Village Update

January 27, 2023

UPDATES FROM THE MUNICIPALITY

Mayor's Message

Governance and Protection

Welcome and Overview
The purpose of this "message page" is to keep you updated as much as possible on key aspects of the governance of the Village. In particular, I will highlight here the issues we are addressing and as well as providing progress reports on various projects and undertakings being done on your behalf.

There are many aspects of the functioning of the Village that we are addressing on an urgent basis. These include banking and financial controls, IT security and also addressing the need to plan for a By-election.

We are also managing an administrative transition that involves establishing base-line requirements for all key feature of the Village's administration. So expectations also have to be managed during this period of transition. For example, some practices that have developed are not all necessarily efficient. For this reason, reliance has to be placed first of all on the statutory instruments such as legislation and bylaws that govern our actions. Additionally, contracts and terms governing key services to the Village are also under review. Where there are gaps, these are beginning to be addressed. In particular, finance, banking and IT are being given priority consideration.

Meeting Procedures
Customary practice is one thing, the governing law is sometimes something else.

This is the case with Council Meeting agendas and related notices. The current Council Procedures Bylaw, 475 provides as follows in this regard:

Agenda
22(3) The Corporate Officer must make the agenda available to the Council and the public at least 24 hours before a regular Council Meeting, except with respect to any part of the meeting that is closed to the public, in which case the agenda shall only be provided to council members.

Neither "agenda" nor "agenda package" are defined terms in the Council Procedures Bylaw. The only reference to "agenda package" is found in section 18(2) that addresses minutes.

Accordingly, until further notice the agendas for Council and Committee meetings will be made available in accordance with the governing bylaw and legislation.

Also, the Council Procedure Bylaw does not address every situation that may arise in

the conduct of a Council or Committee meeting. It is for this reason that the Council Procedure Bylaw, section 6(2) provides that Robert's Rules of Order apply to the proceedings of Council "in cases not provided for under this Bylaw".

Restricted Access to Important Information for Proper Governance
Upon election as Mayor I had reasonable expectations that I would be given access to important information critical to gain an understanding of the operations of the Village. Notwithstanding numerous attempts, I only succeeded in being provided with limited information. This gave me cause for concern.

This concern was underlined when the new CAO ran into the similar refusals. Indeed, he was denied access to a locked cabinet containing employee records. As a result of the denial of access to locked files and records as Mayor and CEO under the *Community Charter* I ordered that the locks be changed to enable the interim CAO to undertake his lawful duties.

Protection of Village Assets
An in-person meeting with the Manager of the Bank that holds all of the Village's funds disclosed information that gave rise to serious concerns about signing authorities on the account, lack of restrictions on bank withdrawals and related security issues. This information included being advised that a person no longer on the staff of the Village still had signing authority on the Village's principal bank account. This information was also subsequently confirmed in writing by the bank. Additionally, we were advised that the bank has "no restrictive limits in place" regarding the amount of a cheque drawn on the Village's account. There is restriction on electronic withdrawals and transfers but this limit is a daily limit of $49,900.00.

Optimization of Village Assets
We were also advised by the bank that all of the Village's funds are held in one account. The result of this is that it appears that no preferential investment interests have been applied to the account. The bank advised:

"Effective December 31, 2022 the current interest rate earned in the account is 3.75% on the lowest end of day balance for the month and then 2.55% on the fluctuating balance portion"

Action taken:
I immediately informed Council of these issues and have requested approval of a resolution to revise municipal signing authorities.

As 18 January 2023 was the last day of the former CFO who had tendered her resignation from her position, the Interim CAO engaged the services of a Part-time CFO to manage the transition and to also conduct a review of the financial policies and security measures so that your tax dollars are not only protected and the financial affairs of the Village conducted in accordance with the highest standards of financial accounting and management but also to see that the funds are used to their best advantage in accordance with governing legislation.

Protecting Villagers' Private Information
Discussions have been held with the CEO / Owner of the Internet services provided to the Village. These discussions resulted in identifying the fact that existing service contracts are out of date and no longer reflect the services being provided. Additionally, vulnerabilities around security of the data and IT infrastructure were identified.

Action taken:
A new contract is under review. Steps are being taken to increase security of the infrastructure as well as exploring ways to enhance data security.

By-Election Planning
Local Government Act, RSBC 2015, C.1

54 (4) As soon as practicable after a vacancy occurs for which an election under this section is to be held, the local government must
(a) appoint a chief election officer for the election, and
(b) notify the minister of the election.

55 (1) If an election is not held or a vacant office is not otherwise filled as required under this Act, the minister may
(a)set a general voting day for the election, appoint a chief election officer and otherwise arrange for the election to be conducted, or
(b)order the designated local government officer to arrange for the election to be conducted.

A person referred by the Ministry of Municipal Affairs, who can act as Chief Election Officer and provides related services for the conduct of an election, has submitted a proposal to conduct and manage the By-Election. A less expensive option is being explored than that contained in the proposal.

Prospective Fire Chief
An interview with a candidate for office of Fire Chief has been conducted.

New Standing Committees
Under the *Community Charter*:
Standing committees of council
s. 141
(1)The mayor must establish standing committees for matters the mayor considers would be better dealt with by committee and must appoint persons to those committees.
(2)At least half of the members of a standing committee must be council members.
(3)Subject to subsection (2), persons who are not council members may be appointed to a standing committee.

and *Council Procedures B*ylaw, ss. 51 and 53:
51: All standing committees are established by the Mayor…
53: Unless the following matters are established by the Mayor…(a) a Committee Terms of Reference..

The Mayor has the legal authority to appoint standing committees and to determine their Terms of Reference. A Finance Committee has been appointed, soon to be established as well is an Infrastructure Committee, a Grants and Fund Raising Committee, and an HR Committee.

Responsibilities of Mayor
It may interest you to know that the Mayor has specific powers granted by the governing legislation. In particular, the Mayor is the Chief Executive Officer of the municipality. These powers are set out in section 116 of the *Community Charter*.

They include:

- providing, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council;
- establishing standing committees in accordance with section 141;
- suspending municipal officers and employees in accordance with section 151;
- reflecting the will of council and to carry out other duties on behalf of the council;

- carrying other duties assigned under the Community Charter and other legislation.

Community Charter, Statutes of British Columbia, 2003, Chapter 1

Responsibilities of the Chief Administrative Officer
This position is not a required position under the Community Charter. The key statutory power of this position is overall management of the operations of the municipality.

Responsibilities of a Corporate Officer
This is a separate position as defined under the Community Charter. It is a position that is required by the governing legislation, in section 148. Here is that section:

One of the municipal officer positions must be assigned the responsibility of corporate administration, which includes the following powers, duties and functions:
(a)ensuring that accurate minutes of the meetings of the council and council committees are prepared and that the minutes, bylaws and other records of the business of the council and council committees are maintained and kept safe;
(b)ensuring that access is provided to records of the council and council committees, as required by law or authorized by the council;
(c)administering oaths and taking affirmations, affidavits and declarations required to be taken under this Act or any other Act relating to municipalities;
(d)certifying copies of bylaws and other documents, as required or requested;
(e)accepting, on behalf of the council or municipality, notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the council or municipality;
(f)keeping the corporate seal, if any, and having it affixed to documents as required.

In most municipalities, the person performing these duties, powers and functions is referred to as the Municipal Clerk.

The Financial Officer
This position is another requirement of the Community Charter. It is set out in section 149. It provides as follows:
149 One of the municipal officer positions must be assigned the responsibility of financial administration, which includes the following powers, duties and functions:
(a)receiving all money paid to the municipality;
(b)ensuring the keeping of all funds and securities of the municipality;
(c)investing municipal funds, until required, in authorized investments;
(d)expending municipal money in the manner authorized by the council;
(e)ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe;
(f)exercising control and supervision over all other financial affairs of the municipality.

As Mayor I want to express full support of the Interim CAO and CFO, and, as per my promise, I will ensure fully transparent and fiscally responsible government that each of the residents of this Village deserve.

Your sincerely,
Mayor Ken Berry



Did you know that causing harm to a migratory bird or destroying its nest or eggs is illegal and contravenes the *BC Wildlife Act, Federal Migratory Birds Convention Act,* and the *Migratory Birds Regulations*?

In particular, it is an offence under Section 35 of the *Wildlife Act*, to disturb or destroy an active bird nest—this applies to **Municipal and private trees.** In accordance with the Village of Lions Bay *Trees, Views, and Landscapes Bylaw No. 393, 2007,* the cutting of trees on Municipal Property during active bird nesting season which is between **March 26 and August 16 each year is prohibited**.

If your backyard is home to a bird family, causing them stress by destroying their habitat during the time they are intensely concentrating on the hard work of brooding, feeding, and tending to young can have dire consequences. Just because you don't see a nest in a particular tree, it doesn't mean there isn't one! Birds are very good at camouflaging their nests - different species build their nests at different heights, and those highest up among the branches may be extra hard to spot. Tiny hummingbird nests are the hardest to find. Some bird species will build their nests on or quite low to the ground, something the careful gardener should also be mindful of when doing yard work…

So, if you want to do some tree work and those trees are on Municipal property, you'll need to apply for a tree cutting permit ASAP as the window to obtain Council approval is dwindling. The ***March 7th Council meeting is the last meeting you can get your application approved*** so that your work can happen before the March 26 th deadline – after that, you're going to have to wait until mid-August unless you get Council dispensation to undertake a nesting survey with a registered biologist at your cost to establish there are no bird nests in the vicinity of the trees you wish to cut.

Want to make the deadline for the March 7 th meeting? Here's what needs to happen:

1. Your application needs to be completed and turned in **no later than February 13th at 4:00 PM.** Once submitted your application will be reviewed and vetted and then Office staff will pass on your application to Public Works to review.
2. Public Works will need to assess the trees so **the trees being cut must be marked** so that staff know exactly which tree(s) are being worked on. Public Works staff will submit their feedback to the Office who will then prepare a package for the Tree Committee to review and meet to discuss.
3. For the tree Committee to meet, Notice must be made in the **Village Update 8 days prior to their site meeting.** Once the tree committee have made their recommendations, Office staff will prepare the application for submission to the Council agenda package for the next available Council Meeting.
4. If approved by Council, a permit will be provided to you once a $500 damage deposit has been received by the Village Office, a copy of the tree cutting company's Certificate of Insurance naming the Village of Lions Bay as an additional insured for $5 million, as well as their WorkSafe BC Certification.

There is a lot to prepare and organize and schedule – so please take note of the timeline!



2023 DOG & BOAT SPACE LICENSES

Reminder that dog and boat space licenses are now due. The early discount payment is applicable for dog licenses until February 28th and for boat spaces, until March 31st.

Council & Committee Meetings

NEXT REGULAR COUNCIL MEETING:
January 31, 2023 at 6:00pm*
***Closed session will begin at 6:00pm followed by the public meeting at 7:00pm**

COMMITTEE MEETING:
Lions Bay Beach Park - February 1, 2023 at 7:00pm
Board of Variance - February 8, 2023 at 6:00pm

View the Council and Committee Schedule, Agendas, & Minutes HERE!

Video conferencing is available for public participation via Zoom. Instructions on how to attend and publicly participate in a meeting can be found **here**.

Public Viewing Etiquette:

- *Public participation is still available on Zoom, during the Public Participation section of the agenda. Attendees will have two minutes to speak on any matter at the beginning of the meeting*
- *Silent viewing only, until you are called upon to speak (if desired).*
- *Please do not interrupt Council discussion.*
- *Limit background distractions by muting your microphone and keeping video turned off until such time as it's your turn to speak (if applicable).*
- *If interruptions are repeated, the participant will be removed from the meeting*

WHAT'S HAPPENDING IN LIONS BAY



Attention all Lions Bay Grade 11 and 12 students and parents

Register today and mark your calendars for Wednesday, February 8th, 2023

All Lions Bay **Grads** of 2023 and 2024 and their **parents** are invited
to a Lions Bay Community Scholarship Foundation Q&A tutorial presentation:

Criteria for Success:
How to Prepare a Successful Lions Bay Community Scholarship Foundation Scholarship Application

Wendesday, February 8th, 2023
7:00pm to 8:00pm
Via Zoom

Please email your interest in attending to **michael.broughton@telus.net**

Lions Bay's youth are our future!

Village of Lions Bay | lionsbay.ca

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