies of my email and Keir Gervais' response are attached and marked as **Exhibit "N"**.

68. I did not attend the examination scheduled for 12 September 2023 because I believed council had not followed the appropriate process. I believe that two of the three councillors who voted to approve this process were in a conflict of interest when they did so. Council never contacted me again to request my attendance. I believe this Appointment to Examine was issued as a threat and attempt to suppress my comments on Mr. Baker's actions.

XI. MR. BAKER'S ATTEMPTS TO SILENCE CRITICS

69. Since I posted the statements that are the subject of this action, Mr. Baker's supporters have responded inside and outside the Forum. I have felt intimidated by postings made in response and by how others have treated me. In some of my statements, I have referred to Mr. Baker as "touchy", Tom Tinsley as "testy", and Kohen Gilkin as "sleepy".

70. Daryl Lyons, a supporter of Mr. Baker, has threatened me twice. At the council meeting in June 2024 at Village council chambers, I overheard him telling the person sitting next to me that he would like to take me down Branch M Road and assault me.

71. After another council meeting, Mr. Lyons became extremely agitated and confronted me, which prompted Mr. Baker to intervene and hold him back.

72. I have felt intimidated by Mr. Lyons' behaviour toward me.

73. Debbie Coates used to be an administrator of the Forum. She is a supporter of Mr. Baker. In June 2023, she removed me from the Forum without providing a reason. After I was removed, many of my posts in the Forum critical of Mr. Baker were deleted.

74. Rebecca Sinclair is an administrator of the Forum. She later told me that I had not broken any of the rules of the Forum and reinstated me to it. She told me that Ms. Coates was the one who removed me.

75. Attached and marked as **Exhibit "O"** is a true copy of a letter dated 03 October 2023 from Andrew G. Lacroix which I received some time in October 2023.

AFFIRMED BEFORE ME)
at ~~Vancouver~~ Courtenay, British Columbia,)
on 23 September 2025)

A Commissioner for Taking)
Affidavits for British Columbia)

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

John France

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Ag a in ty.

2011. We moved here because we fell in love with the area and saw an area filled with potential and beauty. Since moving here I have already seen changes, both good and bad. I've seen people belittled and bullied for daring to stand up and question what was happening. I believe as a voter you have the right to ask questions and deserve respect and encouragement to become involved. After all we do live here.

Economic development does not mean loss of environment, if done safely and to proper guidelines. Maintaining natural beauty while enhancing what we have does not mean overdeveloping the area and losing its natural beauty. Both can be achieved. Bringing more tourism to the community and again bringing more money into the community helping support local businesses. We need an environment that supports local business, yet attracts new. Local businesses put money back into the community ie; taxes and employment. More amenities attract more people which help increase property value,

"I look forward to be able to address any concerns you might have, vote for me and I will stand by my words with honesty, integrity and transparency"

This is Exhibit "A" referred to in the affidavit of John Fraser
Sworn before me at Courtenay, British Columbia, this 23 day of September, 2025

A Notary Public in and for the Province of British Columbia

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

On June 9-2026 SD71 COUNCIL approved this Immediate Rise and Report of the June 9-2026 In-Camera Age

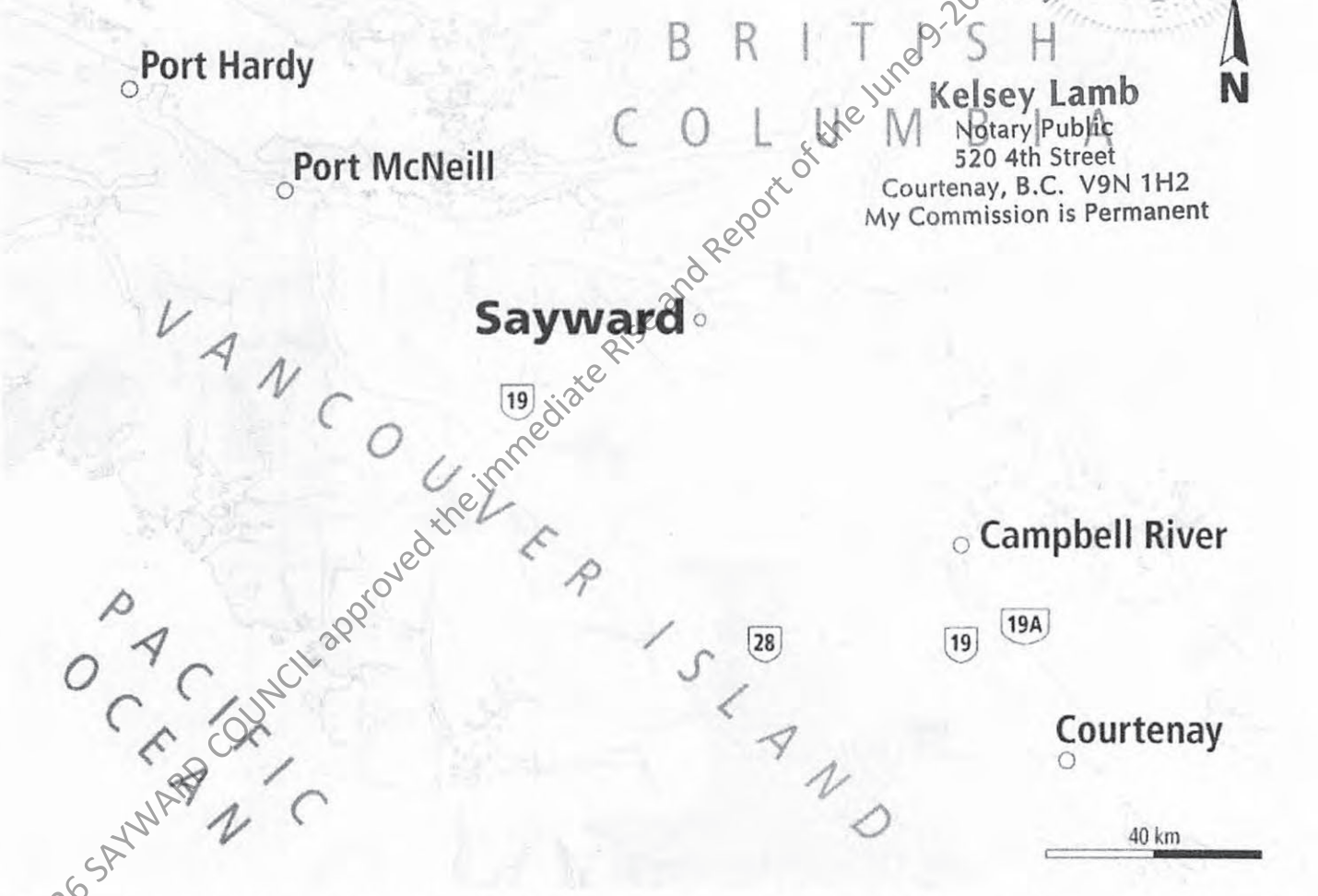
COLONIST

Sayward would be first municipality to miss financial deadline since charter enacted



Carla Wilson
May 16, 2024 12:35 AM

This is Exhibit "B" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September, 2025
A Notary Public in and for the
Province of British Columbia
Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent



A map shows the location of Sayward, located between Campbell River and Port McNeill, with a population of about 350.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2025 In-Camera Meeting.

Listen to this article
00:02:50

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in



COLONIST

so since the Community Charter was enacted in 2004, the province says.

Under the charter, the bylaws must be adopted by May 15.

The mayor and two remaining councillors were set to hold a special meeting at 6:45 a.m. on Thursday to give fourth and final reading to the necessary bylaws, which are expected to be submitted to the province that day.

The village is hoping the province will allow it to present the bylaws a day late.

But there is no provision in legislation for an extension to the deadline, the Ministry of Municipal Affairs said in a statement to the *Times Colonist* Wednesday afternoon.

"Since the Community Charter was enacted (2004), all municipalities have met the deadline to adopt their financial plan and property tax rate bylaws," it said.

The ministry said its staff are available to answer questions and provide support to the village, located between Campbell River and Port McNeill, with a population of about 350.

The original plan was for council to do third reading of the bylaws on Monday, then proceed to final reading on Wednesday in time to meet the deadline.

But Mayor Mark Baker left the Monday meeting before the financial matters were dealt with. He could not be reached for comment.

Instead, council met Tuesday to take the bylaws to third reading and set the special meeting for Thursday. A full-day gap is required before final reading.

The five-member council has lost two councillors in recent months.

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

COLONIST

Tinsley would not comment when contacted by a reporter, but Keir Gervais, chief administrative officer of Sayward, said in a news release that Tinsley stepped down because "he has found the excessive number of council meetings with limited productivity over the last 18 months no longer allows him to maintain his health while meeting other obligations personally and professionally."

Tinsley was elected in 2020 in a byelection and was re-elected in 2022.

That leaves the mayor and two councillors on council. Nominations for candidates will be opened in coming weeks, Gervais said.

A provincial advisor has been appointed to try to sort out Sayward council's ongoing turmoil.

cjwilson@timescolonist.com

>>> To comment on this article, write a letter to the editor: letters@timescolonist.com

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

This is Exhibit "C" referred to in the affidavit of

John Fraser

Sworn before me at Courtenay, British Columbia, this

23 day of September 2025

A Notary Public in and for the Province of British Columbia

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

Description	Account Codes	2023 Budget	2023 Actual	2024 Budget
ADMINISTRATION				
Revenue				
Grants - Admin	01-01-03-0140	36,750	78,558	207,800
First Nations Relations Revenue	01-01-03-0144	0	0	0
Area A Fire Administration Fee	01-01-03-0150	2,500	2,500	2,500
Business Licenses	01-01-03-0165	2,700	5,165	3,900
Dog Licenses & Fines	01-01-03-0166	700	1,041	700
Photocopies & Fax	01-01-03-0190	750	381	400
Sayward News Revenue	01-01-03-0191	5,750	13,225	13,000
Revenue - Other	01-01-03-0192	100	1,446	1,000
Transfer from Reserves		10,000	0	40,000
Total Administration Revenue		**59,250**	**102,316**	**269,300**
Expenditure				
Salaries - Admin	01-02-03-0350	203,766	213,239	208,696
Wages - Custodian	01-02-03-0353	1,532	1,642	1,568
Salaries - Public Works	01-02-03-0360	3,371	12,431	2,982
Payroll Costs: Admin & PW	01-02-03-0370	51,080	50,651	55,812
Employee Benefits	01-02-03-0378	0	0	0
Travel & Education - Admin	01-02-03-0380	6,500	6,303	6,500
Advertising	01-02-03-0400	750	0	750
First Nations Relations Expenses	01-02-03-0403	0	0	0
Sayward News	01-02-03-0405	4,700	5,104	5,257
Internet	01-02-03-0406	1,050	1,034	1,082
Postage	01-02-03-0409	1,632	1,154	1,681
Audit	01-02-03-0410	16,207	16,900	16,694
Legal	01-02-03-0411	16,000	55,750	55,750
Information Technology	01-02-03-0414	16,500	18,929	16,270
Bank Charges, Fees & Interest	01-02-03-0420	3,500	2,957	3,605
Tax Sale Fees	01-02-03-0421	1,000	1,182	1,030
Dues, Memberships & Subscriptions	01-02-03-0435	4,500	4,302	4,635
Insurance - Building	01-02-03-0445	2,781	2,653	2,864
Insurance - Liability	01-02-03-0447	3,417	3,416	3,519
Maintenance & Repairs - Admin Office	01-02-03-0450	2,000	1,466	2,060
COVID-19 Expenses	01-02-03-0452	0	0	0
Cleaning Supplies - Office	01-02-03-0454	300	21	309
Office Supplies	01-02-03-0510	5,500	5,650	5,665
Tax Printing	01-02-03-0514	500	549	515
Business Travel/Meetings	01-02-03-0518	500	441	515
Equipment - Admin Office	01-02-03-0529	12,500	1,023	12,875
Contract Labour	01-02-03-0532	59,250	52,934	237,800
Copier - Rent & Supplies	01-02-03-0538	6,500	7,151	6,695
Telephone & Cell Phone	01-02-03-0540	4,400	5,721	4,532
Heating Fuel	01-02-03-0550	11,000	6,144	6,267
Utilities	01-02-03-0555	3,800	6,762	6,897
Total Administration Expenditure		**444,537**	**485,508**	**672,824**
Net Administration		**(385,287)**	**(383,193)**	**(403,524)**

On June 9-2026 SAYWARD COUNCIL endorsed the immediate Rise and Report of the June 9, 2026 In-Camera Age

This is Exhibit "D" referred to in the affidavit of
John Franc
Sworn before me at Courtenay, British Columbia, this
23 day of September, 2025
A Notary Public in and for the
Province of British Columbia
Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

VILLAGE OF SAYWARD
REGULAR COUNCIL MEETING AGENDA
April 1, 2025 - 7:00 PM
COUNCIL CHAMBERS

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

1. **Call to Order**
2. **Public Input (Maximum of 2 minutes per speaker, 15 minutes total)**

   Mayor: "Public input is for the purpose of permitting people in the gallery to provide feedback and shall be no longer than 15 minutes unless approved by majority vote of Council; each speaker may provide respectful comment on any topic they deem appropriate and not necessarily on the topics on the agenda of the meeting. Each speaker may not speak for longer than 2 minutes but may have a second opportunity if time permits. Each speaker must not be allowed to speak regarding a bylaw in respect of which a public hearing has been held. For the record, please state your name and address."
3. **Introduction of Late Items**
4. **Approval of Agenda**

   Recommended Resolution:

   THAT the agenda for the Regular Meeting of Council for **April 1, 2025**, be approved [as presented **or** as amended].
5. **Minutes of Previous Meetings**

   Recommended Resolutions:

   a) THAT the minutes from the Regular Council Meeting held on **March 18, 2025**, be adopted [as presented **or** as amended].

   b) THAT the minutes from the Committee of the Whole meeting held on **March 19, 2025**, be adopted [as presented **or** as amended].
6. **Petitions and Delegations - None**
7. **Correspondence**

   a) AVICC Request for Participation – Reforming the Local Government Act

   Recommendation:

   THAT Council receives this correspondence for information.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Meeting

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in



b) **Village of Daajing Giids – Cannabis Taxation Sharing & Municipal Owned Cannabis Retail Store – Mayor Pineault**

Recommendation:

THAT Council receives this correspondence for information.

c) **MLA Anna Kindy – Bill 7 Economic Stabilization (Tariff Response) Act**

Recommendation:

THAT Council receives this correspondence for information.

d) **Inspiring Wonder Woman Award – Vancouver Island 2024**

Recommendation:

THAT Council receives this correspondence for information. **[AND/OR]**

THAT Council adds this topic to the in-camera for additional discussion on potential candidates for nomination under section 90(1)(b) "personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the community on condition of anonymity.

e) **AVICC's Annual Report, Minutes, and Resolution Package**

8. **Council Reports - None**
9. **Reports of Committees**
   a) **Resolutions from COTW – March 18, 2025**

   Note: Staff Report attached with resolutions.
10. **Mayor's Report**
   a) **Mayor's Report – March 2025**
11. **Unfinished Business**
   a) **Draft – Capital Plan 2025-2029**

   Note: the deadline for a fully adopted 2025-2029 capital financial plan in a bylaw is **May 15, 2025.**

   Recommendation:

   THAT Council receives this report for information and discussion.

   THAT Council confirm the completion of its review of the draft capital plan; AND

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report the June 9-2026 In-Camera Age a in ty.

THAT Staff be directed to proceed with public engagement on the draft capital plan and the development of the associated bylaw.

b) Draft – Operating Financial Plan 2025-2029

Note: this is the fourth and final version of the operating financial plan. The deadline for a fully adopted 2025-2029 financial plan in a bylaw is **May 15, 2025**.

Recommendation:

THAT Council receives this report for information and discussion.

THAT 2025-2029 Financial Plan be approved; AND

THAT Staff be directed to proceed with public engagement and prepare required bylaws related to the 2025-2029 Financial Plan for the April 15, 2025, regular meeting of Council.

12. Staff Reports

a) Draft Fees and Charges

Recommendation:

THAT Council receives the Fees and Charges Review staff report for information and discussion.

THAT the proposed amendments to the appropriate schedules of the Village's Fees and Charges Bylaw be approved; and

THAT Council directs staff to prepare a Fees and Charges Amendment bylaw for the April 15, 2025, Regular Council Meeting.

b) MacMillan Drainage Project – Initial Design

Recommendation:

THAT Council receive the staff report for information and discussion.

THAT Council approve the engineering design solution for the purposes of advancing first nations consultation, public engagement and finalizing detailed drawings for public procurement.

c) Weather Station – Lightning Detection Equipment Agreement

Recommendation:

THAT Council receive the Lightening Detection Equipment Agreement staff report for information and discussion.

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

THAT Council approves the License of Occupation and Agreement between the Village of Sayward and the Environment and Climate Change Canada; and,

THAT the Mayor and Corporate Officer be authorized to execute the agreement.

d) Streetlight Management Research
Recommendation:

THAT Council receives the staff report for information and discussion.

13. Emergency Services/Public Works/Recreation Department Reports

14. Bylaws - none

15. New Business - None

16. Public Question Period (maximum 15 minutes)

Mayor: "The purpose of the public question period is to enable citizens to ask questions of Council about issues that are important to the citizen asking the question. Speakers are asked to limit their questions to one each and, if time permits after everyone has had an opportunity to ask questions, speakers may ask a second question. Citizens will be asked to state their name and address."

17. In Camera

Recommended Resolution:

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

1. 90(1)(c) labour relations or other employee relations.
2. 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

18. Adjournment

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report at the June 9-2026 In-Camera Age a in ty.

2025-2029 Financial Plan Final

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

2025-2029 Financial Plan (Operating) – Final

Final Summary	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
OPERATING REVENUE							
Taxation - General Municipal Purpose	456,492	458,159	625,395	662,918	702,693	744,855	789,546
Other taxes	15,574	13,554	14,349	14,897	15,469	16,067	16,691
Federal Community Works Fund Grant	75,149	78,620	78,620	75,149	75,149	75,149	75,149
Provincial Govt Grants	384,000	368,200	368,500	368,500	368,500	368,500	368,500
Provincial Govt Grants - Growing Communities Fund	0	0	0	0	0	0	0
LGCAP Grant	120,373	120,373	0	0	42,000	42,000	42,000
Interest & Tax Penalties	13,275	11,778	11,300	11,300	11,300	11,300	11,300
General Investment Income	74,622	93,286	85,750	85,750	85,750	85,750	85,750
Other Revenue	48,850	86,895	5,450	5,450	5,450	5,450	5,450
Licences, Permits & Fines	12,100	4,755	13,310	13,310	13,310	13,310	13,310
General Operating Grants	259,980	106,681	171,500	7,500	7,500	7,500	7,500
Sale of Service - Recreation Centre	25,216	33,435	22,528	22,583	22,639	22,696	22,755
Donations - Recreation Centre	7,790	10,984	13,950	13,950	13,950	13,950	13,950
Sale of Service - Other	29,805	41,602	37,407	38,031	38,673	39,332	40,009
Fire Rescue Revenue	5,000	10,818	0	0	0	0	0
RCMP Rent	24,000	24,000	25,000	25,200	25,200	25,200	25,200
RCMP Maintenance	9,748	8,115	9,748	9,748	9,748	9,748	9,748
Sewer Revenue	98,561	104,459	110,539	107,917	113,313	118,978	124,927
Water Revenue	163,565	168,118	201,152	212,780	216,919	226,515	236,591
Solid Waste Revenue	52,654	55,682	55,882	58,441	61,128	63,949	66,912
Total Operating Revenue	1,907,253	1,799,514	1,850,379	1,733,425	1,828,692	1,890,250	1,955,289

On June 9-2026 SAYWARD COUNCIL approved the immediate and report of the June 9-2026 In-Camera Age a in ty.

2025-2029 Financial Plan (Operating) – Final

Final Summary	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
OPERATING EXPENDITURES							
Legislative Services	78,455	67,506	57,400	78,250	78,250	78,250	78,250
Administration	721,754	701,461	659,540	637,986	645,322	652,874	660,653
Election	13,363	6,157	0	10,090	0	0	0
Recreation Centre	300,388	318,242	231,103	235,414	240,714	246,272	252,108
Parks	39,410	27,379	43,217	43,893	44,591	45,312	46,056
Public Works	103,650	106,998	107,791	108,032	110,180	112,407	114,721
Roads	54,264	36,300	47,621	50,253	48,898	49,556	50,227
Drainage	14,325	9,543	15,461	15,570	15,682	15,795	15,911
Planning	23,479	38,500	32,950	32,974	32,998	33,023	33,049
Police	11,186	8,115	10,491	10,812	11,153	11,517	11,905
Fire	58,329	42,014	44,000	5,100	5,202	5,306	5,412
Emergency	9,123	1,573	9,218	9,318	9,422	9,533	9,648
Health Clinic	1,000	571	1,000	1,000	1,000	1,000	1,000
Bylaw	0	0	0	0	0	0	0
Solid Waste	48,500	50,621	52,100	53,080	54,080	55,099	56,139
Sewer Operations	102,052	74,591	109,119	105,090	107,164	109,315	111,547
Water Operations	190,928	184,606	199,852	203,976	208,024	212,246	216,655
Total Departmental Expenditures	1,800,705	1,674,178	1,620,863	1,600,838	1,612,682	1,637,507	1,663,282
Surplus/(Deficit) Before Amortization & Reserve Transfers	106,548	125,336	229,516	132,587	216,010	252,743	292,006

On June 9-2026 SAYWARD COUNCIL approved the immediate Close and Report of the June 9-2026 In-Camera Age a in ty.

2025-2029 Financial Plan (Operating) – Final

Final Summary	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
Amortization Expense - General	96,389	114,244	114,245	114,245	114,245	99,640	99,640
Amortization Expense - Sewer	58,041	54,703	54,703	54,703	54,703	54,703	54,703
Amortization Expense - Water	105,608	121,549	121,549	121,549	121,549	121,549	121,549
Annual Operating Surplus/(Deficit)	**(153,490)**	**(165,160)**	**(60,981)**	**(157,910)**	**(74,487)**	**(23,149)**	**16,114**
Transfer to LGCAP Reserve	120,373	120,373	0	0	42,000	42,000	42,000
Transfer to CWF Reserve (Gas Tax)	75,149	78,620	78,620	75,149	75,149	75,149	75,149
Transfer to Election Reserve	3,363	3,363	3,363	0	3,363	3,363	3,364
Transfers from Reserve Accounts:							
Transfer to (from) Water Reserve	(34,000)		30,000	30,000	35,000	40,000	50,000
Transfer to (from) Sewer Reserve			30,000	30,000	35,000	40,000	50,000
Transfer from CWF Reserve	(44,680)						
Transfer from Election Reserve				(10,100)			
Net contributions to (from) Reserves	**120,205**	**202,356**	**141,983**	**125,049**	**190,512**	**200,512**	**220,513**
Annual Operating Surplus before amortization adjustmen	**(273,695)**	**(367,516)**	**(202,964)**	**(282,959)**	**(264,999)**	**(223,661)**	**(204,399)**
Adjust for Non-Cash Items (Amortization)	260,037	290,495	290,497	290,497	290,497	275,892	275,892
Annual Operating Surplus/(Deficit) adjusted	**(13,658)**	**(77,021)**	**87,533**	**7,538**	**25,498**	**52,231**	**71,493**
Transfer to/(from) Unappropriated Sewer Surplus	(3,491)	29,868	1,420	2,827	6,149	9,663	13,380
Transfer to/(from) Unappropriated Water Surplus	(27,363)	(16,488)	1,300	8,804	8,895	14,269	19,936
Transfer to/(from) Unappropriated General Surplus	17,197	(90,401)	84,813	(4,094)	10,454	28,299	38,177
NET	**0**	**0**	**0**	**0**	**0**	**0**	**0**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report to the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
GENERAL REVENUE							
Revenue							
Taxation - General Municipal Purpose	456,492	458,159	625,395	662,918	702,693	744,855	789,546
Taxation - NMC							
Total Taxes	**456,492**	**458,159**	**625,395**	**662,918**	**702,693**	**744,855**	**789,546**
Utilities Tax - B.C. Hydro	4,132	3,879	3,880	3,958	4,037	4,117	4,200
Utilities Tax - Telus	2,004	1,753	1,755	1,790	1,826	1,862	1,900
Total Utilities Taxes	**6,702**	**5,632**	**5,635**	**5,748**	**5,863**	**5,980**	**6,100**
Federal Grant-in-lieu-of Taxes	8,872	7,922	8,714	9,149	9,607	10,087	10,591
Federal Community Works Fund Grant	75,149	78,620	78,620	75,149	75,149	75,149	75,149
Provincial Govt Grant - Small Comm	384,000	368,200	368,500	368,500	368,500	368,500	368,500
LGCAP Grant	120,373	120,373	0	0	42,000	42,000	42,000
HOG Administration Fee	2,100	2,125	2,100	2,100	2,100	2,100	2,100
Revenue - Other	1,250	2,475	1,250	1,250	1,250	1,250	1,250
Interest Income General	74,622	93,286	85,750	85,750	85,750	85,750	85,750
Interest on Arrears	13,275	2,890	2,600	2,600	2,600	2,600	2,600
Interest on Delinquent		1,146	1,200	1,200	1,200	1,200	1,200
Penalty on Current		7,743	7,500	7,500	7,500	7,500	7,500
Tax Sale Revenue	0	0	0	0	0	0	0
Total Other General Revenue	**679,641**	**684,778**	**556,234**	**553,198**	**595,656**	**596,136**	**596,640**
Total General Revenue	**1,142,835**	**1,148,569**	**1,187,263**	**1,221,864**	**1,304,212**	**1,346,971**	**1,392,286**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Risk and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
OTHER GOVERNMENTS							
Revenue							
Comox Strathcona Waste Management	8,500	7,809	8,000	8,000	8,000	8,000	8,000
School Tax	100,000	105,431	106,000	106,000	106,000	106,000	106,000
Regional Hospital	21,000	19,711	20,000	20,000	20,000	20,000	20,000
BC Assessment Authority	2,600	2,697	2,700	2,700	2,700	2,700	2,700
Municipal Finance Authority	15	15	15	15	15	15	15
Regional District	16,500	17,147	85,000	85,000	85,000	85,000	85,000
Regional Library	14,700	16,844	16,768	16,768	16,768	16,768	16,768
Police Tax	18,000	21,727	22,000	22,000	22,000	22,000	22,000
Total Other Governments Revenue	**181,315**	**191,382**	**260,483**	**260,483**	**260,483**	**260,483**	**260,483**
Expenditure							
Requisitions - School Tax	100,000	105,431	106,000	106,000	106,000	106,000	106,000
Requisitions - Regional Hospital	21,000	19,711	20,000	20,000	20,000	20,000	20,000
B.C. Assessment Authority	2,600	2,697	2,700	2,700	2,700	2,700	2,700
Municipal Finance Authority	15	15	15	15	15	15	15
Regional District	16,500	17,147	85,000	85,000	85,000	85,000	85,000
Regional Library	14,700	16,844	16,768	16,768	16,768	16,768	16,768
Requisitions - Police Tax	18,000	21,727	22,000	22,000	22,000	22,000	22,000
Comox Strathcona Waste Management	8,500	7,809	8,000	8,000	8,000	8,000	8,000
Total Other Governments Expenditure	**181,315**	**191,382**	**260,483**	**260,483**	**260,483**	**260,483**	**260,483**
Net Other Governments	**0**	**0**	**0**	**0**	**0**	**0**	**0**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Release Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
MAYOR & COUNCIL							
Revenue							
Revenue - Other	0	0	0	0	0	0	0
Total Legislative Revenue	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Expenditure							
Honorarium - Mayor	10,640	11,060	10,640	10,640	10,640	10,640	10,640
Honorarium - Councillors	32,960	27,948	32,960	32,960	32,960	32,960	32,960
Payroll Costs - Mayor & Council	900	990	1,200	1,200	1,200	1,200	1,200
Travel & Education - Council	22,350	18,912	1,500	22,350	22,350	22,350	22,350
Information Technology	4,400	6,168	6,250	6,250	6,250	6,250	6,250
COVID-19 Expenses	0	0	0	0	0	0	0
Council - Special Projects	3,955	1,626	2,500	2,500	2,500	2,500	2,500
Grants in Aid	1,500	500	1,500	1,500	1,500	1,500	1,500
Council - Office Supplies/Expenses	1,750	302	850	850	850	850	850
Cellular phone costs	0	0	0	0	0	0	0
Total Legislative Expenditure	**78,455**	**67,506**	**57,400**	**78,250**	**78,250**	**78,250**	**78,250**
Net Legislative	**(78,455)**	**(67,506)**	**(57,400)**	**(78,250)**	**(78,250)**	**(78,250)**	**(78,250)**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
ADMINISTRATION							
Revenue							
Grants - Admin	207,800	61,597	125,000	0	0	0	0
First Nations Relations Revenue	40,000	48,034	0	0	0	0	0
Area A Fire Administration Fee	2,500	2,500	0	0	0	0	0
Business Licenses	3,900	2,825	4,290	4,290	4,290	4,290	4,290
Dog Licenses & Fines	700	480	770	770	770	770	770
Photocopies & Fax	400	119	440	440	440	440	440
Sayward News Revenue	13,000	6,810	7,000	7,070	7,141	7,212	7,284
Revenue - Other	1,000	31,431	100	100	100	100	100
Transfer from Reserves	44,680	0	0	0	0	0	0
Total Administration Revenue	**313,980**	**153,797**	**137,600**	**12,670**	**12,741**	**12,812**	**12,884**

Continued next page

On June 9-2026 SAYWARD COUNCIL approved the immediate Release and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Expenditure							
Salaries - Admin	208,696	155,297	179,000	228,480	233,050	237,711	242,465
Wages - Custodian	1,568	1,769	1,623	1,655	1,688	1,722	1,757
Salaries - Public Works	2,982	5,609	3,852	3,929	4,008	4,088	4,170
Payroll Costs: Admin & PW	55,812	44,646	62,098	63,340	64,607	65,899	67,217
Employee Recognition & Benefits	0	200	2,000	2,000	2,000	2,000	2,000
Travel & Education - Admin	6,500	5,301	5,500	5,500	5,500	5,500	5,500
Advertising	750	965	750	750	750	750	750
First Nations Relations Expenses	40,000	48,034	0	0	0	0	0
Sayward News	5,257	5,708	5,822	5,822	5,822	5,822	5,822
Internet	1,082	925	1,103	1,125	1,148	1,171	1,194
Postage	1,681	1,133	1,178	1,202	1,226	1,250	1,275
Audit	16,694	37,895	18,600	18,600	18,600	18,600	18,600
Legal	20,000	105,551	90,000	35,000	35,000	35,000	35,000
Information Technology	16,270	23,106	23,500	23,500	23,500	23,500	23,500
Bank Charges, Fees & Interest	3,605	5,045	5,146	5,146	5,146	5,146	5,146
Tax Sale Fees	1,030	0	0	0	0	0	0
Dues, Memberships & Subscriptions	4,635	3,503	4,635	4,635	4,635	4,635	4,635
Insurance - Building	2,864	3,292	3,621	3,983	4,382	4,820	5,302
Insurance - Liability	3,519	3,817	4,198	4,618	5,080	5,588	6,147
Maintenance & Repairs - Admin Office	2,060	1,436	1,500	1,500	1,500	1,500	1,500
Cleaning Supplies - Office	309	128	309	309	309	309	309
Office Supplies	5,665	4,060	4,200	4,200	4,200	4,200	4,200
Tax Printing	515	0	550	550	550	550	550
Business Travel/Meetings	515	143	515	515	515	515	515
Equipment - Admin Office	12,875	123	3,000	3,000	3,000	3,000	3,000
Contract Labour	282,480	116,763	115,000	95,000	95,000	95,000	95,000
Copier - Rent & Supplies	6,695	7,130	7,272	7,418	7,566	7,717	7,872
Telephone & Cell Phone	4,532	4,308	4,532	4,532	4,532	4,532	4,532
Heating Fuel	6,267	10,840	8,000	9,500	9,690	9,884	10,081
Utilities	6,897	4,736	7,035	7,176	7,319	7,466	7,615
Contingency			95,000	95,000	95,000	95,000	95,000
Total Administration Expenditure	**721,754**	**701,461**	**659,540**	**637,986**	**645,322**	**652,874**	**660,653**
Net Administration	**(407,774)**	**(547,664)**	**(521,940)**	**(625,316)**	**(632,582)**	**(640,062)**	**(647,769)**

On June 9-2026 SAYWARD COUNCIL approved the immediate release and report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
ELECTION							
Revenue							
Revenue - Other		0					
Transfer from Election Reserve				10,100			
Total Election Revenue	**0**		**0**	**10,100**	**0**	**0**	**0**
Expenditure							
Salaries - Admin	0	0	0	4,400	0	0	0
Salaries - Public Works	0	0	0	140	0	0	0
Payroll Costs - Admin & PW	0	0	0	550	0	0	0
Election Expense	10,000	6,157	0	5,000	0	0	0
Transfer to Election Reserve	3,363	0	3,363	0	3,363	3,363	3,363
Total Election Expenditure	**13,363**	**6,157**	**3,363**	**10,090**	**3,363**	**3,363**	**3,363**
Net Election	**(13,363)**	**(6,157)**	**(3,363)**	**10**	**(3,363)**	**(3,363)**	**(3,363)**

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
RECREATION CENTRE							
Revenue							
Grants - Recreation	0	5,000	5,000	5,000	5,000	5,000	5,000
Kelsey Centre Gift Certificates	30	120	0	0	0	0	0
Age Friendly Program Revenue	1,200	722	900	900	900	900	900
Swim Lesson Fees	2,730	4,024	0	0	0	0	0
Ten Pack	4,562	6,107	3,513	3,513	3,513	3,513	3,513
Single User - Pool	2,000	2,475	0	0	0	0	0
Single User - Gymnasium	200	583	400	400	400	400	400
Drop In Fitness Fees	600	143	400	400	400	400	400
Drop In Weight Room Fees	250	348	400	400	400	400	400
Monthly Passes	1,000	1,826	1,400	1,400	1,400	1,400	1,400
After School Program/Day Care Fees	1,400	2,837	2,750	2,805	2,861	2,918	2,977
Concession Sales	3,500	5,709	5,500	5,500	5,500	5,500	5,500
Pool Rental	3,000	1,905	0	0	0	0	0
Gym Rental	2,194	2,635	2,600	2,600	2,600	2,600	2,600
Room Rental	400	1,252	1,500	1,500	1,500	1,500	1,500
Rentals - Tables and Chairs	150	0	165	165	165	165	165
Birthday Party/Event Revenue	2,000	2,749	3,000	3,000	3,000	3,000	3,000
Revenue - Other	0	399	0	0	0	0	0
Kelsey Centre Van Donations	3,290	5,194	2,500	2,500	2,500	2,500	2,500
Special Event Revenue/Donations	4,500	3,191	4,950	4,950	4,950	4,950	4,950
Afterschool Program Donations	0	1,250	2,500	2,500	2,500	2,500	2,500
Teen Program Donations	0	3,350	4,000	4,000	4,000	4,000	4,000
Transfer from Reserves	0	0	0	0	0	0	0
Total Recreation Centre Revenue	**33,006**	**49,819**	**41,478**	**41,533**	**41,589**	**41,646**	**41,705**

Continued next page

On June 9-2026 SAYWARD COUNCIL approved the immediate use and report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Expenditure							
Operating Expenses							
Salaries - Admin	48,155	47,050	47,335	48,282	49,248	50,233	51,237
Wages - Recreation	33,732	56,176	29,722	30,316	30,922	31,541	32,172
Wages - Custodian	5,096	7,046	5,274	5,380	5,487	5,597	5,709
Wages - Lifeguards & Pool Maintenance	45,608	25,947	1,193	1,217	1,241	1,266	1,291
Payroll Costs: Admin & PW	27,957	26,200	16,841	17,178	17,522	17,872	18,230
Travel & Education - Recreation	3,800	3,843	2,000	2,000	2,000	2,000	2,000
Advertising	750	0	750	750	750	750	750
Information Technology	1,600	3,330	3,500	3,500	3,500	3,500	3,500
Bank Charges, Fees & Interest	475	597	600	600	600	600	600
Dues, Memberships & Subscriptions	600	966	1,000	1,000	1,000	1,000	1,000
Afterschool Supplies/Expenses	1,300	1,568	1,500	1,000	1,000	1,000	1,000
Concession	2,100	3,839	3,000	3,000	3,000	3,000	3,000
Seniors Special Events	250	60	250	500	500	500	500
Special Events Expense	4,000	6,238	4,000	4,000	4,000	4,000	4,000
Teen Program Expenses	0	4,440	4,000	4,000	4,000	4,000	4,000
Swim Lesson Expenses	650	506	0	0	0	0	0
M & R, Gas & Oil - Age Friendly Van	4,100	5,377	5,000	5,000	5,000	5,000	5,000
Office Supplies	1,500	2,540	2,000	1,500	1,500	1,500	1,500
Chemicals & Maintenance - Pool	5,000	13,070	2,025	2,025	2,025	2,025	2,025
Rec Centre Supplies	1,200	971	1,200	1,200	1,200	1,200	1,200
Business Travel/Meetings	650	0	650	650	650	650	650
Equipment - Recreation Centre	5,050	2,955	3,500	3,500	3,500	3,500	3,500
Telephone & Internet	2,805	2,190	2,801	2,918	2,977	3,036	3,097
Sub Total Operating Expenses	**196,478**	**214,928**	**138,202**	**139,516**	**141,622**	**143,770**	**145,961**
Building Expenses							
Salaries - Public Works	11,744	11,812	7,187	7,331	7,478	7,627	7,780
Insurance - Building	11,208	13,480	14,829	16,312	17,943	19,737	21,711
Insurance - Liability	1,441	1,452	1,597	1,756	1,932	2,125	2,338
Maintenance & Repairs - Recreation	26,000	19,295	19,500	19,500	19,500	19,500	19,500
Cleaning Supplies	1,000	1,528	850	850	850	850	850
Heating Fuel	24,928	43,063	25,813	26,329	26,856	27,393	27,941
Utilities	27,589	18,684	23,125	23,819	24,533	25,269	26,027
Sub Total Building Expenses	**103,910**	**103,314**	**92,901**	**95,897**	**99,092**	**102,502**	**106,147**
Total Recreation Centre Expenditure	**300,388**	**318,242**	**231,103**	**235,414**	**240,714**	**246,272**	**252,108**
Net Recreation Centre	**(267,382)**	**(268,424)**	**(189,625)**	**(193,881)**	**(199,125)**	**(204,626)**	**(210,403)**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Priorities and Reports for the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
POLICE SERVICES							
Revenue							
RCMP Rent	24,000	24,000	25,000	25,200	25,200	25,200	25,200
RCMP Maintenance	9,748	8,115	9,748	9,748	9,748	9,748	9,748
Total Police Services Revenue	**33,748**	**32,115**	**34,748**	**34,948**	**34,948**	**34,948**	**34,948**
Expenditure							
Salaries - Public Works	2,972	1,335	2,777	2,833	2,889	2,947	3,006
Payroll Costs: Admin & PW	616	190	808	824	840	857	874
Insurance - Building	1,409	1,364	1,550	1,705	1,876	2,064	2,270
Insurance - Liability	192	192	211	232	256	281	309
Maintenance & Repairs - Police	1,500	1,437	1,500	1,500	1,500	1,500	1,500
Municipal Services Expense	4,497	3,597	3,645	3,718	3,792	3,868	3,945
Total Police Services Expenditu	**11,186**	**8,115**	**10,491**	**10,812**	**11,153**	**11,517**	**11,905**
Net Police Services	**22,562**	**24,000**	**24,257**	**24,136**	**23,795**	**23,431**	**23,043**

On June 9-2026 SAYWARD COUNCIL approved the immediate release and report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
ROADS							
Revenue							
Snow Removal Revenue	1,750	0	1,750	1,750	1,750	1,750	1,750
Transfer from Reserves							
Total Roads Revenue	**1,750**	**0**	**1,750**	**1,750**	**1,750**	**1,750**	**1,750**
Expenditure							
Salaries - Public Works	8,289	5,134	4,628	4,721	4,815	4,912	5,010
Payroll Costs: Admin & PW	2,105	624	2,134	2,177	2,221	2,265	2,310
Maintenance & Repairs - Roads	10,000	4,866	10,000	10,000	10,000	10,000	10,000
Sand & Salt	7,500	2,951	4,500	4,500	4,500	4,500	4,500
Contract Labour	2,000	0	1,500	3,500	1,500	1,500	1,500
Utilities - Street Lighting	24,370	22,726	24,858	25,355	25,862	26,379	26,907
Total Roads Expenditure	**54,264**	**36,300**	**47,621**	**50,253**	**48,898**	**49,556**	**50,227**
Net Roads Services	**(52,514)**	**(36,300)**	**(45,871)**	**(48,503)**	**(47,148)**	**(47,806)**	**(48,477)**

On June 9-2026 SAYWARD COUNCIL approved the inclusion of this Report in the June 9-2026 In-Camera Agenda in its entirety.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
ROADS							
Revenue							
Snow Removal Revenue	1,750	0	1,750	1,750	1,750	1,750	1,750
Transfer from Reserves							
Total Roads Revenue	**1,750**	**0**	**1,750**	**1,750**	**1,750**	**1,750**	**1,750**
Expenditure							
Salaries - Public Works	8,289	5,134	4,628	4,721	4,815	4,912	5,010
Payroll Costs: Admin & PW	2,105	624	2,134	2,177	2,221	2,265	2,310
Maintenance & Repairs - Roads	10,000	4,866	10,000	10,000	10,000	10,000	10,000
Sand & Salt	7,500	2,951	4,500	4,500	4,500	4,500	4,500
Contract Labour	2,000	0	1,500	1,500	1,500	1,500	1,500
Utilities - Street Lighting	24,370	22,726	24,858	25,355	25,862	26,379	26,907
Total Roads Expenditure	**54,264**	**36,300**	**47,621**	**50,253**	**48,898**	**49,556**	**50,227**
Net Roads Services	**(52,514)**	**(36,300)**	**(45,871)**	**(48,503)**	**(47,148)**	**(47,806)**	**(48,477)**

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
DRAINAGE							
Revenue							
Transfer from Reserves		0	0	0	0	0	0
Total Drainage Revenue	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Expenditure							
Salaries - Public Works	3,469	3,045	4,628	4,721	4,815	4,912	5,010
Payroll Costs: Admin & PW	856	336	833	849	866	884	901
Maintenance & Repairs - Drainage	9,000	6,162	9,000	9,000	9,000	9,000	9,000
Contract Labour	1,000	0	1,000	1,000	1,000	1,000	1,000
Total Drainage Expenditure	**14,325**	**9,543**	**15,461**	**15,570**	**15,682**	**15,795**	**15,911**
Net Drainage	**(14,325)**	**(9,543)**	**(15,461)**	**(15,570)**	**(15,682)**	**(15,795)**	**(15,911)**

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in
ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
SEWER							
Revenue							
Frontage Tax - Sewer Kelsey	6,032	6,032	6,032	0	0	0	0
Sewer User Fees	92,528	95,002	104,506	107,917	113,313	118,978	124,927
Sewer Connection Fees	0	0	0	0	0	0	0
Revenue - Other	0	286	0	0	0	0	0
Actuarial Adjustment sewer	0	3,139	0	0	0	0	0
Transfer from Reserves/General Sur	0	0	0	0	0	0	0
Total Sewer Revenue	**98,561**	**104,459**	**110,539**	**107,917**	**113,313**	**118,978**	**124,927**
Expenditure							
Salaries - Admin	26,087	14,690	28,000	28,560	29,131	29,714	30,308
Salaries - Public Works	21,791	25,070	29,323	29,910	30,508	31,118	31,740
Payroll Costs: Admin & PW	12,239	6,995	12,674	12,928	13,186	13,450	13,719
Travel & Education - Sewer	5,000	655	1,000	1,000	1,000	1,000	1,000
Insurance - Building	2,618	3,067	3,374	3,712	4,083	4,491	4,940
Insurance - Liability	522	480	574	632	695	764	841
Maintenance & Repairs - Sewer	12,000	11,558	12,000	12,000	12,000	12,000	12,000
Sewer Connection Costs	0	0	0	0	0	0	0
Equipment - Sewer	3,000	58	1,750	1,750	1,750	1,750	1,750
Contract Labour	3,000	240	3,500	3,500	3,500	3,500	3,500
Sewer Lease Fees	480	470	480	480	480	480	480
Utilities - Agitator, Lift Stations	9,282	10,206	10,411	10,619	10,831	11,048	11,269
Sewer Principal B/L #338	4,931	0	4,931	0	0	0	0
Sewer Interest B/L # 338	1,101	1,101	1,101	0	0	0	0
Total Sewer Expenditure	**102,052**	**74,591**	**109,119**	**105,090**	**107,164**	**109,315**	**111,547**
Net Sewer	**(3,491)**	**29,868**	**1,420**	**2,827**	**6,149**	**9,663**	**13,380**

On June 9-2026 SAYWARD COUNCIL approved the immediately preceding Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
WATER							
Revenue							
Frontage Tax - Water Kelsey	2,075	2,075	2,075	0	0	0	0
Grants - Water	0	0	0	0	0	0	0
Water User Fees	161,490	164,962	199,076	187,780	191,919	201,515	211,591
Water Connection Fees	0	0	0	0	0	0	0
Revenue - Other	0	0	0	25,000	25,000	25,000	25,000
Actuarial adjustment	0	1,080	0	0	0	0	0
Transfer from Reserves/General Surplus	0		0	0	0	0	0
Total Water Revenue	**163,565**	**168,118**	**201,152**	**212,780**	**216,919**	**226,515**	**236,591**
Expenditure							
Salaries - Admin	26,087	14,690	28,000	28,560	29,131	29,714	30,308
Salaries - Public Works	34,693	48,947	46,285	47,211	48,155	49,118	50,100
Payroll Costs: Admin & PW	6,857	9,735	15,864	16,284	16,609	16,942	17,280
Travel & Education	4,000	1,454	2,000	2,000	2,000	2,000	2,000
Insurance - Building	8,634	9,017	9,918	10,910	12,001	13,201	14,521
Insurance - Liability	577	577	635	698	768	845	929
Maintenance & Repairs - Water	8,000	7,767	8,000	8,000	8,000	8,000	8,000
Maintenance & Repairs - Plant	15,000	25,822	15,000	15,000	15,000	15,000	15,000
Chemicals - Water	25,500	34,332	32,000	35,000	35,700	36,414	37,142
Equipment - Water	10,000	11,096	20,000	20,000	20,000	20,000	20,000
Contract Labour	36,500	4,138	3,000	3,000	3,000	3,000	3,000
Water Lease Fees	2,040	2,050	2,081	2,122	2,165	2,208	2,252
Telephone & Internet	255	1,020	1,041	1,062	1,083	1,104	1,127
Utilities	10,710	13,581	13,852	14,130	14,412	14,700	14,994
Water Principal B/L #337	1,697	0	1,697	0	0	0	0
Water Interest B/L #337	379	379	379	0	0	0	0
Total Water Expenditures	**190,928**	**184,606**	**199,852**	**203,976**	**208,024**	**212,246**	**216,655**
Net Water	**(27,363)**	**(16,488)**	**1,300**	**8,804**	**8,895**	**14,269**	**19,936**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Risk and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
PARKS							
Revenue							
Grants - Parks	0	0	0	0	0	0	0
Camping Revenue	13,905	16,789	18,467	19,021	19,592	20,180	20,785
Revenue - Other	0	0	0	0	0	0	0
Park Bench Revenue	1,500	0	1,500	1,500	1,500	1,500	1,500
Transfer from Reserves	0	0	0	0	0	0	0
Total Parks Revenue	**15,405**	**16,789**	**19,967**	**20,521**	**21,092**	**21,680**	**22,285**
Expenditure							
Wages - Custodian	784	454	811	828	844	861	878
Salaries - Public Works	18,879	10,813	18,154	18,516	18,888	19,266	19,651
Payroll Costs: Admin & PW	3,670	1,348	4,708	4,802	4,898	4,996	5,096
Advertising	275	0	150	150	150	150	150
Insurance - Building	867	923	954	1,049	1,154	1,270	1,396
Insurance - Vehicles	739	787	739	739	739	739	739
Maintenance & Repairs - Parks	2,500	3,549	3,000	3,000	3,000	3,000	3,000
Cleaning Supplies	500	106	300	300	300	300	300
M & R - Equipment	3,000	727	3,000	3,000	3,000	3,000	3,000
Diesel & Oil - Kubota Mower	750	2,150	2,500	2,550	2,601	2,653	2,706
Supplies - Parks	2,100	2,082	2,100	2,100	2,100	2,100	2,100
Equipment - Parks	1,500	1,563	1,500	1,500	1,500	1,500	1,500
Contract Labour	1,000	0	1,000	1,000	1,000	1,000	1,000
Park Bench Expense	500	0	1,400	1,400	1,400	1,400	1,400
Utilities	2,346	2,878	2,900	2,958	3,017	3,078	3,139
Total Parks Expenditure	**39,410**	**27,379**	**43,217**	**43,893**	**44,591**	**45,312**	**46,056**
Net Parks	**(24,005)**	**(10,590)**	**(23,249)**	**(23,372)**	**(23,499)**	**(23,632)**	**(23,771)**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Release and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
SOLID WASTE							
Revenue							
Solid Waste User Fees	48,744	50,258	51,182	53,741	56,428	59,249	62,212
Recycling Revenue	500	884	500	500	500	500	500
Revenue - Other	3,410	4,540	4,200	4,200	4,200	4,200	4,200
Transfer from Reserves	0	0	0	0	0	0	0
Total Solid Waste Revenue	**52,654**	**55,682**	**55,882**	**58,441**	**61,128**	**63,949**	**66,912**
Expenditure							
Maintenance & Repairs - Solid Waste	500	0	500	500	500	500	500
Contract Labour	2,000	2,600	2,600	2,600	2,600	2,600	2,600
Waste Disposal & Tipping Fees	46,000	48,021	49,000	49,980	50,980	51,999	53,039
Total Solid Waste Expenditure	**48,500**	**50,621**	**52,100**	**53,080**	**54,080**	**55,099**	**56,139**
Net Solid Waste	**4,154**	**5,061**	**3,782**	**5,361**	**7,048**	**8,850**	**10,772**

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
PUBLIC WORKS							
Revenue							
Revenue - Other	250	330	250	250	250	250	250
Transfer from Reserves	0		0	0	0	0	0
Total Public Works Revenue	**250**	**330**	**250**	**250**	**250**	**250**	**250**
Expenditure							
Salaries - Public Works	41,969	55,652	55,364	56,471	57,600	58,752	59,928
Payroll Costs: Admin & PW	10,553	13,718	10,557	10,768	10,983	11,203	11,427
Travel & Education - Public Works	1,500	0	1,500	1,500	1,500	1,500	1,500
Dues, Memberships & Subscriptions	800	500	800	800	800	800	800
Insurance - Building	1,401	1,473	1,541	1,696	1,865	2,052	2,257
Insurance - Liabiilty	2,498	2,306	2,748	3,023	3,325	3,657	4,023
Insurance & Licenses - Vehicles	4,457	4,609	4,701	4,795	4,891	4,989	5,089
M & R - Public Works	2,500	2,281	2,500	2,500	2,500	2,500	2,500
M & R - Tractor and Dump Truck	3,000	3,689	3,000	3,000	3,000	3,000	3,000
Diesel & Oil - Tractor and Dump Truck	1,000	86	750	765	780	796	812
Gas & Oil - Public Works Trucks	5,000	5,831	5,800	5,916	6,034	6,155	6,278
M & R - Public Works Trucks	4,000	5,456	5,500	5,500	5,500	5,500	5,500
Office Supplies	500	1,026	1,000	750	750	750	750
General Supplies	2,500	2,785	2,500	2,500	2,500	2,500	2,500
Business Travel/Meetings	500	0	500	500	500	500	500
Equipment	2,500	2,299	2,500	2,500	2,500	2,500	2,500
Telephone & Internet	2,499	2,687	2,650	2,703	2,757	2,812	2,868
Utilities	2,754	2,121	2,300	2,346	2,393	2,441	2,490
MFA Principal - Truck Loan	13,642	0	1,573	0	0	0	0
MFA Interest - Truck Loan	76	480	7	0	0	0	0
Total Public Works Expenditure	**103,650**	**106,998**	**107,791**	**108,032**	**110,180**	**112,407**	**114,721**
Net Public Works	**(103,400)**	**(106,668)**	**(107,541)**	**(107,782)**	**(109,930)**	**(112,157)**	**(114,471)**

On June 9-2026 SAYWARD COUNCIL approved the immediate use and report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
PLANNING & BUILDING INSPECTION							
Revenue							
Building Permits	7,500	1,450	8,250	8,250	8,250	8,250	8,250
Planning Fee Revenue	1,000	17,884	10,000	10,000	10,000	10,000	10,000
Total Planning Revenue	**8,500**	**19,334**	**18,250**	**18,250**	**18,250**	**18,250**	**18,250**
Expenditure							
Building Inspections	7,500	3,370	3,750	3,750	3,750	3,750	3,750
Planning & Rezoning Costs	4,500	12,613	10,000	10,000	10,000	10,000	10,000
Contract Labour	10,000	21,499	18,000	18,000	18,000	18,000	18,000
Payroll Costs	1,479	1,018	1,200	1,224	1,248	1,273	1,299
Total Planning Expenditure	**23,479**	**38,500**	**32,950**	**32,974**	**32,998**	**33,023**	**33,049**
Net Planning	**(14,979)**	**(19,167)**	**(14,700)**	**(14,724)**	**(14,748)**	**(14,773)**	**(14,799)**

On June 9-2026 SAYWARD COUNCIL approved the immediate, ite and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
EMERGENCY PLANNING							
Revenue							
Grants - Emergency Program	2,500	2,800	2,500	2,500	2,500	2,500	2,500
Revenue - Other	0	0	0	0	0	0	0
Total Emergency Planning Revenue	**2,500**	**2,800**	**2,500**	**2,500**	**2,500**	**2,500**	**2,500**
Expenditure							
Stipend - Municipal Emergency Program	3,600	900	3,600	3,600	3,600	3,600	3,600
Payroll Costs - Emergency Program	120	0	120	120	120	120	120
Travel & Education - Emergency Program	2,000	0	2,000	2,000	2,000	2,000	2,000
Insurance - Property	714	241	750	787	827	868	911
Insurance - Liability	1,189	178	1,248	1,310	1,376	1,445	1,517
Municipal Emergency Program Expenses	1,500	0	1,500	1,500	1,500	1,500	1,500
Equipment - Emergency Program	0	0	0	0	0	0	0
Emergency Program Projects	0	254	0	0	0	0	0
Total Emergency Planning Expenditure	**9,123**	**1,573**	**9,218**	**9,318**	**9,422**	**9,533**	**9,648**
Net Emergency Planning	**(6,623)**	**1,227**	**(6,718)**	**(6,818)**	**(6,922)**	**(7,033)**	**(7,148)**

On June 9-2026 SAYWARD COUNCIL approved the Committee Rise and Report of the June 9-2026 In-Camera Age a in ty.

Appendix:
2025-2029 Financial Plan (Operating) – Detail

Description	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
HEALTH CENTRE							
Revenue							
Revenue - Other	0	0	0	0	0	0	0
Total Health Centre Revenue	**0**		**0**	**0**	**0**	**0**	**0**
Expenditure							
Maintenance and Repairs - Health Clinic	1,000	571	1,000	1,000	1,000	1,000	1,000
Total Health Centre Expenditure	**1,000**	**571**	**1,000**	**1,000**	**1,000**	**1,000**	**1,000**
Net Health Centre	**(1,000)**	**(571)**	**(1,000)**	**(1,000)**	**(1,000)**	**(1,000)**	**(1,000)**

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

MOTION R25/105
MOVED AND SECONDED
THAT the minutes from the Committee of the Whole meeting held on **March 19, 2025**, be adopted as amended.

CARRIED

6. **Petitions and Delegations - None**

7. **Correspondence**

MOTION R25/106
MOVED AND SECONDED
THAT Council receives correspondence b, c, e for information.

CARRIED

a) **AVICC Request for Participation – Reforming the Local Government Act**

MOTION R25/107
MOVED AND SECONDED
THAT Council completes the AVICC survey be completed individually rather than as a group.

Opposed Cllr Burchett CARRIED

b) **Village of Daajing Giids – Cannabis Taxation Sharing & Municipal Owned Cannabis Retail Store – Mayor Pineault**

c) **MLA Anna Kindy – Bill 7 Economic Stabilization (Tariff Response) Act**

d) **Inspiring Wonder Woman Award – Vancouver Island 2024**

MOTION R25/108
MOVED AND SECONDED
THAT Council adds this topic to the in-camera for additional discussion on potential candidates for nomination under section 90(1)(b) "personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the community on condition of anonymity".

CARRIED

e) **AVICC's Annual Report, Minutes, and Resolution Package**

8. **Council Reports - None**

9. **Reports of Committees**

a) **Resolutions from COTW – March 19, 2025**

MOTION R25/109
MOVED AND SECONDED
THAT Council receives this report for information and discussion.

CARRIED

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In Camera Age a in ty.

MOTION R25/110
MOVED AND SECONDED
THAT the Village of Sayward Council be requested to clarify to the Kelsey Centre Review Committee specifically what they want from the SRD.

CARRIED

MOTION R25/111
MOVED AND SECONDED
THAT Staff develop a 50/50 funding model with the Village of Sayward and the Strathcona Regional District, minus any grants that either entity can put in, for the operations and capital costs of the Kelsey Centre pool and recreation centre.

Opposed Cllr Coates **CARRIED**

MOTION R25/112
MOVED AND SECONDED
THAT Staff provide the SRD's Kelsey Centre Review Committee with their required information.

CARRIED

10. Mayor's Report

a) Mayor's Report – March 2025

MOTION R25/113
MOVED AND SECONDED

THAT Council receives the Mayor's report.

Opposed Cllr Burchett **CARRIED**

11. Unfinished Business

a) Draft – Capital Plan 2025-2029

MOTION R25/114
MOVED AND SECONDED
THAT Council receives this report for information and discussion.

CARRIED

MOTION R25/115
MOVED AND SECONDED
THAT the gazebo ramp be added to the capital plan.

NO VOTE WAS CALLED

CAO Thomas advised that the previous motion on this topic should be reconsidered per Council Procedure Bylaw No. 416.

MOTION R25/116
MOVED AND SECONDED
BE IT RESOLVED THAT Council reconsider motion R25/92.

Opposed Mayor Baker, Cllr Coates, Cllr Johnson **DEFEATED**

On June 9-2026 SAYWARD Council approved the immediate rise and Report of the June 9-2026 In-camera Age a in ty.

MOTION R25/117
MOVED AND SECONDED
THAT Council confirm the completion of its review of the draft capital plan; and,

THAT Staff be directed to proceed with public engagement on the draft capital plan and the development of the associated bylaw.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

b) Draft – Operating Financial Plan 2025-2029

MOTION R25/118
MOVED AND SECONDED
THAT Council receives this report for information and discussion.

CARRIED

MOTION R25/119
MOVED AND SECONDED
THAT the 2025-2029 Financial Plan be approved; and,

THAT Staff be directed to proceed with public engagement and prepare required bylaws related to the 2025-2029 Financial Plan for the April 15, 2025, regular meeting of Council.

CARRIED

12. Staff Reports

a) Draft Fees and Charges

MOTION R25/120
MOVED AND SECONDED
THAT Council receives the Fees and Charges Review staff report for information and discussion.

CARRIED

MOTION R25/121
MOVED AND SECONDED
THAT the proposed amendments to the appropriate schedules of the Village's Fees and Charges Bylaw be approved; and,

THAT Council directs staff to prepare a Fees and Charges Amendment bylaw for the April 15, 2025, Regular Council Meeting.

CARRIED

b) MacMillan Drainage Project – Initial Design

MOTION R25/122
MOVED AND SECONDED
THAT Council receive the staff report for information and discussion.

RESCINDED

Motion Rescinded by Mover: Cllr Burchett and Seconder: Cllr Coates

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

MOTION R25/123
MOVED AND SECONDED
THAT Council move into a Committee of the Whole Meeting.

CARRIED

The Committee of the Whole Meeting began at 7:52pm.

MOTION R25/124
MOVED AND SECONDED
THAT Council move out of the Committee of the Whole Meeting and back into the Regular Meeting of Council.

CARRIED

The Committee of the Whole Meeting concluded at 8:28pm.

MOTION R25/125
MOVED AND SECONDED
THAT Council receive the staff report for information and discussion.

CARRIED

MOTION R25/126
MOVED AND SECONDED
THAT Council approve the engineering design solution for the purposes of advancing first nations consultation, public engagement and finalizing detailed drawings for public procurement.

CARRIED

c) Weather Station – Lightning Detection Equipment Agreement

MOTION R25/127
MOVED AND SECONDED
THAT Council receive the Lightening Detection Equipment Agreement staff report for information and discussion.

CARRIED

MOTION R25/128
MOVED AND SECONDED
THAT Council approves the License of Occupation and Agreement between the Village of Sayward and the Environment and Climate Change Canada.

CARRIED

MOTION R25/129
MOVED AND SECONDED
THAT the Mayor and Corporate Officer be authorized to execute the agreement.

CARRIED

d) Streetlight Management Research

MOTION R25/130
MOVED AND SECONDED
THAT Council receives the staff report for information and discussion.

CARRIED

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

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

14. Bylaws - None

15. New Business - None

16. Public Question Period - None

17. In Camera

MOTION R25/131
MOVED AND SECONDED

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

1. 90(1)(c) labour relations or other employee relations.
2. 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
3. 90(1)(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the community on condition of anonymity.

CARRIED

18. Adjournment

The meeting was adjourned at 8:35pm.

Original Signed

Mayor

Original Signed

Corporate Officer

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-camera Age a in

This is Exhibit "E" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September 2025
A Notary Public in and for the
Province of British Columbia
Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

VILLAGE OF SAYWARD
SPECIAL COUNCIL MEETING MINUTES
OCTOBER 24, 2023
COUNCIL CHAMBERS

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

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

Staff: Keir Gervais, CAO/Recording Secretary

1. Call to Order

Meeting was called to order at 7:00 pm.

2. Public Input

a) Jackie Lyons of 291 Ambleside Dr.: Asked Mayor Baker if Village funds/taxpayer money is being used for a law case he has against John France. *Mayor Baker stated 'no'.*

3. Introduction of Late Items

a) CAO Gervais requested the letter from Sayward Community Food Table RE: request for letter of support be added to the agenda – added as 7. a).

MOTION S23/20
MOVED AND SECONDED

THAT the letter from Sayward Community Food Table RE: request for letter of support be added to the agenda – added as 7. a).

CARRIED

b) CAO Gervais requested the staff Memo Meeting Procedure Error October 17, 2023 be added to the agenda – added as 15. a).

MOTION S23/21
MOVED AND SECONDED

THAT the staff Memo RE Meeting Procedure Error October 17, 2023 be added to the agenda – added as 15. a).

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Meeting a in ty.

Opposed Cllr Burchett **CARRIED**

c) Councillor Burchett requested the topic of public access to Council meetings via Teams and the related policies and procedures in place that have or have not been voted on, be added to the agenda.

MOTION S23/22
MOVED AND SECONDED
THAT the topic of public access to Council meetings via Teams and the policies and procedures in place that have or have not been voted on, be added to the agenda.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

d) Councillor Burchett requested a written staff report be provided by the CAO RE: the CAO's attendance to the 2023 UBCM Convention.

MOTION S23/23
MOVED AND SECONDED

THAT a written staff report be provided by the CAO RE: the CAO's attendance to the 2023 UBCM Convention.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

e) Councillor Burchett requested the SRD Fire Services Agreement be added to the agenda.

MOTION S23/24
MOVED AND SECONDED

THAT the SRD Fire Services Agreement be added to the agenda.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

f) Councillor Burchett requested that staff provide an update RE: negotiations with The Nature Trust of BC per Kelly's Trail parking.

MOTION S23/25
MOVED AND SECONDED

THAT staff provide an update RE: negotiations with The Nature Trust of BC per Kelly's Trail parking.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

MOTION S23/26
MOVED AND SECONDED

THAT Council continue with the agenda, moving on from Introduction of Late Items.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In Camera Age a in ty.

4. **Approval of Agenda**

MOTION S23/27
MOVED AND SECONDED

THAT the agenda for the Special Meeting of Council for October 24, 2023, be approved, as amended.

Opposed Cllr Burchett **CARRIED**

5. **Minutes of Previous Meetings**

The meeting minutes from the Regular Council Meeting held October 3, 2024 deferred to the next council meeting.

6. **Petitions and Delegation - None**

7. **Correspondence**

MOTION S23/28
MOVED AND SECONDED

THAT Council directs staff to write a letter on behalf of the Village of Sayward in support of the Sayward Community Food Table's grant application.

CARRIED

8. **Council Reports**

a) Request for staff to engage with The Nature Trust of BC staff RE parking at Kelly's Trail – Councillor Poulsen

MOTION S23/29
MOVED AND SECONDED

THAT Council direct staff to engage with The Nature Trust of BC staff RE: parking at Kelly's Trail as soon as possible.

CARRIED

9. **Reports of Committees - None**

10. **Mayor's Report - None**

11. **Unfinished Business - None**

12. **Staff Reports**

a) **Heat Pump Replacement - Sayward RCMP Detachment – Keir Gervais, CAO**

MOTION S23/30
MOVED AND SECONDED

THAT Council authorize the CAO to purchase a replacement heat pump for the RCMP detachment at 610 Kelsey Way up to $16,427.72; and,

On June 9-2026 SAYWARD COUNCIL approved the immediate release and Report of the June 9-2026 In-camera Age

THAT staff be directed to report back to Council at the November 21, 2023 Regular Council Meeting with funding options for the heat pump replacement for Council's consideration.

CARRIED

b) Consideration of Backyard Chickens (Hens) – Keir Gervais, CAO

MOTION S23/31
MOVED AND SECONDED

THAT Council receive the Backyard Chickens staff report for information and discussion; and,

THAT Council direct staff to research possible issues with animal to animal and animal to human conflict and report findings to Council in January.

CARRIED

c) Request to Cancel the November 7, 2023 Regular Council Meeting – Keir Gervais, CAO

MOTION S23/32
MOVED AND SECONDED

THAT Council receive the Request to Cancel the November 7, 2023 Regular Council Meeting staff report; and

THAT Council approve the cancellation of the November 7, 2023 Regular Council Meeting, and direct staff to advertise accordingly.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

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

14. Bylaws

a) Permissive Tax Exemption Bylaw No. 503, 2023 – Keir Gervais, CAO

MOTION S23/33
MOVED AND SECONDED

THAT Permissive Tax Exemption Bylaw No. 503, 2023 be given fourth and final reading.

Opposed Cllr Burchett **CARRIED**

15. New Business

a) Meeting Procedure Error October 17, 2023 Memo – Keir Gervais, CAO

MOTION S23/34
MOVED AND SECONDED

THAT Council receive the Meeting Procedure Error October 17, 2023 Memo for information.

Opposed Cllr Burchett **CARRIED**

On June 9-2026 SAYWARD COUNCIL approved the immediate Release Report of the June 9-2026 In Camera Age a in ty.

16. Public Question Period

a) Jackie Lyons of 291 Ambleside Dr.: *Expressed her opposition to backyard chickens, noting issues in the Village with cats and dogs, messy back yards and unsightly premises and the lack of readily available bylaw enforcement.*

b) Bill Ives of 121 Seaview St.: *Provided information about previous efforts to engage The Nature Trust of BC regarding parking in the area of Kelly's Trail. Mr. Ives stated that when staff begin becoming familiar with the area they will learn the current parking area is not The Nature Trust of BC's.*

17. In Camera

MOTION S23/35
MOVED AND SECONDED

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

- Section 90(1)(c) labor relations or other employee relations; and
- 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.
- Section 90(1)(g) Litigation or potential litigation impacting the local government
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

The meeting was adjourned at 9:57 PM

Original Signed

Mayor

Original Signed

CAO/Corporate Officer

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

This is Exhibit "G" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September, 2025
A Notary Public in and for the
Province of British Columbia
Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

VILLAGE OF SAYWARD
REGULAR COUNCIL MEETING MINUTES
January 21, 2025
COUNCIL CHAMBERS

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

Present: Mayor Mark Baker
Councillor Scott Burchett
Councillor Debbie Coates
Councillor Jason Johnson
Councillor Poulsen

In Attendance: John Thomas, Acting CAO/Corporate Officer
Lisa Clark, Chief Financial Officer
Jennifer Redshaw, Office Administrator

1. **Call to Order**

   The meeting was called to order at 7:00pm.

2. **Public Input - none**

3. **Introduction of Late Items**

   a) Canada Housing & Infrastructure Fund

   MOTION R25/21
   MOVED AND SECONDED

   THAT the Canada Housing & Infrastructure Fund be added to the agenda as New Business 15.a).

   CARRIED

4. **Approval of Agenda**

   MOTION R25/22
   MOVED AND SECONDED

   THAT the agenda for the Regular Meeting of Council for January 21, 2025, be approved as amended.

   CARRIED

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Meeting.

5. **Minutes of Previous Meetings**

MOTION R25/23
MOVED AND SECONDED

THAT the minutes from the Regular Council meeting held on January 7, 2025, be adopted as amended.

CARRIED

Note: *Staff are working to complete the backlog of minutes and agendas for 2023 and 2024.*

MOTION R25/24
MOVED AND SECONDED

THAT the minutes from the Regular Council meeting held on October 3, 2023, be deferred to the next council meeting.

CARRIED

MOTION R25/25
MOVED AND SECONDED

THAT the minutes from the Special Council meeting held on November 7, 2023, be adopted as presented.

CARRIED

MOTION R25/26
MOVED AND SECONDED

THAT the minutes from the Regular Council meeting held on December 5, 2023, be deferred to the next council meeting.

CARRIED

6. **Petitions and Delegations – none**
7. **Correspondence**
   a) Supplemental Information – Salmon Acqua-culture Transition Plan for BC
   b) LGCAP Funding Information
   c) Canada Community-Building Fund
   d) Growing Communities Fund FAQ
   e) Request for Proclamation – Epilepsy Awareness Month

MOTION R25/27
MOVED AND SECONDED

THAT correspondence a) to e) be received for information.

CARRIED

8. **Council Reports - None**
9. **Reports of Committees – None**

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera me a in ty.

10. Mayor's Report

a) Connected Coast – Verbal update

The Strathcona Regional District CAO was getting in touch with City West and we have not heard back yet.

MOTION R25/28
MOVED AND SECONDED

THAT the verbal mayor's report be received.

CARRIED

11. Unfinished Business

a) Amended 2023 SOFI Report

MOTION R25/29
MOVED AND SECONDED

THAT the 2023 SOFI Amendment Staff Report be received for information and discussion; and,

THAT Council approves the amended 2023 SOFI Report to include a change to the Statement of Severance, Guarantees, and Indemnity Agreement to reflect one (1) severance issued in 2023 which represents six (6) months of compensation.

CARRIED

b) Municipal Advisor's Recommendation Implementation

MOTION R25/30
MOVED AND SECONDED

THAT the report from the A/Chief Administrative Officer is received for information.

CARRIED

c) Local Government Climate Action Program Funding Information

MOTION R25/31
MOVED AND SECONDED

THAT the Growing Communities Fund (GCF) and Local Government Climate Action Program (LGCAP) staff report be received for information and discussion; and,

THAT Council approve an extension request for the LGCAP funds received in 2022 and 2023; and,

CARRIED

12. Staff Reports

a) Regional Grant Opportunity – UBCM Emergency Support Services

On June 9-2026 SAYWARD COUNCIL approved the immediate Release of Report of the June 9-2026 In-camera Age a in ty.

MOTION R25/32
MOVED AND SECONDED

THAT the report from the Acting Chief Administrative Officer be received.

CARRIED

MOTION R25/33
MOVED AND SECONDED

THAT as part of the Village of Sayward's ongoing work in relation to emergency planning that an application for financial assistance under the Community Emergency Preparedness Fund 2025 Emergency Support Services grant be authorized for submission to the UBCM, in collaboration with the Strathcona Regional District; and,

THAT the Village of Sayward agrees to the Strathcona Regional District submitting an application on their behalf, and that if funded, agrees to the Strathcona Regional District managing the grant and being the recipient of all funding.

CARRIED

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

14. Bylaws

a) Bylaw 513. – 2024-2028 Five Year Financial Plan Amendment Bylaw

MOTION R25/34
MOVED AND SECONDED

THAT Five Year Financial Plan Amendment Bylaw No. 513, 2024 be adopted.

CARRIED

b) Reconsideration and (Re)Adoption - Code of Conduct Bylaw, Bylaw No. 512

Note: there are 3 resolutions tied to this matter.

MOTION R25/35
MOVED AND SECONDED

WHEREAS Section 27(1)(b) of the Council Procedures Bylaw, Bylaw No. 416, permits Council to reconsider a bylaw that has been previously adopted; and

WHEREAS Bylaw No. 512 – Code of Conduct, originally adopted by Council on January 2, 2025, requires reconsideration due to the removal of Section 70, which resulted in changes to the bylaw's structure and numbering; AND replace section 61.c to read as follows "with respect to conduct that may subject a member to an application to Court for disqualification under section 111 of the *Community Charter*.

BE IT RESOLVED THAT: (Part 1, Reconsideration of Bylaw No. 512)

On June 9-2026 SAYWARD COUNCIL approved the immediateRise and Report of the June 9-2026 In Camera Age a in ty.

Subject to Section 27(1)(b) of the Council Procedures Bylaw, Bylaw No. 416, Council reconsiders Bylaw No. 512 to reflect the adjustments caused by the removal of Section 70; AND to replace Section 61.c to read as follows "replace section 61.c to read as follows "with respect to conduct that may subject a member to an application to Court for disqualification under section 111 of the *Community Charter*".

CARRIED

MOTION R25/36
MOVED AND SECONDED

BE IT RESOLVED THAT: (Part 2 - Adoption of Bylaw No. 512)

Council adopts the Code of Conduct Bylaw, No. 512, as amended, to align with the changes made during its reconsideration.

CARRIED

MOTION R25/37
MOVED AND SECONDED

BE IT RESOLVED THAT: (Part 3 – Transitioning from Bylaw 442)

The provisions of this Bylaw do not apply to any investigations or hearings about a *Council member*'s breaches of the *Code of Conduct Bylaw No. 442, 2018* that were commenced prior to the enactment of this Bylaw.

CARRIED

15. New Business

a) Canada Housing & Infrastructure Fund

MOTION R25/38
MOVED AND SECONDED

THAT the staff either directly or through third party apply for funding under the Canada Housing & Infrastructure fund for shovel ready projects; and,

THAT an inventory of shovel ready projects be completed based on a priority of need; and,

THAT a funding solution is sought for an asset management report that will inform upon the priority of projects currently not shovel ready.

CARRIED

16. Public Question Period - none

17. In Camera

MOTION R25/39
MOVED AND SECONDED

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera Age a in ty.

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

1. 90(1)(c) labour relations or other employee relations.
2. 90(1)(d) the security of property of the municipality.
3. 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
4. 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

CARRIED

18. Adjournment

The meeting was adjourned at 09:02pm.

Original Signed

Mayor

Original Signed

Corporate Officer

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

This is Exhibit "H" referred to in the affidavit of
John Fraser
Sworn before me at Courtenay, British Columbia, this
23 day of September ,2025
A Notary Public in and for the
Province of British Columbia
Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

VILLAGE OF SAYWARD
REGULAR COUNCIL MEETING MINUTES
DECEMBER 5, 2023
COUNCIL CHAMBERS

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

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

In Attendance: Keir Gervais, CAO/CO
Melissa Holmes, Finance/Admin Clerk

1. Call to Order

The meeting was called to order at 7:00 pm.

2. Public Input

a) Lorna Agnew of 754 Sayward Road: informed Council that she is making progress with her wish to have the speed limit reduced on Sayward Rd. *Mayor Baker thanked Mrs. Agnew for the update.*

3. Introduction of Late Items

a) Councillor Burchett requested that Council discuss the Village's printing policy.

MOTION R23/270
MOVED AND SECONDED

THAT the Village's printing policy be added to the agenda.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

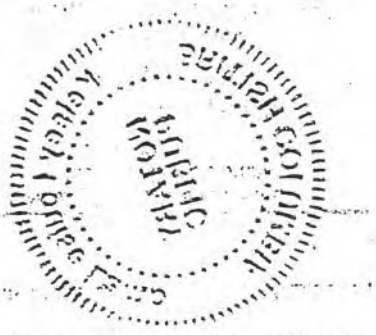
b) Councillor Burchett requested that Council discuss the RCMP heat pump plan.

MOTION R23/271
MOVED AND SECONDED
THAT the RCMP Heat Pump plan be added to the agenda.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Meeting.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.



4. **Approval of Agenda**

CAO Gervais presented an amendment to the title of agenda item Council Reports 8.b) to be "Verbal Report: SRD Written Reports- Councillor Burchett"

MOTION R23/272
MOVED AND SECONDED

THAT the agenda for the Regular Meeting of Council for December 5, 2023, be approved, as amended.

CARRIED

5. **Minutes of Previous Meetings**

MOTION R23/273
MOVED AND SECONDED

THAT the minutes from the Special Council meeting held on October 24, 2023, be deferred to the December 19, 2023 Regular Council meeting.

CARRIED

MOTION R23/274
MOVED AND SECONDED

THAT the minutes from the Regular Council meeting held on October 3, 2023, be deferred to the December 19, 2023 Regular Council meeting.

CARRIED

MOTION R23/275
MOVED AND SECONDED

THAT the minutes from the Special Council meeting held on November 7, 2023, be deferred to the December 19, 2023 Regular Council meeting.

CARRIED

6. **Petitions and Delegations - None**
7. **Correspondence**
   - **a)** Letter from Alex Turner – Proposal for Evening Workshop to discuss governance/service delivery options
   - **b)** Michele Babchuk, MLA RE Happy Halloween - October Update
   - **c)** UBCM, Approval Letter RE Village of Sayward 2023/24 Community to Community Program Application
   - **d)** AVICC, 2024 Resolutions Notice Request for Submissions
   - **e)** AVICC, 2024 Call for Nominations for AVICC Executive
   - **f)** AVICC, Call for Session Submissions
   - **g)** AVICC, Student Participation Program
   - **h)** AVICC, Climate & Health Community Gathering

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age

MOTION R23/276
MOVED AND SECONDED

THAT correspondence b), d), e), f), g) and h) be received.

CARRIED

MOTION R23/277
MOVED AND SECONDED

THAT the topic of the correspondence (dissolution) from Mr. Alex Turner be discussed by Council during a Committee of the Whole meeting during the first half of 2024.

CARRIED

MOTION R23/278
MOVED AND SECONDED

THAT correspondence a) and c) be received.

CARRIED

8. **Council Reports**

   a) **Verbal Report: Strathcona Gardens Expansion – Councillor Burchett**

   MOTION R23/279
   MOVED AND SECONDED
   THAT Mayor Baker provides a written report regarding the Strathcona Gardens expansion following the December 13, 2023 SRD Board meeting.

   Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

   b) **Verbal Report: SRD Written Reports- Councillor Burchett**

9. **Reports of Committees – None**

10. **Mayor's Report**

   a) **Request for support from Ministry of Municipal Affairs**

   MOTION R23/280
   MOVED AND SECONDED

   THAT the Village of Sayward Council unanimously support a request for governance assistance from the Ministry of Municipal Affairs.

   Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

   b) **Verbal - Dec 15, 2023 Truck Parade**

   MOTION R23/281
   MOVED AND SECONDED
   THAT the Village of Sayward Council allocate $1,000 towards Christmas decorations for the 2023 truck parade, and that staff report back to Council with source of funds at a later date.

   Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Dismissal and Report of the June 9-2026 In-Camera Ag a in ty.

MOTION R23/282
MOVED AND SECONDED

THAT fifty percent of the $1,000 Christmas decorating budget is spent on items from local artisans.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

Mayor Baker called a recess of the Regular Council meeting at 8:13 p.m.

The Regular Council meeting reconvened at 8:23 p.m.

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

11. Unfinished Business - None

12. Staff Reports

a) **Fire Protections Services Agreement – Keir Gervais, CAO**
MOTION R23/283
MOVED AND SECONDED

THAT Council receives and discusses Fire Protection Services Agreement Staff Report; and,

THAT Council direct staff to further investigate the concept of a sub-regional service model for fire protection through the SRD for the Village of Sayward and Sayward Valley Area A; and,

THAT a further report be prepared for the Council's consideration on December 19, 2023.

CARRIED

b) **Community to Community Forum with We Wai Kai First Nation and Wei Wai Kum First Nation – Keir Gervais, CAO**
MOTION R23/284
MOVED AND SECONDED

THAT Council receives the Community to Community Forum with We Wai Kai First Nation and Wei Wai Kum First Nation report for discussion; and,

THAT Council inform staff which of the proposed *forum* event dates it will attend; and,

THAT Council direct staff to schedule the *forum* events with We Wai Kai First Nation and Wei Wai Kum First Nation.

CARRIED

c) **Regular Council Meeting Schedule – Keir Gervais, CAO**
MOTION R23/285
MOVED AND SECONDED

THAT Council approves the attached 2024 Regular Council Meeting Schedule as presented noting that the July, August and September meetings are varied from Council Procedure Bylaw No. 416, 2015.

CARRIED

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

MOTION R23/286
MOVED AND SECONDED

THAT the resolution be amended to remove the December 17, 2024 Regular Council meeting from the schedule.

Opposed Cllr Burchett **CARRIED**

a) CAO Update - Verbal - Keir Gervais, CAO

MOTION R23/287
MOVED AND SECONDED

THAT Council receive the CAO Update – Verbal report for information and discussion; and,

THAT staff continue to record the in-camera Council meetings until the end of Council's term; and,

THAT staff bring back to Council an in-camera meeting recording policy by June 30, 2024.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

MOTION R23/288
MOVED AND SECONDED

THAT the Village of Sayward not have single-person oversight over meeting videos and files.

Opposed Mayor Baker, Cllr Tinsley, Cllr Gilkin **DEFEATED**

13. Emergency Services/Public Works/Recreation Department Reports

a) Kelsey Recreation Centre Report October 2023 - Michelle Davis, Recreation Manager

MOTION R23/289
MOVED AND SECONDED

THAT Council receive the Kelsey Recreation Centre October 2023 staff report for information and discussion.

CARRIED

14. Bylaws - None

15. New Business – None

16. Public Question Period

a) Milena Gradisar of 261 Ambleside Drive: asked for clarification that there is currently one staff person with access to the video recordings of the in-camera Council meetings, and what would happen if the staff person died. *Mayor Baker explained that the Village would contact the contracted IT firm for help*

b) Alex Turner of 1727 Sayward Rd.: asked why Council wouldn't move together in a prompt way toward a solution (re: dissolution of the municipality of the Village of Sayward)?

On June 9-2026 SAYWARD COUNCIL approved the immediate Release and Report of the June 9 2026 In Camera Age a in ty.

Councillor Poulsen commented that Council earlier resolved a decision on the matter as presented and suggested that Mr. Turner consider returning as delegation before Council.

c) Lee Ettinger of 220 Sayward Heights: informed Council that information about Strathcona Gardens re-development initiative can be found on the SRD website.

d) Jackie Lyons of 291 Ambleside Drive: Pointed out that Mayor Baker mistakenly read out "Council Procedure Bylaw No. 416, 2025" earlier where it should be "Council Procedure Bylaw No. 416, 2015". *Mayor Baker acknowledged the error and indicated the correction would be made.* Mrs. Lyons asked if she could comment about an earlier comment made by Councillor Poulsen. Mayor Baker suggested that any complaint about an elected official should be submitted in writing to the Village.

17. In Camera

MOTION R23/290
MOVED AND SECONDED

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

- Section 90(1)(c) labor relations or other employee relations,
- Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 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,
- Section 90(1)(g) Litigation or potential litigation impacting the local government; and,
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Opposed Cllr Burchett, Cllr Poulsen **CARRIED**

18. Adjournment

MOTION R23/291
MOVED AND SECONDED

THAT the Regular Meeting of Council for December 5, 2023 be adjourned.

CARRIED

The meeting was adjourned at 10:59 pm.

Original Signed

Mayor

Original Signed

CAO/Corporate Officer

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

BRITISH COLUMBIA

This is Exhibit "I" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September, 2025
A Notary Public in and for the
Province of British Columbia

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

March 16, 2024

Ref: 274479

Their Worship Mayor Mark Baker
and Members of Council
Village of Sayward
PO Box 29
652 H'Kusam Way
Sayward BC V0P 1R0

Dear Mayor Baker and Councillors:

Thank you for your email of March 12, 2024, which provided notice of the Council resolution requesting assistance from the Ministry of Municipal Affairs to address urgent concerns at the Village of Sayward.

I understand the issues that led to the request from the Village are exceptional, and that the Village is presently operating with minimal staff and challenging dynamics at Council. I want to specifically comment that a successful way forward for the Village will depend on reinforcing roles and responsibilities as well as improving relations between Council and staff.

To foster the needed change and help stabilize municipal operations, the province is assisting with an independent Municipal Advisor, Brian Carruthers, who will work with Village staff and Council and provide recommendations back to Council about ongoing governance approaches. This support will be provided for a period of three months.

The role of the Municipal Advisor will include the following:

1. Providing governance support to Council and senior staff, with a focus on responsible conduct and roles and responsibilities, including reviewing or updating codes of conduct.

2. Providing advice and mentorship to Council and senior staff in relation to local government administration and the decision-making process.

3. Assisting Council and senior staff with an assessment of Village operational priorities, including supporting council with finalizing the budget by the statutory deadlines and supporting the local government with the hiring of key staff or supporting other processes (e.g., by-election support if necessary).

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

Ministry of Municipal Affairs
Assistant Deputy Minister
Local Government
Mailing Address:
PO Box 9490, STN PROV GOVT
Victoria, BC V8W 9N7
Phone: 250 356-6575
Fax: 250 387-7973
Location:
6th Floor, 800 Johnson Street
Victoria BC V8W 1N3
www.gov.bc.ca/mah

4. Provide a report, recommendations, and next steps for council/staff to work on after the contract is complete.

The Municipal Advisor is a neutral third party with local government experience who will serve as a mentor and liaison between Council and senior staff with a focus on building professional relations and effective Council practices. To leverage the expertise – and help the Village move forward – their role will be focused on working with the Village to identify and address critical governance and operational needs rather than day-to-day administration.

I trust that all members of council will engage and participate with the Municipal Advisor, including any workshops and other sessions that will be held to develop better governance practices and enable the Village to move forward with its critical business. It expected that Council will work with Village staff and the Municipal Advisor to ensure the legislated requirements, such as the financial plan and tax rate bylaws, are completed on time. I must remind Council that order, civility, and responsible conduct must prevail for the good of your community.

Ministry staff have finalized a procurement process and have contracted Brian Carruthers to assist the Village. Ministry staff remain available to assist with any questions you may have.

Sincerely,

Tara Faganello
Inspector of Municipalities

pc: Keir Gervais, Chief Administrative Officer, Village of Sayward

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

This is Exhibit "J" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September, 2025
A Notary Public in and for the
Province of British Columbia.

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

STAFF REPORT

For: Mayor and Council
Prepared by: John Thomas, ACAO/A/CO
Subject: Municipal Advisor Recommendation Implementation
Meeting date: November 5, 2024

BACKGROUND

The purpose of this report is to keep Council informed of the progress being made with respect to the implementation of the recommendations from the Municipal Advisor's Report brought forward to Council in August 2024.

DISCUSSION

The status of each recommendation is as follows:

#	Municipal Advisor Recommendations	Status
1	Democratic Process – Council governs as a body and makes decisions on the basis of a majority vote. All Council members must respect the democratic process, particularly when decisions of Council do not go in their favour.	In-Progress, Ongoing
2	Training – All members of Council, including those members elected in the July 20 by-election should receive timely training in governance processes and procedures; elected official roles, legal responsibilities and authorities; respectful workplace; and other pertinent topics. Members of Council should receive ongoing training through the balance of the term to reinforce concepts and foster effective relationships and decision-making.	Not Started
3	Code of Conduct – Council should revisit and revise the Council Code of Conduct to ensure it meets current best-practices and contains adequate enforcement provisions that will allow members who contravene the Code of Conduct to be held accountable.	In-Progress. Draft being developed.
4	Strategic Priorities – Following the onboarding of the new Councillors to be elected in the July 20 by-election, Council should seek to review and update their strategic priorities to enable a more cohesive approach to governing the Village and establish collective expectations for the CAO and staff.	Scheduled for February 2025
5	Reconfigure Council's seating arrangement so that the Mayor sits in the centre of the table with two Councillors seated at either side of the Mayor, facing each other.	**Completed. November 5, 2024.**

On June 9-2026 SAYWARD COUNCIL approved the Immediate Risk and Report of the June 9-2026 In-Camera Meeting a in ty.

6	Council and CAO to jointly develop an annual performance plan for the CAO that identifies strategic objectives and operational expectations of the CAO.	Not Started
7	Individual members of Council should refrain from providing direction to the CAO and refer their requests of the CAO to the Mayor or Council for approval.	Not Started
8	Develop a protocol for elected officials requesting information from staff on operational or administrative matters. Consider using an 'administrative inquiry' form to ensure clarity of information being requested and provide a record for accountability.	Not Started
9	Establish a system of regular, closed meetings between the CAO and Council that allow the CAO to provide updates on strategic and operational matters of interest to Council and allow members of Council to ask questions relative to the CAO's duties or other matters.	Not Started
10	Develop a policy for managing complaints to include roles and responsibilities of staff and Council, requirements for updating complainants on the status of their complaint and reporting complaints to Council.	Not Started
11	Review and amend Council's Procedures Bylaw 416 to address: rules regarding public participation in Council meetings (public input and question period); structure and content of Council meeting minutes; procedures for members of Council to submit items for consideration at Council meetings; video recording and broadcast/posting of Council meetings; and other subject areas as required.	Not Started
12	Develop an annual budget preparation process and calendar for Council's approval, to commence in the fall of each year for the following budget year.	**Completed – November 5, 2024.**
13	Develop a financial status reporting policy that includes a consistent format for presenting information and regular reporting frequency.	Not Started

It is expected that upon the completion of a new draft Code of Conduct Bylaw, staff will have the capacity to work on other bylaws Council may wish to address. Staff is recommending that the Council Procedures Bylaw be identified as the next recommendation for implementation.

RECOMMENDATION

THAT the report from the Chief Administrative Officer be received for information; and

THAT Council directs staff to initiate a full review of the Council Procedures Bylaw and bring forward a draft bylaw for initial consideration.

Respectfully submitted,

Original Signed

_____

John Thomas, A/CAO

On June 9-2026 SAANICH COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Agenda in ty.

[redacted]

From: Talia Clark <taliasclark[redacted]
Date: Tue, 4 Jul 2023 at 21:45
Subject: Letter
To: <jdfrance[redacted]

Hi John,

I've attached a copy of the letter from Mayor Baker. It was mailed out of Sayward on May 12th but to the wrong address. I called Jerry Barry on June 14th to ask why an investigation was not done and why I had not received a letter. His response was very rude and abrupt simply to say he was not hired to do an investigation and he would look into why I had received a letter then hung up on me. I then called Kear and left a voicemail for him to call me back which he did on June 19th. I asked Kear why I hadn't received an apology letter and he said it had just been returned to the Sayward Village office and asked me my address. I received the letter on June 23rd. Please let me know if you want anything else clarified or have questions.

I have attached two other items

Talia Clark
[redacted]

This is Exhibit "K" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September 2025

A Notary Public in and for the
Province of British Columbia

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

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



On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera Be

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.

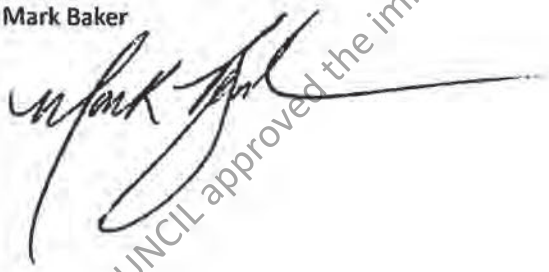
I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses 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 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9, 2026 In-Camera Age a in ty.

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 COUNCIL approved the Immediate Risk and Report - the June 9-2026 Council Agenda in

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

This is Exhibit "L" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September, 2025
A Notary Public in and for the
Province of British Columbia

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 Sayward Council approved the immediate release of the June 9, 2026 In Camera Age a in ty.

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.

Councillor Scott Burchett

On June 9-2026 Sayward Village Council approved the motion to Rise and Report at the June 9 2026 Council Meeting a in Camera Agenda

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 COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera Mee a in ty.

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 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera Age a in ty.

May 23rd 2023

To whom it may concern:

On the night of May 3rd 2023 at approximately 9:45 pm I was engaged in a conversation with the CAO Keir Gervais of the Village of Sayward. He was reporting back to me what had transpired in the Special In Camera Meeting and the results of that meeting. It was during this conversation that he told me that I could be removed from the Village Council (to what grounds and authority I do not know). He also informed me that if my partner was to have someone touch her improperly again, as Mayor Baker d.d, that it was my responsibility to tell that person to leave her alone (to what code of conduct or workplace policy I do not know). My intention was to file a proper formal complaint about bullying and sexual harassment and the result of that was that I myself was to be bullied and intimidated, then this is a complete fail of the Code of Conduct for the Village of Sayward. Furthermore, to have the CAO (who was just hired under the guise of his own sexual harassment investigation be in charge of presiding over my complaint is in itself a conflict of interest. I find this behaviour and these comments to be out of conduct with what his role is as CAO. I further find these comments to be of a bullying and intimidating manner and a scare tactic to silence myself and my complaints. During this so called mediation of my complaints, I was treated with no respect and neither was the other complainant. I was further informed to not seek legal advice (from the CAO) for myself and there was no formal investigation that should have taken place. This in my opinion is a cover up and an unethical means to dismiss my formal complaint. The other complainant (she) was told not to go to the RCMP by the so called mediators (JB Consulting) with her sexual harassment complaint against Mayor Baker. This in itself is unethical and not impartial but rather a "cover up move" and disgraceful. These are 2 separate complaints that were treated as 1 complaint and that in itself is a failure of our procedure and protocol.

I would like a proper impartial investigation done about my formal complaint and would like a proper investigation about the sexual harassment complaint be done in an ethical way conducive to the British Columbia Human Rights Standards. What has transpired is grossly incompetent and a conflict of interest.

Sincerely,

Councillor Scott Burchett

On June 9-2026 SAYWARD COUNCIL approved the immediate release and Report to be June 9, 2026 In Camera a in

This is Exhibit "M" referred to in the affidavit of

John France

Sworn before me at Courtenay, British Columbia, this

23 day of September, 2025

A Notary Public in and for the
Province of British Columbia

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

Village of Sayward

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:

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 approved the Immediate Rise and Report of the June 9-2026 In-Camera Age

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**

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On June 9-2026 SAYWARD COUNCIL adopted the Immediate Past and Report of the June 9-2026 In-Camera Agenda in

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 camera.

- 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 COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in

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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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 COUNCIL approved the media use and part of the June 9 2026 In-Camera Age a in ty.

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 adopted the immediate Rise and Report of the June 9-2026 In Camera Age a in ty.

This is Exhibit "N" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September, 20 25
A Notary Public in and for the
Province of British Columbia
Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

From: Keir Gervais <cao@saywardvalley.ca>
Date: Fri, 8 Sept 2023 at 13:10
Subject: FW: Proposed Reply to John France per his September 7/23 Email to Council
To: John France [redacted]
Cc: Mayor and Council <MayorandCouncil@saywardvalley.ca>

Mr. France,

Thank you for your email.

Deputy Mayor Tinsley on behalf of the Village of Sayward Council has directed me to reply to your email.

The Village of Sayward ("Village") respectfully declines your offer to provide services to the Village as outlined in your September 7, 2023 email.

What follows is a reply to your questions in the order asked within your September 7, 2023 email about your appearance before Council on September 12, 2023 to be examined about matters related to the administration of the Village pursuant to Community Charter section 134:

1. The examination will be recorded. After the examination, you may attend at the Village and review the video recording of your examination during the Village's office hours and in the presence of Village staff at a time that is convenience for both Village staff and you.

2. You will not be given a copy of any materials before your examination. Providing you with any materials that you will be examined upon prior to your examination will undermine the purpose of your examination pursuant to section 134 Community Charter. The subject matter of the examination relates to the disclosure to you of information and records held in confidence pursuant to section 117 of Community Charter about which you have published information about on your postings on Sayward Raves, formerly named Rant and Rant.

3. The Village will reimburse you the requested travel costs of $.65 per kilometre for your travel from your primary residence to the Village and the return to your primary residence upon the Village's receipt of an invoice for such travel costs.

4. The authority for your examination before Village Council is set out in the August 15, 2023 appointment to examine. Your examination before Village Council will be conducted in a closed meeting pursuant to Community Charter sections 90(1)(f) and 90(1)(i).

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

On June 9-2026 SAYWARD COUNCIL approved the media's recommendation of the June 9-2026 In-Camera Meeting.

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

From: John France <jdfrance[redacted]
Date: Fri, 8 Sept 2023 at 18:25
Subject: Inquisition Response September 8
To: Lisa Clark <village@saywardvalley.ca>, CAO <cao@saywardvalley.ca>, <mark.baker@saywardvalley.ca>, Kohen Gilkin <kohen.gilkin@saywardvalley.ca>, Sue Poulsen <sue.poulsen@saywardvalley.ca>, <scott.burchett@saywardvalley.ca>
Cc: John France <jdfrance53@gmail.com>

Sayward council

Thank you for your email.

I note you have responded under the deputy mayor's authority. Interesting that you are finally twigging to the idea that the mayor mark should not be involved in any of this affair including emails but more importantly all of the in-camera majority decisions that presumably set up this charade. Any in camera resolution voted on by the mayor puts him in a conflict-of-interest position – this is after all, about his sexual harassment misbehaviour. And seeing as Cllrs Sue and Scott could not have been involved in the passing of the resolutions (setting up the charade), council did not have a legally required quorum to pass the resolutions. Good lord, how much money has the majority spent to get to this point?

For you, council and Sayward residents here is my response (in bold italics) to your response to my September 7 email:

The Village of Sayward ("Village") respectfully declines your offer to provide services to the Village as outlined in your September 7, 2023 email. **Sad, but understandable, easier to spend more taxpayer money than actually try to resolve the issue.**

What follows is a reply to your questions in the order asked within your September 7, 2023 email about your appearance before Council on September 12, 2023 to be examined about matters related to the administration of the Village pursuant to Community Charter section 134:

1. The examination will be recorded. After the examination, you may attend at the Village and review the video recording of your examination during the Village's office hours and in the presence of Village staff at a time that is convenience for both Village staff and you.

This is insufficient. There is a matter of trust here. Seeing as the village has in past changed official documents after publishing them, I wish to have originals of the recording and written transcript in my possession. This non negotiable.

2. You will not be given a copy of any materials before your examination. Providing you with any materials that you will be examined upon prior to your examination will undermine the purpose of your examination pursuant to section 134 Community Charter. The subject matter of the examination relates to the disclosure to you of information and records held in

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

confidence pursuant to section 117 of Community Charter about which you have published information about on your postings on Sayward Raves, formerly named Rant and Rant.

I will have to get advice on this response. You have all of my info but I don't have yours. I think disclosure by both sides is fair and warranted.

3. The Village will reimburse you the requested travel costs of $.65 per kilometre for your travel from your primary residence to the Village and the return to your primary residence upon the Village's receipt of an invoice for such travel costs.

Thank you

4. The authority for your examination before Village Council is set out in the August 15, 2023 appointment to examine. Your examination before Village Council will be conducted in a closed meeting pursuant to Community Charter sections 90(1)(f) and 90(1)(i).

As I have stated above the authority must be given by a majority of council present. As the mayor is in direct conflict, resolutions going in camera and any subsequent resolutions are null because no quorum as required by law was available.

And so, on goes this waste of time designed simply to protect the image of the mayor from his misbehaviour, misbehaviour for which he has already issued a lame apology.

Again, until I have proper responses, I can't proceed with this charade.

Sincerely John France CAO Sayward Retired

Regards,

Keir Gervais Chief Administrative Officer

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 in-camera Age a in ty.

LACROIX LAW

#2 177 Fourth St.
Duncan, British Columbia V9L 5J8

Gary LaCroix
Andrew LaCroix
Janelle LaCroix
Steven F. Letchter
Derek Jackson, assoc. counsel

T 250 746 8585
F 250 746 8559

This is Exhibit "Q" referred to in the affidavit of
John France
Sworn before me at Courtenay, British Columbia, this
23 day of September, 2025

A Notary Public in and for the
Province of British Columbia

Kelsey Lamb
Notary Public
520 4th Street
Courtenay, B.C. V9N 1H2
My Commission is Permanent

With Prejudice

October 3, 2023

John France
[redacted]

Dear Mr. France,

RE: Defamation of Mark Baker

We are solicitors for Mark Baker. Mr. Baker has advised us that you have, over the last several months, been defaming Mr. Baker on the Sayward Facebook Rants and Raves page, which is widely viewed by Sayward community members.

In several of your posts, which I have read, you state that Mr. Baker committed "sexual harassment" and, as evidence of this you cite an apology letter and say that Mr. Baker admitted committing sexual harassment in the letter. If you have in fact received and read the apology letter which Mr. Baker signed, you have actual knowledge Mr. Baker did not, "admit to " or apologize for committing "sexual harassment". Mr. Baker denies that he engaged in any conduct which constituted sexual harassment.

Allegations of sexual harassment, which has a specific legal meeting, are grave. Sexual harassment involves the harasser's attempt to take advantage of his position of power and authority over a subordinate for sexual purposes. Mr. Burchett's girlfriend is not subordinate or beholden to Mr. Baker and even if her allegations were true, they would not constitute sexual harassment. Sexual harassment allegations are capable of completely destroying a person's reputation and standing in the community, which we presume occurred to you prior to your decision to make several malicious posts.

On June 9-2026 SAYWARD UNCL approved the Immediate Rise and Report of the June 9-2026 In Camera Mee a in ty.

You also misleadingly mention that there has been a report to the RCMP without mentioning that the report was rejected out of hand, because there has not been any illegal conduct alleged, let alone admitted.

You have further alleged that Mr. Baker and two other council members have engaged in a deliberate effort to "silence the minority" on the Sayward council by holding in camera council meetings, for the nefarious purpose of covering up what you allege was Mr. Baker's "sexual harassment". You have further invited your rapt audience to conclude that Mr. Baker and two other council members have wasted, by your estimate, $70,000 or more to essentially cover up what you allege is Mr. Baker's sexual misconduct. This invites the conclusion that Mr. Baker is using his authority within counsel for corrupt purposes, which is false and also defamatory.

Lest you overlook an opportunity to damage Mr. Baker's standing in the community, you also made posts about an automobile accident Mr. Baker was involved in, suggesting that he should face some legal accountability for, according to you, driving an "unfit" vehicle through town, placing its denizens at risk. You suggest in a different post that the vehicle was leaking fluids and imply that the vehicle's owner did not care about the vehicle's safety or the safety of the people of Sayward. I presume that you have no actual knowledge of any of those facts and your aim was to besmirch Mr. Baker without mentioning his name. Unfortunately for you, defaming a person by innuendo is actionable.

We are writing to demand that you issue a full retraction and apology to Mr. Baker and that you post that apology and retraction of all the libellous statements on the same forum you have used to attack Mr. Baker's character and also publish the letter in a full page of the Sayward News. If you fail to do so, we are giving you notice that this letter, along with your failure to attempt to undo the grievous harm you have caused Mr. Baker's reputation, will be brought to the attention of the court in the defamation action we are preparing against you.

Your ill advised internet posts in a small community have had a profound effect on Mr. Baker, who has a wife and two children, all of whom are collateral damage to your despicable attacks. We will be pursuing general, aggravated and punitive damages against you in the British Columbia Supreme Court.

Yours Truly,

Andrew G. LaCroix

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9, 2026 In Camera Session.

Duncan
23-Sep-25
REGISTRY

This is the 1st affidavit
of Talia Clark in this case
and it was made on 9th September 2025

No. S22667
Duncan Registry

In the Supreme Court of British Columbia

Between:

Mark Baker

Plaintiff

And:

John France

Defendant

AFFIDAVIT

I, Talia Clark, office administrator, of [redacted] Victoria, British Columbia, AFFIRM THAT:

1. I am a witness in this action and as such have personal knowledge of the facts and matters deposed to in this affidavit, except where stated to be based on information and belief and where so stated, I verily believe them to be true.

BACKGROUND

2. I am 46 years old. I am from Victoria, British Columbia.

3. I currently reside in Victoria half the time, and in the Village of Sayward the other half of the time, with my partner Scott Burchett ("**Mr. Burchett**").

4. I began a relationship with Mr. Burchett in or around 2016.

5. Mr. Burchett has been a councillor for the Village of Sayward since the fall of 2022.

6. In the future, Mr. Burchett and I plan to purchase property in Sayward or in the Valley and live there full time.

On June 9-2026 SAYWARD COUNCIL approved the immedi se and Report of the June 9-2026 In-Camera Age a in ty.

RICHARD JAMES GARDNER
SEP 09 2025
INITIALS

SEXUAL HARASSMENT COMPLAINTS

7. On 19 February 2023, I filed a sexual harassment complaint with the Village of Sayward against Mark Baker, the mayor of Sayward (the "**19 February 2023 Complaint**"). A true copy of the 19 February 2023 Complaint is attached and marked as **Exhibit "A"**.

8. On 26 March 2023, I filed another sexual harassment complaint with the Village of Sayward against Mr. Baker (the "**23 March 2023 Complaint**"). A true copy of the 23 March 2023 Complaint is attached and marked as **Exhibit "B"**.

9. My written descriptions in the 19 February 2023 Complaint and the 23 March 2023 Complaint accurately describe the incidents which occurred.

10. In this affidavit, I provide additional information about the incidents discussed in the 19 February 2023 Complaint and the 23 March 2023 Complaint. The purpose of doing so is to provide the court with my evidence of the events which led me to file the complaints.

19 FEBRUARY 2023 COMPLAINT

11. In the 19 February 2023 Complaint, I outline four different instances where, in my view, Mr. Baker behaved inappropriately.

12. On 16 December 2022, the following occurred:

(a) I was in Sayward visiting Mr. Burchett;

(b) Mr. Burchett, Mr. Baker, and two public works employees, Tony and Mike, were decorating the gazebo at the park near the campground in preparation for a festival to be held the next day;

(c) since I was visiting Mr. Burchett at the time, I went to the park to help decorate;

(d) we were at the park for about an hour, some time between 11:00 a.m. and 1:00 p.m., approximately;

(e) I assisted the group by putting together a reindeer, carrying items out from the storage unit, putting up a Christmas tree, and hanging lights;

(f) while we worked, Mr. Baker seemed interested in me and engaged in friendly conversation with me;

(g) three or four times, Mr. Baker put his hand on my arm or shoulder;

(h) for example:

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9, 2026 In-Camera Age a in ty.

(i) while I was putting together a wire reindeer under the gazebo, Mr. Baker put his hand on my arm; and

(ii) when I climbed down a ladder after placing a star on a tree, Mr. Baker put his hand on my upper arm and shoulder area;

(i) I never asked Mr. Baker to touch me and I felt surprised that he kept touching me;

(j) I am not comfortable with people touching me, but I did not say anything because I did not want to cause a scene;

(k) later that day, I spoke with Mr. Burchett about Mr. Baker touching me; and

(l) Mr. Burchett and I agreed that Mr. Baker's behaviour was creepy, but decided not to approach Mr. Baker or make a complaint about it.

13. On 16 February 2023, the following occurred:

(a) I went to the Local Government Leadership Academy forum in Nanaimo with Mr. Burchett, Mr. Baker, and councillor Kohen Gilkin (who was around 18 years old at the time);

(b) while the four of us had a drink in the hotel restaurant, Mr. Baker gave "advice" to Mr. Gilkin about women and made several comments which were sexual in nature;

(c) for example:

(i) Mr. Baker told Mr. Gilkin that if Mr. Gilkin was going to travel, he should make sure he is single because the women abroad are "amazing";

(i) Mr. Baker told Mr. Gilkin that his hair looked good and he should keep up that look for the ladies; and

(ii) Mr. Baker asked our server, a young woman, if she was into guys who drive big lifted trucks (which is what Mr. Gilkin drove). This question appeared to make both the server and Mr. Gilkin feel uncomfortable and Mr. Gilkin blushed. Mr. Baker smiled and laughed, seeming pleased and excited with himself;

(d) Mr. Baker's sexualized comments were constant and one after another;

(e) I felt bad for the server, who appeared uncomfortable around our table after Mr. Baker's comments;

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9 2026 In-Camera Age a in ty.

(f) I thought it was odd that Mr. Baker spoke to Mr. Gilkin, a sort of mentee, in this manner, especially because Mr. Gilkin was visibly uncomfortable with the conversation about what he may or may not do with women;

(g) I found Mr. Baker's conduct gross and unprofessional, especially because mayors, councillors, and staff from other municipalities were in the restaurant with us and might have overheard his inappropriate comments; and

(h) after this incident, I wondered whether Mr. Baker was a sexual predator and if I should be cautious around him.

14. On the evening of 16 February 2023, the four of us stayed in the same hotel. I stayed in a room with Mr. Burchett and Mr. Gilkin stayed in the room next to ours. Mr. Baker stayed in a room on a floor above ours. We planned to meet in the morning to check out of the hotel together.

15. On 17 February 2023, the following occurred:

(a) around 7:30 a.m., Mr. Burchett, Mr. Gilkin, and I walked to the elevator on our floor;

(b) Mr. Baker met us in the hallway beside the elevators and asked us how we all slept;

(c) Mr. Burchett and I told Mr. Baker that we had not slept well and we were exhausted because we heard noises coming from the room above us throughout the night;

(d) Mr. Gilkin also told Mr. Baker that he was exhausted;

(e) Mr. Baker grinned widely, looked me up and down in an exaggerated manner like he was checking me out, and made a comment (the precise wording of which I cannot recall) that insinuated I had kept Mr. Burchett and Mr. Gilkin up all night by having sex with them; and

(f) Mr. Baker's conduct made me feel disgusted and uncomfortable, so I turned and walked away down the hall, before rejoining the group to get in the elevator.

2. Later that morning, while Mr. Burchett, Mr. Baker, Mr. Gilkin, and I were having breakfast in the hotel restaurant, the following occurred:

(a) Mr. Baker asked if we could watch his jacket while he left the room momentarily;

On June 9-2026 SAYWARD COUNCIL approved the Immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

RICHARD JAMES GARDNER

SEP 09 2025

INITIALS

(b) Mr. Gilkin jokingly asked Mr. Baker if there was anything valuable in his pockets that Mr. Gilkin could take;

(c) Mr. Baker responded that he had condoms in his pocket and that they were for Mr. Gilkin;

(d) Mr. Baker's comment made me feel uncomfortable, especially in light of his insinuation earlier that morning that I had kept Mr. Burchett and Mr. Gilkin up all night by having sex with them;

(e) after we ate, Mr. Burchett, Mr. Baker, and Mr. Gilkin were introducing themselves to a group of councillors at a nearby table. When I approached them, Mr. Baker put his arm around my shoulders and held me for about 10 to 15 seconds; and

(f) I felt that this touching was inappropriate and it made me feel very uncomfortable, compounded by the other incidents discussed above.

16. Based on these four incidents, I believe (and continue to believe) that Mr. Baker has sexually harassed me, which is why I decided to file the 19 February 2023 Complaint.

26 MARCH 2023 COMPLAINT

17. On 14 March 2023, I attended the Village of Sayward council meeting held in council chambers at the Kelsey Recreation Centre.

18. Before the meeting, Mr. Burchett and I walked down a narrow hallway in the building toward the meeting room.

19. Mr. Baker walked down the narrow hallway, toward us. When Mr. Baker reached me, he stopped right in front of me and put his left hand on my right upper arm and said something like, "good to see you again."

20. I shrugged my arm to try to get Mr. Baker to stop touching me. After a few seconds, he continued down the hallway past me.

21. By this point, Mr. Baker's touching no longer seemed harmless. He touched me every time he saw me. I now felt (and continue to feel) very uncomfortable around him.

22. The council meeting proceeded as scheduled. Right after it was adjourned, Mr. Baker loudly addressed the room and said something like, "just so you all know, I might be brought up on charges. I touched Tony's bum." Mr. Baker looked at me while he was making these comments.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera Age a in ty.

RICHARD JAMES GARDNER

SEP 09 2025

INITIALS

23. Mr. Baker's comment made me uncomfortable because it seemed like a sarcastic remark targeted at me in response to my 19 February 2023 Complaint.

AFFIRMED BEFORE ME)
at Victoria, British Columbia, on)
9th September 2025)
)
)
)
)
)

Talia Clark

A commissioner for taking affidavits
for British Columbia

RICHARD JAMES GARDNER
240-2950 DOUGLAS STREET
VICTORIA, BC V8T 4N4
A Commissioner for Taking
Affidavits for British Columbia
MY COMMISSION IS PERMANENT

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in

Exhibit A

This is exhibit A referred to in the affidavit of TALIA CLARK
Sworn before me on date 9 SEP 2025

A Commissioner for taking Affidavits & a Notary Public in and for the Province of British Columbia, Canada.

RICHARD JAMES GARDNER
240-2950 DOUGLAS STREET
VICTORIA, BC V8T 4N4
A Commissioner for Taking Affidavits for British Columbia
MY COMMISSION IS PERMANE

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 COUNCIL approved Immediate Risk and Report of the June 9-2026 in-camera Age a in

This is Exhibit "B" referred to in the affidavit of
TALIA CLARK
Sworn before me on date 9 SEP 2025

A Commissioner for taking Affidavits & a Notary Public
in and for the Province of British Columbia, Canada.
RICHARD JAMES GARDNER
240-2950 DOUGLAS STREET
VICTORIA, BC V8T 4N4
A Commissioner for Taking
Affidavits for British Columbia
MY COMMISSION IS PERMANENT

To Whom it May Concern, Mar 26, 2023

Statement by Talia Clark

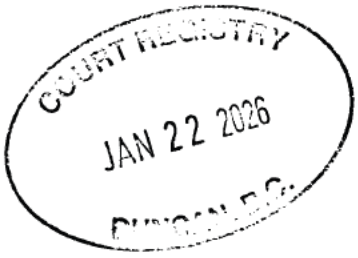
Once again I find myself relaying events from uncomfortable interactions with Mayor Mark Baker. On March 14, 2023 I was attending the Sayward Council meeting as part of the public as I wanted to watch my partner Scott Burchett "in action" as a councillor. I entered the building with Scott and as we walked 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 S
OUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in
ty.



No. 22667

Duncan Registry

Affidavit #1 of Keir Gervais made January 20, 2026

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Mark Baker

Plaintiff

and

John France

Defendant

AFFIDAVIT

I, Keir Gervais, Municipal Executive, [redacted] Duncan, B.C., make oath and say as follows:

1. My name is Keir Gervais and I my career has been working in municipal government in various capacities in leadership. I have worked as a municipal manager in a range of areas, including as a CAO, working in corporate and protective services, community services, asset management and operations. I have a Bachelor's degree and over a dozen advanced training certificates relating to leadership and municipal management issues. I was the Chief Administrative Officer for the Village of Sayward from early 2023 until my departure on medical leave, as I explain below.
2. I have personal knowledge of the facts deposed to herein, except where I state that such knowledge is based upon information and belief.
3. At the time I was the CAO the council was made up of Mark Baker, Sue Poulsen, Scott Burchett, Tom Tinsley and Kohen Gilken.
4. This affidavit is largely about the misconduct of Scott Burchett. I recall meeting Mr. Burchett at the council building in Sayward. It was memorable because during our first introduction he was bragging about himself and made what I thought were very odd claims. He told me then that he was a former U.S. Navy Seal and that he had worked as a consultant to "billionaires" whom he had, during his career, saved "millions" of dollars. I found it odd and found both claims dubious.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise eport of the June 9-2026 In-Camera Age a in ty.

5. I recall that in roughly February, 2023 Mayor Baker went to the LGLA conference in Nanaimo with Mr. Burchett and Mr. Gilken. Sometime after that conference, Mr. Burchett came to my office and said that he wanted to lodge a complaint about Mayor Baker. I advised Mr. Burchett that he should make whatever complaint he had in writing.

6. Mr. Burchett submitted two written complaints, one on behalf of himself and one on behalf of Talia Clark, who I understand was his girlfriend or partner, but did not live in the Village but in the Victoria area.

7. After I received the two written complaints, I obtained legal advice and then retained JB Consultants and in particular Jerry Berry, who is the principal of that firm and does work for Municipal governments as a consultant.

8. Mr. Berry came and reviewed the complaints did an initial investigation. After investigating, he suggested holding a mediation process to see if things could be resolved. On April 20th, there was an informal mediation which Mayor Baker attended with Mr. Burchett and Mr. Berry. The mediation did not lead to a resolution and the next step was Mr. Berry presenting his findings to council (Sue Poulsen, Tom Tinsley, Kohen Gilken) in an *in camera* meeting. In addition to presenting his findings at the *in camera* meeting, Mr. Berry and Mr. Johnson (legal counsel) provided some options for resolution. What came out of that session was some wording for an apology letter which Mayor Baker was prepared to provide to Mr. Burchett, Ms. Clark and each individual councillor in order to resolve the complaints.

9. The three council members ultimately decided to take Mr. Berry and Johnson's advice and a resolution was passed *in camera* in which the Council voted to accept the proposed apology letters in order to conclude the matter. Tom Tinsley and Kohen Gilken voted to accept the apology letters and Sue Poulsen voted against, so the resolution carried.

10. To provide some context, I had never heard anyone complain about Mayor Baker sexually harassing anyone and at the time did not consider the conduct described in the complaints to be on the serious end of potential misconduct. Mayor Baker did make jokes from time to time and sometimes his jokes were sophomoric - but I did not find him to be vulgar or offensive. His humour was never directed at anyone and I never witnessed him trying to humiliate, denigrate or intimidate anyone. I did not ever witness him being handsy with other people and certainly not with women. Mayor Baker may have touched people on the forearm or shoulder when he greeted them in earnest - but I did not view that as in any way sexual.

11. Although I of course did not vote on this resolution as the CAO, given the nature of the complaints, I thought at the time that the resolution was a suitable one. I did not believe that Mayor Baker had sexually harassed or sexually abused either Ms. Clark or Mr. Burchett which I formed after the conclusion of the investigation.

12. During the meeting, Mr. Burchett was outside the council chambers, because he was not entitled to participate in the resolution discussion or voting.

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in ty.

13. After the resolution passed and the meeting was adjourned, Mayor Baker, the other councillors as well as Mr. Berry and his associate left the council building for the day and it was only Mr. Burchett and I who were left. When I left the council chambers to go back to my office, I discovered Mr. Burchett still remaining in what we called "Council's office". It quickly became apparent that nobody had advised Mr. Burchett about the outcome of the meeting. Mr. Burchett was personally opposed to the council accepting Mayor Baker's apology as a resolution to the matter and was demanding a "full investigation" and wanted Mayor Baker to be punished in some substantial way, although I am not sure what he had in mind specifically.

14. When I informed Mr. Burchett he was furious. He started yelling at me. He yelled "this is bullshit" several times, repeatedly called Mayor Baker a "pig" who had "sexually assaulted" his "old lady" and made all manner of threats, calling the Council a "clown show" and so on. Mr. Burchett gave the impression that he was going to physically assault me and I was significantly concerned and feared for my safety. I remained calm and tried to diffuse the situation and managed to get away from that confrontation without getting assaulted. I would describe Mr. Burchett's behaviour during this meeting as completely unhinged and it was traumatic for me.

15. From that point forward Mr. Burchett's conduct towards me and others on council (except Sue Poulsen, who was his ally) was appalling. Mr. Burchett was routinely disruptive at council meetings. He would yell insults at the other councillors, including the Mayor, yell at me and would be very threatening. On several occasions he would stare aggressively at me or another councillor in a prolonged and threatening way.

16. Mr. Burchett yelled insults at both Mayor Baker and Tom Tinsley on a regular basis. He used to yell at Tom Tinsley and tell him that he stunk and smelled bad. Tom Tinsley is a person who is small in stature and I am guessing in his mid 60's. Mr. Tinsley had a calm and gentle personality.

17. On one occasion Mr. Burchett went to and stood right over top of Mayor Baker at a council meeting and glared down at him, in what appeared to be an attempt to physically intimidate and threaten Mayor Baker. On more than one occasion we had to call the RCMP to come to council meetings when Mr. Burchett's behaviour was so threatening and disruptive we had to ask him to leave and he would refuse.

18. During one Council meeting, after Mayor Baker had dismissed Mr. Burchett from the meeting based on his conduct and he walked outside the council chamber, I followed the normal process of checking to see if Mr. Burchett had exited the building. He had not. I came upon him in an adjacent hallway and when he saw me he screamed at me "what the fuck are you looking at?", in the way that school yard bully might who wanted to start a fight.

19. After the resolution had passed to resolve the complaints, Mr. Burchett repeatedly sent emails to me to ask "what can be done" about advancing the complaints. He complained

On June 9-2026 SAYWARD Council approved the unredacted version and Report on the June 2026 In Camera Agenda in its entirety.

about the other councillors. He was vulgar and aggressive. He referred to Ms. Poulsen as a "fat pig" at one point in February or March of 2023. He was very difficult to deal with and his behaviour towards me was threatening and abusive.

20. During council meetings, as the CAO my job is to ensure that the meetings are conducted in accordance with the correct procedure and procedural bylaws. On a number of occasions Mr. Burchett would yell insults at me during public meetings with local residents in attendance. He would say things like, "Well, CAO Gervais is obviously incompetent", would call me an "idiot" and so on. Mr. Burchett would stare directly at me in a threatening manner in long, uninterrupted stares (he did that to others as well) in order to intimidate me. I have been working in Municipal government for several decades and have never encountered anybody remotely like Mr. Burchett.

21. As a direct result of Mr. Burchett's abusive conduct, I suffered a mental health breakdown and had to go on a medical leave. I made a claim to WorkSafeBC under its bullying and harassment policy and WorkSafeBC accepted my claim. My understanding at the time was that I had to show that I had suffered significant stressors in the workplace and that the conduct of Mr. Burchett had to have been intended to humiliate or intimidate me and resulted in a recognizable psychological injury. WorkSafeBC found through its investigation that this test was satisfied. I was not able to return to my job as the CAO for the Village as a result of the medical problems induced by Mr. Burchett's behaviour. I would be unable to ever work with Mr. Burchett again in any capacity.

The specific facts in the complaints

21. The Christmas light up decorating event which happened in December 2022 was, as I understand it, something that a small group of people from the Village did annually, although I was not working for Sayward at the time of the 2022 decorating session. There was a community light up in the local park and Gazebo where community members would come for a hot chocolate and to enjoy the season.

22. I was not present during the decorating in December, 2022. I did speak with someone about it after the complaints came in from Ms. Clark and Mr. Burchett in February, 2023. I don't remember whom I spoke with but believe it was either Tony Legatt or Mike Clark and they told me that they remembered seeing Mayor Baker give a sincere thanks to Ms. Clark for coming to the decorating session, since it was in support of the community and she did not live there. They told me that in thanking Ms. Clark, Mayor Baker shook Ms. Clark's hand and put his hand on her arm to communicate the sincerity of his thank you. Nobody told me that they saw Mayor Baker do anything untoward.

23. I was not present at the LGLA conference in Nanaimo either. I don't have any information about that event or the allegations against Mayor Baker during that conference.

24. I was present during a meeting where Mayor Baker made some joke about "touching Tony's bum" and something to the effect that he might be in trouble. At the time I recognized what

On June 9-2026 SAYWARD COUNCIL approved the Immediate Risk and Report of the June 9-2026 In-Camera Age a in ty.

the Mayor said as a humorous comment and did not take any offence. I did not get the feeling that anyone there took it as anything but an attempt at levity.

Sue Poulsen's complaints regarding being on various boards

25. At the time Mayor Baker was elected in 2022, Sue Poulsen was sitting on the waste management board and hospital board, which are both boards which serve the interests of the Strathcona Regional District.

26. The prevailing custom with the SRD is that there is one board member on the SRD board and each of the electoral areas or municipalities in the regional district. The SRD chair is automatically placed on the hospital board and on the waste management board. When Mayor Baker was elected, he took over the SRD board member spot and was elected as the SRD chair. As the SRD chair, he was automatically placed on the hospital and waste management boards. Because only one member on those three boards could come from the Village of Sayward, Ms. Poulsen was appointed as an alternate.

27. This was a bone of contention with Ms. Poulsen, who complained about it to me on more than one occasion. She demanded to know where it was written down that the Mayor had to serve on the SRD board or the other two boards. As a result of her ongoing complaints, I made enquiries with the SRD Corporate Officer and eventually spoke with the SRD CAO, David Leitch, who confirmed for me that Mayor Baker's position on those three boards was consistent with the SRD's accepted practice. Mr. Leitch told me at the time that he did not think Ms. Poulsen's complaints had merit and that the SRD was content with the way that they did things and with Mayor Baker as the SRD chair.

28. I got the impression from Ms. Poulsen that she had her nose out of joint as a result of losing her board seats to Mayor Baker, from the comments she made and the complaints that she made about it.

22. I was not physically present before Andrew G. LaCroix as commission of this affidavit because of my inability to meet physically, but was in his electronic presence linked via video technology and the process described for remote commissioning was utilized.

On June 9-2026 SAYWARD COUNCIL approved the immediate ris and report of the June 9-2026 In-Camera Age a in ty.

23. I acknowledge the solemnity of making the affidavit and acknowledge the consequences of making an untrue statement.

Sworn Before me in the City of Duncan, British Columbia, this 20 day of January, 2026.

A Commissioner for taking Affidavits within British Columbia

ANDREW LaCROIX
BARRISTER & SOLICITOR
2 - 177 FOURTH STREET
DUNCAN BC V9L 5J8

Keir Gervais

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In-Camera Age a in

COURT REGISTRY
FEB 04 2026
DUNCAN, B.C.

No. 22667

Duncan Registry

Affidavit #1 of Kohen Gilken made February 3, 2026

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Mark Baker

Plaintiff

and

John France

Defendant

AFFIDAVIT

I, Kohen Gilken, forestry worker, of [redacted] Sayward, B.C., make oath and say as follows:

1. I was a former municipal councillor for the Village of Sayward and as such have personal knowledge of the facts deposed to herein, except where stated that my knowledge is based on information and belief.
2. I was a councillor for the Village of Sayward between November, 2022 and the spring of 2024.
3. I resigned because of the conduct of Scott Burchett, which I describe further below.
4. I attended the LGLR conference in Nanaimo with Mr. Burchett and Mayor Baker in January, 2023. I was at the time newly elected on council, having been elected in November, 2022.
5. I travelled to the conference with Mr. Burchett and Mayor Baker in Mr. Burchett's car. The conference itself was held at the Nanaimo conference centre and we were staying at the Best Western hotel in Nanaimo.
6. I have reviewed the allegations which Talia Clark and Mr. Burchett have made about Mayor Baker's conduct during that conference which were found in their written complaints and also in the affidavit which Talia Clark swore in this proceeding. Below I have explained my recollection of events.

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

7. At the time, Mayor Baker was a mentor to me. I was inexperienced given my age and Mayor Baker and I enjoyed a relationship where he teased me in a good natured way. One of the running jokes during the conference in Nanaimo was that I would be able to pick up a girl. It was not serious or mean spirited and I was in on the joke.

8. We were there for two nights. Ms. Clark came during the second day and stayed on the second night with Mr. Burchett. We all had separate rooms. Ms. Clark was not there in an official capacity.

9. During the first night, Mr. Burchett, Mayor Baker and I had dinner together at a burger restaurant located in the hotel. During the dinner, there was light hearted banter between Mayor Baker and I about the fact that I had a lifted pickup truck and whether that would help my chances of getting a girlfriend. Mayor Baker was teasing me about it and at one point asked the waitress whether she liked guys who drove lifted trucks. Both the waitress and I laughed and were in on the joke. Mr. Burchett's characterization of the mood and the joke is inaccurate. I did not think that the waitress took any offence and the joke from Mayor Baker was light hearted. Talia Clark was not present as she did not arrive until the following day.

10. Ms. Clark alleges that, while the group of us were standing near the elevator in the morning, Mr. Burchett said that he had not gotten any sleep the night before and alleges that Mayor Baker leered at Ms. Clark in a suggestive way or made a comment to invite the inference that Mr. Burchett had not slept because he and Ms. Clark had been having sex the night before. In her recent affidavit, Ms. Clark expands that allegation to suggest that Mayor Baker insinuated that M. Clark had been up all night having sex with both Mr. Burchett and also me. I did not see Mayor Baker leer in any way at Ms. Clark that morning, or make any such comments and I was present at the time Ms. Clark describes. I believe I would have taken note had Mayor Baker been leering at Ms. Clark or if he had made a vulgar joke about her. At no point during the weekend or any other time did I notice Mayor Baker leer at Ms. Clark, nor did I hear him make an inappropriate remark to her.

11. Ms. Clark and Mr. Burchett also allege that during the evening when Ms. Clark was present the four of us had drinks at the hotel. I was not old enough to drink and Mayor Baker does not drink alcohol, so only the two of them drank alcohol. I also remember the two of them going outside to smoke marijuana at some point. They again allege that Mayor Baker was making inappropriate comments to me about dating or picking up women and that several of the comments were "sexual". As I said above, a running joke between him and I during the conference was me getting a girlfriend or picking someone up. However, I did not find his comments or jokes to be offensive and they constituted banter between him and I. I also don't remember any comments from Mayor Baker that were overtly sexual in nature, crass or vulgar. He did not offer me sex advice or talk about sex acts or make comments which I found to be graphic, explicit or vulgar. When I read the complaint, it struck me that Ms. Clark was trying her best to exaggerate for effect.

On June 9-2026 SAYWARD COUNCIL approved the immediate adoption of Bylaw 3120 Minor Cattle Age ain ty.

12. As for the suggestion that Mayor Baker's comments could have been overheard by other municipal officials, I am not sure whether there were any such officials present, but Mayor Baker's comments were not loud. Also, Mayor Baker made the odd joke - but the conversation was normal and not controversial in any way that I can remember. I was not embarrassed as Ms. Clark seems to suggest in her complaint.

13. Mayor Baker did not make any comments which were directed at either Ms. Clark or Mr. Burchett. Mayor Baker's jokes were not what I would call vulgar or inappropriate in adult company. There were no children present. His jokes were those which I would expect any adult to be able to tolerate without offence.

14. On the final morning Mayor Baker asked me to watch his coat while we were in the hotel lobby and he was going outside to smoke a cigarette. I asked him if there was anything good in his pockets I could steal as a joke and he said that there were only condoms in there which he brought for me. Again, it was just banter between him and I and although it was perhaps a PG joke, it was not overly vulgar or offensive in my eyes and was between him and I.

15. At no point did I ever witness Mayor Baker make off colour comments to Ms. Clark, touch her or otherwise behave inappropriately.

16. I also never witnessed Mayor Baker behave inappropriately with any other women, at any time.

17. As for the allegation that Mayor Baker asked our waitress to pass a bottle of ketchup so that he could somehow ogle her breast, I don't believe that to be true either. I was present at the only dinner Mr. Burchett had with Mayor Baker and the Mayor was not inappropriate with our waitress and did not leer at her or ogle her or make inappropriate comments about her. I did not witness him ogling or leering at women in general.

18. Ms. Clark alleges that Mayor Baker put his arm around her shoulder when introducing her to a table of people. I did not see Mayor Baker ever put his arm around Ms. Clark.

19. I understand that John France has been posting on the Facebook Sayward Rants and Raves page that Mayor Baker sexually harassed two individuals. I understand that the underlying allegation is that Mayor Baker sexually harassed Mr. Burchett and Ms. Clark. I have never witnessed any conduct from Mayor Baker which I thought constituted any kind of harassment of either Mr. Burchett or Ms. Clark - sexual or otherwise.

Mayor Baker's Joke at the Council Meeting

20. At some point after the conference, at the end of a council meeting (I don't remember which one), Mayor Baker made a joke about having accidentally touched Tony Legatt's backside and saying that he could be "up on charges" or something to that effect. This was a light hearted joke and was obviously a joke. Mayor Baker has a good sense of humour and it was not unusual for him to crack a joke to lighten the mood. I did not take offence and it did not seem like anyone present took

On June 9-2026 SAYWARD Council approved the immediate Disclosure and Report of the June 9, 2026 In Camera Meeting in

offence either. Again, it was a joke which I would have expected any adult to tolerate easily without offence.

21. Ms. Clark alleges that Mayor Baker put his hand on her arm or shoulder outside the meeting room on the same day. I did not witness Mayor Baker touch Ms. Clark in the hallway.

22. Mayor Baker has a warm personality so it would not surprise me if he touched a person's arm or shoulder in greeting or in farewell. I did not observe him to be an overly physical with people in terms of touching them, but it is possible he did touch people on occasion in a non-sexual way. I did not ever see Mayor Baker touch a woman inappropriately and no woman ever complained to me that he touched them, made sexual advances towards them or any such thing.

Resigning from Council

23. Sometime after Mr. Burchett and Ms. Clark filed written complaints about Mayor Baker, there was a meeting where the council voted on a resolution to those complaints. The resolution was that Mayor Baker would provide letters of apology to each of Ms. Clark and Mr. Burchett. Jerry Berry, who the Village had retained, had made a recommendation that this approach was suitable in this case and I voted to approve that resolution along with Tom Tinsley.

24. I did not consider the letters of apology to be admissions that Mayor Baker had "sexually harassed" either Ms. Clark or Mr. Burchett. My reading of the letters was that to the extent that any of Mayor Baker's jokes with me or otherwise had caused offence with either of them, he was sorry for the offence caused. I have some difficulty in believing that either Ms. Clark or Mr. Burchett were actually offended by anything that Mayor Baker did or said. After the LGLA conference the three of us drove back to Sayward in Mr. Burchett's car. Mr. Burchett did not make any mention of issues he had with Mayor Baker and did not seem or act offended. Also, given that Mr. Burchett's conduct in council was threatening, vulgar and bordered on violent, it is difficult to believe that he could be offended by slightly off colour jokes.

Scott Burchett's Behaviour

25. Scott Burchett's conduct on council after he did not get his way in relation to his complaint was shockingly bad and ultimately affected my health and forced me to resign. Mr. Burchett routinely started to yell insults at other council members and at Keir Gervais, the CAO and did so during the public portion of council meetings. He aggressively stared at people (Mr. Gervais, Mayor Baker and Mr. Tinsley) in a threatening manner, called them idiots, accused Mr. Gervais of being incompetent and on one occasion he physically stood over Mayor Baker, almost on top of him, in a threatening and completely inappropriate manner, in order to threaten and intimidate the Mayor and goad him into a physical altercation. He routinely used profanity and directed it at Tom Tinsley, Mayor Baker and Keir Gervais.

26. On more than one occasion, the council had to ask Mr. Burchett to leave a council meeting because of his misconduct and when he would refuse to leave, we had to

On June 9-2026 SAYWARD COUNCIL approved the immediate release of this report at the June 9-2026 In-Camera meeting in its entirety.

call the RCMP. On one occasion I remember him screaming at Keir Gervais something like "what the fuck are you looking at?" in the hallway outside the council chamber, after Mr. Gervais had to check to confirm that Mr. Burchett had left the council building.

27. Keir Gervais appeared to suffer greatly from this stream of abuse from Mr. Burchett and ultimately he want on medical leave and did not return to work. I was not surprised by this. Mr. Burchett made the working atmosphere extremely toxic, stressful and unpleasant.

28. Mr. Burchett effectively made the entire council process unproductive. Sue Poulson was his ally on council, because they were both aligned against Mayor Baker. The two of them voted against whatever Mayor Baker proposed. Ms. Poulson seemed to dislike the Mayor and complained repeatedly when the Mayor took over her board positions.

29. I commiserated with Tom Tinsley and Mayor Baker about Mr. Burchett's misconduct and abuse, but ultimately I felt like I had to resign from council as a result of his behaviour. I wanted to sit on council to contribute to the community and Mr. Burchett's boorish behaviour made it impossible to accomplish anything. I also found myself to be very stressed out at the prospect of having to go into council meetings where Mr. Burchett would be present - I am not accustomed to that kind of behaviour and I feel that the toxic environment was affecting my well being and mental health. Mr. Burchett behaved like a school yard bully.

30. I was not physically present before Andrew G. LaCroix as commission of this affidavit because of my inability to meet physically, but was in his electronic presence linked via video technology and the process described for remote commissioning was utilized.

31. I acknowledge the solemnity of making the affidavit and acknowledge the consequences of making an untrue statement.

Sworn Before me in the City of Duncan,)
British Columbia, this 3 day of)
February, 2026.)
)
)
)
A Commissioner for taking Affidavits)
within British Columbia)

Kohen Gilken

ANDREW LaCROIX
BARRISTER & SOLICITOR
2 - 177 FOURTH STREET
DUNCAN BC V9L 5J8

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report motion June 9 2026 In-Camera Age a in City.

COURT REGISTRY
JAN 22 2026
DUNCAN B.C.

No. 22667

Duncan Registry

Affidavit #1 of Tom Tinsley made January 21, 2026

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Mark Baker

Plaintiff

and

John France

Defendant

AFFIDAVIT

I, Tom Tinsley, securities executive, [redacted] Duncan BC make oath and say as follows:

1. I was a former municipal councillor for the Village of Sayward and as such have personal knowledge of the facts deposed to herein, except where stated that my knowledge is based on information and belief.
2. I was a councillor for the Village of Sayward between November, 2022 and the spring of 2024.
3. I resigned because of the conduct of Scott Burchett, which I describe further below.
4. I am a compliance manager for a securities firm in Vancouver. I am in my 60's.

Complaints from Scott Burchett and Talia Clark

5. I recall that in early 2023 Scott Burchett and his girlfriend Talia Clark submitted written complaints regarding Mayor Baker. In the complaints as I recall Ms. Clark complained that Mayor Baker had touched her arm or shoulder two or three times on different occasions and had made some jokes in front of her while at an LGLA conference in Nanaimo and one in council where Ms. Clark was in the gallery.
6. I was not present during any of the events in question so I don't have any personal knowledge of what was said. At the time, I did not regard the complaints as particularly serious allegations. I thought that they should be able to be resolved informally in some way. The Council retained Jerry Berry who was a consultant

On June 9-2026 SAYWARD COUNCIL approved the immedi... issue and Report of the June 9-2026 In-Camera Age... a in ty.

who did an investigation and gave a presentation at an *in camera* session of a council meeting. At the conclusion it was suggested that Mayor Baker provide Ms. Clark and Mr. Burchett with a letter of apology which had been agreed to in advance. I thought that this was a proper solution to the issue and voted in favour of that resolution, along with Kohen Gilken. Sue Poulsen, who seemed to be against Mayor Baker, voted against the resolution.

7. Later it came out that either or both of Sue Poulsen and Scott Burchett had been meeting with John France and had likely supplied him with materials which were confidential under the council rules, which mandated that *in camera* matters were dealt with confidentially and not disclosed.

8. With respect to broader allegations that Mayor Baker sexually harassed women, or made advances against them or was vulgar, or touched women, I did not witness any conduct like that of Mayor Baker during my time on council. I also did not hear complaints of Mayor Baker from any women other than Talia Clark.

9. I was aware that Scott Burchett seemed to intensely dislike Mayor Baker and Mr. Burchett's conduct as against Mayor Baker, me, Keir Gervais and others was, as described below, shockingly bad.

Scott Burchett's Conduct and my resignation

10. After Scott Burchett did not get his way with his complaint (it seemed like he expected Mayor Baker to get drummed out of office or something - he kept on demanding a "full investigation" at the time) he became brutally rude, threatening, hostile and bordered on violent in council meetings. I remember the following:

    a. He openly yelled insults at other councillors, including me and Mayor Baker. On one occasion I remember he yelled at me and told me that I stunk or smelled bad;

    b. He was openly hostile and aggressive;

    c. He would stare for lengthy periods at people in a threatening manner;

    d. He openly yelled insults at Keir Gervais the CAO;

    e. On one occasion, when Keir Gervais went to check that Mr. Burchett had left council after he had been asked to leave for misconduct, he yelled "what the fuck are you looking at?!" at Keir Gervais in the hallway outside council chambers. It was the kind of thing you would expect to hear from a drunk bully at a bar who was trying to pick a fight.

    f. On one occasion he walked over to Mayor Baker, who was sitting down, and lorded over him physically in an apparent attempt to intimidate him and goad him into a fight.

    g. We had to, on more than one occasion, ask Mr. Burchett to leave council meetings for repeatedly violating our code of conduct which did not permit, for example, yelling out insults or demeaning other councillors or staff. On more than one occasion the RCMP were called during meetings to force Mr. Burchett to leave.

On June 9-2026 SAYWARD COUNCIL approved the immediate release of Report of the June 12 2024 In Camera Agenda in its entirety.

h. Mr. Burchett and Ms. Poulsen were openly hostile to Mayor Baker and the council meetings were so unpleasant that I could not bear things and had to resign. My resignation occurred solely as a result of Mr. Burchett's misconduct, which was intolerable. In my several decades of working in professional environments, I have never dealt with anyone as abusive and obnoxious as Scott Burchett.

i. I was not at all surprised by Keir Gervais' medical leave as a result of the constant abuse he suffered at the hands of Scott Burchett. Keir was a professional employee and somewhat mild mannered and Mr. Burchett's abuse of him was shocking to me.

Mayor Baker's Joke at the Council Meeting

11. At some point at the end of a council meeting (I don't remember which one), Mayor Baker made a joke about having accidentally touched Tony Legatt's backside and saying that he could be "up on charges" or something similar. This was a joke and apparently so. Mayor Baker has a good sense of humour and it was not unusual for him to make jokes in a somewhat formal setting for a bit of levity. I did not take offence at the joke which was one which I would have expected most grown ups to withstand without offence.

12. I understand that John France has made several posts online about Mayor Baker saying that he "sexually harassed" women. I did not ever see Mayor Baker touch a woman inappropriately and no woman ever complained to me that he touched them, made sexual advances towards them or any such thing. I did not find Mayor Baker to be vulgar or make shocking or sexualized or otherwise inappropriate comments.

13. I was not physically present before Andrew G. LaCroix as commission of this affidavit because of my inability to meet physically, but was in his electronic presence linked via video technology and the process described for remote commissioning was utilized.

14. I acknowledge the solemnity of making the affidavit and acknowledge the consequences of making an untrue statement.

Sworn Before me in the City of Duncan,)
British Columbia, this 21 day of)
January, 2026.)
)
)
_____)
A Commissioner for taking Affidavits)
within British Columbia)

Tom Tinsley

ANDREW LaCROIX
BARRISTER & SOLICITOR
2 - 177 FOURTH STREET
DUNCAN BC V9L 5J8

On June 9, 2026 COUNCIL approved the Immediate Release of the June 9, 2026 In-Camera Agenda.

Duncan
23-Jan-26
REGISTRY

No. 22667

Duncan Registry

Affidavit #1 of Melissa Holmes made January 22, 2026

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Mark Baker

Plaintiff

and

John France

Defendant

AFFIDAVIT

I, Melissa Holmes, administrative assistant, [redacted] Sayward, B.C. Affirms and say as follows:

1. My name is Melissa Holmes. I worked as the finance administration clerk for the Village of Sayward between November 2019 and February 2024 and have personal knowledge of the matters deposed to herein.
2. I worked alongside Mayor Baker between 2020 and 2024. I understand that John France made a series of Facebook posts saying that Mayor Baker had sexually harassed women.
3. In terms of the allegations that Mayor Baker has touched Talia Clark on the arm or shoulder, I have observed him with lots of different people over the years. Mayor Baker greets people warmly and genuinely. His gestures, such as a hand on the arm or a brief arm on the shoulder, come across as reassuring and supportive, reflecting his approachable nature and sincere interest in others. These interactions are consistently respectful and appear well-intentioned. I have never seen Mayor Baker behave inappropriately with any person.
4. With respect to Scott Burchett and his conduct within council, I have made several observations of him behaving poorly. He tends to be rude and aggressive with people who disagree with him. He often boasted about what he said were accomplishments - that he had worked in big business as a consultant, had advised billionaires and other such things. His boasts did not have the ring of truth and were odd and out of place.
5. Mr. Burchett was elected when I went on maternity leave, but was there when I returned to work at the Village between September 2023 and February 2024. It was clear to me at the time that John France, Sue Poulsen, Scott Burchett and Lisa Clark (the former CFO) had a

On June 9-2026 SAYWARD COUNCIL approved the remedial rise and R of the June 9-2026 In-Camera Age a in ty.

plan to get rid of Mayor Baker and Keir Gervais. I know that because Scott Burchett and Sue Poulsen along with John France and Lisa Clark told me on several occasions that they had a plan to get rid of Mayor Baker. John France actually contacted me directly on more than one occasion asking me for documents that he though would implicate Mayor Baker in some kind of wrong doing. Scott Burchett and Sue Poulsen told me that they were trying to get rid of Mayor Baker and that they were meeting with John France to try and carry out their plan.

6. Scott Burchett, Sue Poulsen and John France told me that they used the expression "TKO", which they liked to say meant "Take Keir Out".

7. I live in the same Strata as Scott Burchett. His condo is two floors above my unit. Ms. Clark does not live with Mr. Burchett. I have noticed that she does come to Sayward and stays with Mr. Burchett. I have overhead on at least a few occasions where Mr. Burchett is yelling loudly at Ms. Clark in the condo above. I did not hear Ms. Clark yelling at Mr. Burchett - it seemed like the yelling was going in one direction.

8. I recall specifically on one occasion where there was an all candidates meeting in the council chambers at the Village in July, 2024. There was a line up of people who were waiting to come forward with questions. Ms. Clark was in the back of the line. Mr. Burchett walked over to her, went behind her, grabbed her shoulders and marched her to the front of the line like one would a child and announced to all present that "she will be speaking now". Ms. Clark then asked some question about information related to an *in camera* meeting. Mr. Burchett seemed to be using Ms. Clark to ask questions which he thought would help him, or hurt Mayor Baker. It was very odd and Mr. Burchett seemed very controlling of Ms. Clark.

9. I left the job in February 2024 because of the turmoil that centred on Scott Burchett and Sue Poulsen working with John France to try and oust Mayor Baker. They were difficult people to deal with and it was stressful to see Mayor Baker subjected to ill treatment. I like Mayor Baker and did not think he deserved the ill treatment.

10. I did see Mayor Baker interact with Ms. Clark in the context of council meetings. At no point did I see him behave disrespectfully or improperly towards her or around her. To the contrary, Mayor Baker was patient, respectful and listened attentively to her as he did all participants in the public meeting processes.

11. After John France started to post that Mayor Baker was guilty of sexual harassment, I noticed visible changes in Mayor Baker. Although he diligently appeared at meetings and did his job as before, he seemed to be stressed and fatigued in a way I had not observed before.

On June 9-2026 SAYWARD COUNCIL approved the immediate Risa and report of the June 9-2026 In-Camera Mee a in ty.

12. When I was not physically present before Andrew G. LaCroix as commission of this affidavit because of my inability to meet physically, but was in his electronic presence linked via video technology and the process described for remote commissioning was utilized.

13. I acknowledge the solemnity of making the affidavit and acknowledge the consequences of making an untrue statement.

Sworn Before me in the City of Duncan, British Columbia, this 22 day of January, 2026.

A Commissioner for taking Affidavits within British Columbia

ANDREW LaCROIX
BARRISTER & SOLICITOR
2 - 177 FOURTH STREET
DUNCAN BC V9L 5J8

Melissa Holmes

On June 9-2026 SAYWARD COUNCIL approved the immediate Rise and Report of the June 9-2026 In Camera Age a in