



**VILLAGE OF LIONS BAY**

**INAUGURAL MEETING OF THE COUNCIL  
OF THE VILLAGE OF LIONS BAY  
HELD ON TUESDAY, NOVEMBER 1, 2022 at 7:00 PM  
BROUGHTON HALL, 400 CENTRE ROAD, LIONS BAY**

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**AGENDA**

**1. Call to Order**

Corporate Officer, Peter DeJong

**2. Oath of Office Swearing-in Ceremony**

The Honourable Judge Reginald Harris

Mayor-Elect: Ken Berry  
Councillors-Elect: Neville Abbott  
Norm Barmeier  
Michael Broughton  
Marcus Reuter

**3. Code of Conduct Signing Ceremony**

Mayor: Ken Berry  
Councillors: Neville Abbott  
Norm Barmeier  
Michael Broughton  
Marcus Reuter

**4. Adoption of Agenda**

Council

**5. Inaugural Address**

Mayor Berry

**6. Reports**

A. Staff

- i. CAO Information Report: Oaths of Office and Code of Conduct (Page 3)

*Recommendation:*

THAT the Information Report "Oaths of Office and Code of Conduct" be received.

- ii. Chief Election Officer: 2022 General Election Results (Page 13)  
*Recommendation:*  
THAT the Information Report “2022 General Election Results” be received.

## 7. Resolutions

- A. Resolution to Appoint Director and Alternate Director to Metro Vancouver Regional District (MVRD) Board of Directors  
*Recommendation:*  
THAT Council appoint Mayor Ken Berry as the Village of Lions Bay’s Municipal Director to the Metro Vancouver Regional District (MVRD) Board of Directors, effective November 1, 2022; and  
THAT Council appoint Councillor \_\_\_\_\_ as the Village of Lions Bay’s Alternate Municipal Director to the Metro Vancouver Regional District (MVRD) Board of Directors, effective November 1, 2022.
- B. Resolution to Appoint Banking Signatories  
*Recommendation:*  
THAT Mayor Ken Berry be added as a banking signatory in accordance with the requirements of the Bank of Nova Scotia; and  
THAT former Mayor Ron McLaughlin be removed as a banking signatory in accordance with the requirements of the Bank of Nova Scotia.
- C. Resolution to Adopt Acting Mayor Schedule  
*Recommendation:*  
THAT the following Acting Mayor’s Schedule be approved:  
November – January: Councillor Abbott  
February – April: Councillor Barmeier  
May – July: Councillor Broughton  
August – October: Councillor Reuter

## 8. Public Questions & Comments (2 minutes on any topic discussed in this meeting)

## 9. Adjournment

Reception to follow



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Information Report</b>		
<b>Title</b>	<b>Oath of Office and Code of Conduct</b>		
<b>Author</b>	<b>Peter DeJong</b>	<b>Reviewed By:</b>	<b>Pamela Rooke</b>
<b>Date</b>	<b>October 24, 2022</b>	<b>Version</b>	
<b>Issued for</b>	<b>November 1, 2022 Inaugural Council Meeting</b>		

### **Recommendation:**

THAT the Information Report, "Oath of Office and Code of Conduct" be received.

### **Attachments:**

- (1) Letter dated October 12, 2022 from Ministry of Municipal Affairs re. new requirements for Oath of Office and Code of Conduct;
- (2) Updated form of Oath of Office (per Local Government Oath of Office Regulation - B.C. Reg. 137/2022);
- (3) Current Village of Lions Bay Code of Conduct.

### **Key Information:**

The Ministry of Municipal Affairs recently sent the letter attached to this report referencing updated regulations pertaining to local government oaths of office and codes of conduct. The new prescribed form for the Oath of Office has been incorporated into the swearing in ceremony materials for the incoming Council, a copy of which is attached to this report.

The requirement to consider adopting a new code of conduct, or reviewing an existing one, within the first six (6) months of the new Council's term can be addressed at an upcoming regular meeting. A copy of the existing Code of Conduct, adopted by Council December 18, 2018, is attached and is also included in Council's Orientation Manual.

**Follow Up Action:** Consider the Code of Conduct at an upcoming meeting.



October 12, 2022

Ref: 271278

Dear Chief Administrative Officers and Corporate Officers,

I am pleased to update you about additional tools that have been developed for local governments to help strengthen the responsible conduct of elected officials. These tools include:

- A new legislative requirement to consider establishing or reviewing a code of conduct,
- A new regulation for the prescribed oath of office, and
- A new education module on the foundational principles of responsible conduct.

### Codes of Conduct

As you may be aware, new legislative requirements for codes of conduct came into force on June 13, 2022, with the [Municipal Affairs Statutes Amendment Act \(No. 2\), 2021](#). Within six months after the first regular council or board meeting following the general local elections, a council or board must decide whether to adopt or review a code of conduct for the council or board members. Before making a decision, the council or board must consider the principles for codes of conduct prescribed by [regulation](#). If the council or board decides not to adopt or review a code of conduct, they must make the reasoning behind their decision publicly available. If the council or board decided not to establish or review a code of conduct, they must reconsider that decision before January 1 of the year of the next general local election.

### Oath of Office

A person elected or appointed to office must make an oath or solemn affirmation of office or the person will be disqualified from holding office. A council or board may, by bylaw, establish the oath for the purposes of this requirement, or they may use the oath that is prescribed by [regulation](#). The prescribed oath of office has been amended to be more accessible to local governments (i.e., through the creation of a distinct regulation and the use of modern and clear language) and include the foundational principles of responsible conduct.

For clarity, the *Local Government Act* (or *Vancouver Charter*) and the *Local Elections Campaign Financing Act* are the applicable Acts for council and board members to confirm that they have complied with the provision in relation to their [election to office](#). The *Community Charter* (or the *Vancouver Charter*) is the applicable Act for council and board members to indicate that they will abide by the rules related to [conflict of interest](#).

### Education Module

The Ministry of Municipal Affairs, in collaboration with our partners at the Union of B.C. Municipalities (UBCM) and the Local Government Management Association (LGMA), have developed an on-demand

CAOs and Corporate Officers

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eLearning course for elected officials which introduces the foundational principles for responsible conduct. The course entitled *Responsible Conduct Everyday* is based on real life scenarios that require the learner to make choices and reflect on behaviour. Like the Model Code of Conduct and the Forging the Path to Responsible Conduct guide, we hope the new course provides an additional tool to strengthen the practice of responsible conduct.

If you have any questions about these responsible conduct tools, I encourage you to contact our Governance and Structure Branch. You can reach the Governance and Structure Branch by phone or email at: 250-387-4020 or [LGGovernance@gov.bc.ca](mailto:LGGovernance@gov.bc.ca).

Kind Regards,

A handwritten signature in black ink, appearing to read 'T. Faganello', with a large, sweeping flourish at the end.

Tara Faganello  
Assistant Deputy Minister

pc: Gary MacIsaac, Executive Director, UBCM  
Candace Witkowskyj, Executive Director, LGMA  
Todd Pugh, Executive Director, CivicInfo BC  
Michelle Dann, Executive Director, Local Government Division, Municipal Affairs



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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### SOLEMN OATH OR AFFIRMATION OF OFFICE

I, *[Full Name]*, do solemnly swear or affirm that:

I am qualified to hold the office of *[Councillor or Mayor]* for the Village of Lions Bay to which I have been elected;

I have complied with the provisions of the *Local Government Act* and the *Local Elections Campaign Financing Act* in relation to my election to this office;

I will abide by all rules related to conflicts of interest under the *Community Charter*;

I will carry out my duties with integrity;

I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;

I will be respectful of others;

I will demonstrate leadership and collaboration;

I will perform the duties of my office in accordance with the law.

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*[Name], [Councillor/Mayor]*

Sworn or affirmed by the above named *[Councillor/Mayor]*  
before me at the Village of Lions Bay, British Columbia  
this \_\_\_ day of November, 2022

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*[Corporate Officer or other Presiding Official]*



**VILLAGE OF LIONS BAY**  
**CODE OF CONDUCT**  
**ADOPTED: December 18, 2018**

**A. INTRODUCTION**

As local elected and appointed representatives (“Members”), we recognize that responsible conduct is essential to providing good governance for the Village of Lions Bay. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership & collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

**B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT**

This Code of Conduct applies to the Council Members of the Village of Lions Bay. It is each Council Member’s individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by Council Members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Village of Lions Bay, the common law and any other legal obligations which apply to Council Members individually or as a collective Council.

Except where otherwise indicated, this Code of Conduct also applies to the members of boards, committees, subcommittees, working groups, task forces and other advisory bodies, collectively referred to as Committee Members. Where the term “Members” is used without qualification, it applies to both Council Members and Committee Members.

### C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. **Respect** – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a Member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when the Council (or other decision-making body of the Municipality), individually and collectively, accept responsibility for their actions and decisions.
4. **Leadership & Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a Member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

### D. STANDARDS OF CONDUCT

**Integrity:** Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other Members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values of this Code of Conduct collectively agreed to by the Council.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration

of the consequences of those decisions.

- Members will behave in a manner that promotes public confidence in all of their dealings.
- Members will uphold the public interest, serving citizens diligently to make decisions in the best interest of the community.

**Respect:** Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

**Accountability:** Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective Council.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

**Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.
- Members will consider the issues before them and make recommendations and decisions

as a collective body. As such, Members will actively participate in debate about the merits of a recommendation or decision, but once a recommendation or decision has been made, all Members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a recommendation or decision.

- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other Members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, Council Members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other Members, staff, and the public.
- Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

#### **E. SPECIFIC AREAS OF ETHICAL CONDUCT**

***Confidential Information:*** Members shall respect the confidentiality of information that could reasonably harm the interests of individuals or organizations, including the Village of Lions Bay, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies. Members shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

***Conflict of Interest:*** Council Members are expected to make decisions that benefit the community. They are to be free from undue influence and shall not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests. Council Members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with the statutory requirements of Part 4, Division 6 of the *Community Charter*.

Committee Members are uncompensated volunteers who are expected to provide advice and recommendations in the best interests of the community. They are to be free from undue influence and shall not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests. They are required to be vigilant for issues of

real or perceived conflict of interest and declare any such conflicts openly and immediately, removing themselves from the meeting room and any discussion of the matter. The CAO is available to discuss issues of conflict with a potentially affected Committee member.

***Gifts and Personal Benefits:*** The receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*.

Council Members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest, and to assist in avoiding that situation, Council Members will not accept gifts or personal benefits having a value that exceeds \$50.00 from business or commercial enterprises or, where the total value of such gifts and benefits, received directly or indirectly, from one source in any twelve (12) month period, would exceed \$250.00.

It is the responsibility of Council Members to be familiar with the provisions in the *Community Charter* relating to acceptance and disclosure of gifts and to ensure that they comply with these requirements as contemplated by the statute.

***Policy Role of Members:*** As a general principle, the Municipality adopts the one employee model where Council's point of contact with staff is the Chief Administrative Officer. In this model, the Council determines the policies of the Municipality with advice, information and analysis provided by Municipal staff. Council Members, therefore, shall not interfere with the administrative functions of the Municipality or with the professional duties of Municipal staff. Council Members will defer to the authority and responsibility of the Chief Administrative Officer on all matters relating to the management of staff or their duties and shall not impair the ability of staff to implement Council policy decisions.

***Respectful Workplace Environment:*** Members shall be aware of and act in accordance with the Village of Lions Bay Respectful Workplace Policy No. 1501.

#### **F. BREACHES, COMPLAINT HANDLING AND DISCIPLINARY ACTION**

Council Members are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavor to resolve disputes in good faith, recognizing that interpersonal rancor does not facilitate good governance.

Alleged breaches of this Code of Conduct by Members shall be submitted in a written complaint addressed to the Mayor and the Chief Administrative Officer within six (6) months of the last alleged breach. In the event that the Mayor is the subject of, or is implicated in the complaint, the complaint shall be addressed to the current Acting Mayor unless that individual is the subject of, or implicated in the complaint.

The matter shall be set down for consideration by Council on a Closed Council Meeting Agenda within a timeframe which provides the person alleged to have breached this Code of Conduct at least 21 days notice of complaint particulars and an opportunity to be heard. Upon hearing the matter, Council may:

- a. dismiss the complaint;
- b. require that the Member apologize to any person adversely affected by a breach of this Code of Conduct;
- c. remove the Member from a Committee;
- d. censure a Council Member for breach of this Code of Conduct;
- e. recommend counselling for a Council Member;
- f. make such other recommendation as Council may deem appropriate; or
- g. refer the matter to appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator") and make recommendations to Council. If the parties cannot agree on the choice of investigator, the nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.

Where a Council Member alleges a breach of this Code of Conduct by a fellow Council Member, all Council Members shall refrain from commenting on such allegations at open meetings of Council pending the conclusion of the investigation and any decision of Council.

Council Members who retain legal counsel to represent them in proceedings under this section may request in writing that the Municipality indemnify them for their reasonable costs of representation, in accordance with section 740 of the *Local Government Act*.

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Date

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Name



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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<b>Type</b>	<b>Information Report</b>		
<b>Title</b>	<b>2022 General Local Election Results</b>		
<b>Author</b>	<b>Linda Brick</b>	<b>Reviewed By:</b>	<b>Hayley Cook</b>
<b>Date</b>	<b>October 19, 2022</b>	<b>Version</b>	
<b>Issued for</b>	<b>November 1, 2022</b>		

### **Recommendation:**

THAT the Information Report, "2022 General Local Election Results" be received.

### **Attachments:**

(1) Declaration of Official Results.

### **Key Information:**

The *Local Government Act*, Section 158 requires the Chief Election Officer to report the results of an election by voting to the local government within 30 days of the declaration of official results. The official results were declared on Wednesday, October 19, 2022.

General Voting Day occurred on October 15, 2022, one advance poll was held on October 5, 2022. Mail-in ballots were available for eligible voters in accordance with the Village of Lions Bay Election and Assent Bylaw 620, 2022.

For the Office of Mayor the voter turn out was as follows: 25 mail-in ballots received, 165 advance voting ballots cast, and 519 ballots cast on general voting day. No ballots were rejected during the counting proceedings.

For the Office of Councillor the voter turn out for mail-in ballots was 25, 165 advance voting ballots cast, and 518 ballots cast on general voting day. Three ballots were rejected during the counting proceedings.

The overall turn out was 709 of 1090 eligible voters (65.05%).



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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The results are as follows:

	Votes
<b>Mayor</b>	
<b>Berry, Ken</b>	<b>341</b>
McLaughlin, Ron	323
Leger, Tamara	45
<b>Councillor</b>	
<b>Abbott, Neville</b>	<b>408</b>
<b>Barmeier, Norm</b>	<b>396</b>
<b>Broughton, Michael</b>	<b>396</b>
<b>Reuter, Marcus</b>	<b>341</b>
Cosgrave, Tanya	328
Cunliffe, Jaime	301
Bain, Fred	298
Lund, Nicole	102

The Chief Election Officer is also required to report a compilation of the ballot accounts for the election. The overall ballot account is as follows:

	Ballot Account	
	Mayor	Councillor
<b>Ballots Supplied</b>		
Number of Ballots Received for Use	1400	1400
Number of Additional Ballots Added	0	0
Total Ballots	<b>1400</b>	<b>1400</b>
<b>Disposition of Ballots</b>		
Voted Ballots	709	705
Ballot rejected during count	0	3
Other and Unaccounted for Ballots		
Spoiled Ballots	3	4
Mail Ballots Issued but not picked up	3	3
Mail Ballots Issued but not returned	5	5
Unused Ballots	680	680
<b>Total Ballots</b>	<b>1400</b>	<b>1400</b>



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**Follow Up Action:** Staff will submit the 2022 general local election results for publication in the BC Gazette.

**Communication Plan:** Not applicable.



## VILLAGE OF LIONS BAY

### DETERMINATION OF ELECTION RESULTS GENERAL LOCAL ELECTION – 2022

	Votes Received Mail Ballot	Votes Received Advance Voting	Votes Received General Voting	Total	
<b>Mayor</b>					
<b>Berry, Ken</b>	10	68	263	<b>341</b>	<b>Elected</b>
McLaughlin, Ron	13	87	223	323	
Leger, Tamara	2	10	33	45	
<b>Councillor</b>					
<b>Abbott, Neville</b>	18	84	306	<b>408</b>	<b>Elected</b>
<b>Barmeier, Norm</b>	14	86	296	<b>396</b>	<b>Elected</b>
<b>Broughton, Michael</b>	14	98	284	<b>396</b>	<b>Elected</b>
<b>Reuter, Marcus</b>	11	59	271	<b>341</b>	<b>Elected</b>
Cosgrave, Tanya	12	85	231	328	
Cunliffe, Jaime	10	81	210	301	
Bain, Fred	13	74	211	298	
Lund, Nicole	4	32	66	102	

This determination of official election results was made by the Chief Election Officer on Wednesday, October 19, 2022 at 1:12 pm and is based on ballot accounts as amended or prepared by the Chief Election Officer.

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Linda Brick, Chief Election Officer  
Village of Lions Bay



## **VILLAGE OF LIONS BAY**

Declaration of Official Election Results

General Local Election – 2022

I, Linda Brick, Chief Election Officer for the Village of Lions Bay, pursuant to section 146 of the *Local Government Act*, do hereby declare elected the following candidates who received the highest number of valid votes for the offices of Mayor and Councillor in the 2022 General Local Election

**For the Office of Mayor (one to be elected)**

- Ken Berry

**For the Office of Councillor (four to be elected)**

- Abbott, Neville
- Barmeier, Norm
- Broughton, Michael
- Reuter, Marcus

Dated at Lions Bay, BC this 19<sup>th</sup> day of October, 2022.

A handwritten signature in blue ink that reads "Linda Brick".

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Linda Brick, Chief Election Officer  
Village of Lions Bay

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