



Village Update

January 20, 2023

UPDATES FROM THE MUNICIPALITY

MAYOR'S UPDATE - Mayor Ken Berry

There is much work to do in the Village of Lions Bay. There are important projects that must move forward efficiently, effectively, and responsibly.

I acknowledge council has had a short two and a half months in office and the acting CAO has had only 13 days in office. With Council, I will continue to pursue a platform of “Responsible Fiscal Management” and “Open and transparent Communication”, and I acknowledge that we are just getting started.

On several occasions, I reported to residents in open meetings that Council and I have had difficulty getting information both before and after we were elected. Ergo the ‘short’ two and a half months. We will continue to work toward effective transfer and disclosure of important information to safeguard our Village as it becomes available.

Council responsibly searched for an Acting CAO and unanimously appointed a highly qualified and capable person to move the Village forward, in Mr. Anthony Tobin. In Mr. Tobin’s 13 days in this key role he has undertaken a rigorous review of various documents and information to improve both financial and Information Technology Data controls of our Village. In addition, he has produced an initial draft of a Council Procedures Bylaw intended to serve as a foundation for effective and efficient decision-making and communication of Council.

During his first 13 days, Mr. Tobin has worked 12 hour days meeting with key individuals and organizations that directly impact the effective operation and asset management of the Village of Lions Bay. Mr. Tobin has provided important information to Council which has required timely and decisive responses.

REPORT FROM THE DESK OF THE ACTING CAO – Anthony Tobin

I am honoured and privileged to have been selected to serve the Village of Lions Bay as Acting CAO.

In presenting this summary report, and also future reports on matters of relevance to the Council and the Village, the reports and their consideration are obviously subject to the legal constraints, governing legislation regarding protection of privacy and confidentiality in accordance with governing provincial legislation (*Freedom of Information and Protection of*

Privacy Act) and also the constraints of ensuring that no information is publicly disclosed that would harm the interests of the Village (Community Charter, s. 90(1)).

One notable exception is found in 22 (4) of the *Freedom of Information and Protection of Privacy Act*). It provides: A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if (e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff. I am reviewing how this might apply to the recent termination of the previous CAO contract.

Immediate Action Required:

Finances and Banking - Lack of Proper Financial Controls

Meeting with the Villages Manager, in the company of Mayor Berry, to seek a briefing on key aspects of the bank's management of the Village's account or accounts. Various correspondence between the Bank Manager, and the bank's Small Business Advisor regarding inconsistencies in the information presented by them. Subsequent communications with Bank Manager asking to be provided with documentation to support assertions made regarding the bank account (s) and signing authorities. Review and respond to various email communications with the Bank Manager. Highlights of the identified issues include: signing authorities and related procedures; electronic transfers; and limited controls on bank withdrawals by cheque and transfer. Met with Finance Committee and prepared related reports and recommendations for submission to Council.

Transition Planning for Staff:

The former CAO – Council Unanimously Voted to End Relationship "Without Cause"

Chief Administrative Officers serve at the pleasure of Council, subject to the relevant provisions of the Community Charter and the terms of any valid and authorized Employment Contract.

Mayor Berry, Councillors: Abbott, Reuter and Broughton unanimously voted to end the previous CAO relationship “without cause”. Severance and final payment to Mr. DeJong was made based on the terms of his original Employment Contract with certain changes that had been expressly approved and authorized by the previous Council. Current Council continued a review which had begun with the previous Council.

New-Part Time CFO Hired (see Jan 19, 2023 news release)

The current CFO has resigned her position effective 18 January 2023. I am pleased to announce that Mr. Ron Miller, CPA, CBV, is appointed as Part-time Acting Chief Financial Officer for the Village of Lions Bay, effective 19 January 2023.

Mr. Miller brings to Lions Bay extensive experience in financial and accounting matters. He recently retired as a Partner from MNP Chartered Professional Accountants with experience as the Managing Partner, auditing public companies and assisting with taxation, accounting and financial issues with private and public sector organizations. In addition to working as a Partner in a large accounting firm in the accounting and auditing department, Mr. Miller also operated as the Chief Financial Officer of numerous publicly held international corporations.

Onboard New Fire Chief

Interview with a candidate for office of Fire Chief. Processing of information received in that regard and preparation for submission to Council meeting and review of application materials is underway as well as reviewing governing legislation.

Action Items:

By-Election Required

Norm Barmeier resigned after about 4 weeks in office. The Village is now required to hold a By-Election to fill the empty council seat. Discussions with contractor referred by the Ministry of Municipal Affairs, who can act as Chief Election Officer and provides related services for the conduct of an election. Proposal if approved would cost the Village an estimated \$30,000 to \$40,000. Staff will be seeking volunteers and reviewing staff resources to reduce the By-Election costs to the Village of Lions Bay. Other ways to minimize the potential cost are also being investigated.

Code of Conduct for Council and Mayor

Compiled and prepared draft for the consideration of Council.

Council Procedures Bylaw

Researched and prepared 2nd draft for Council consideration. Issues that required addressing include a reset of the balance of power between Council and Administration; removal of potential ambiguities of meaning and closer conformity with the requirements of the governing legislation; making it more fit for purpose so that the key focus is on clear and comprehensive procedures for every aspect of Council decision-making based on a collaborative model of governance.

Terms of Reference for Various Committee

Terms of Reference for the Finance Committee and Confidentiality Agreements for non-Council members have been drafted. Attended meeting of the Finance and Audit Committee and prepared minutes for the same. Additional Terms of Reference for Standing Committees and other Select Committee's will be drafted as required

On site visit and overview inspection of various construction projects in the Village

Noticed in particular the apparent unsatisfactory state of the bridge re-construction project at 355 Bayview Road. I welcome the opportunity to meet with the Public Works Manager for an upcoming briefing on this and all other construction projects in the Village.

Full collaborative participation and cooperation from all council and staff will be required to accomplish our initiative

1. Council and CAO welcome and appreciate observations and suggestions for improvements in Village processes and operations, and constructive feedback. Of particular concern are those policies and procedures that fail to clearly identify in advance all of the necessary terms and conditions required to obtain necessary approvals and that leave important final decisions to the exercise of bureaucratic discretion.

2. Letters which are defamatory cannot be received, published or discussed by Council. Publishing of defamatory statements become a libel on the part of the person or organization that publishes the defamation.

All of which is respectfully submitted this 19th day of January 2022

ANTHONY G.V. TOBIN

J.D., M.RES. (DIS), M.AD.ED., B.TH.(HONS.), F.C.I.ARB.

ACTING CHIEF ADMINISTRATIVE OFFICER

MAYOR (“In conclusion”)

I look at Council as a team of people who, without even knowing each other’s personality and skills, have been elected to effectively run an organization together for the next 4 years. It’s a massive job, and to expect that we will work together today as effectively as we will tomorrow just makes the task at hand more difficult. I look forward to getting to know my fellow council members better, and to respectfully working together to determine how best to serve the Village and all its needs as a “Team”.

We have been very fortunate to have two outstanding, experienced and competent individuals agree to assume Acting Positions of CAO and CFO. Thank you, Anthony Tobin and Ron Miller. They will assist in the operations and transition necessary for our community, and will assess our needs going forward based on their extensive background and experience and make recommendations to Council

I would like to thank everyone for the positive feedback and constructive guidance this council has received from the residents of Lions Bay. I would also like to acknowledge the expressions of interest from residents for the various committees within the Village, which will all be posted in due course. Our first Townhall meeting resulted in the formation of the Beach Park working group—which has become the Beach Park Advisory Committee, and is a shining example of the Community pulling together for the benefit of Lions Bay!

Thank you,

Ken Berry, Mayor
Village of Lions Bay



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 26th 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 7th 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.
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!



The Lions Bay Beach Park Revitalization process is moving forward positively, exploring ideas and options to create an outstanding Beach Park Revitalization outcome. Thank you to the 18 members of the Lions Bay Beach Park Revitalization working group who have met on site, in two large meetings and in smaller subgroups, bringing forward exciting ideas, and all in less than a month! Thank you to Architect Scott Gordon and facilitator Susan Davis for your outstanding leadership as skilled volunteers.

The Working Group has transitioned to the Lions Bay Beach Park Advisory Committee confirmed by Council at the January 17th Council meeting. Kirsty Pappas, Scott Gordon, Oliver Ganske and Susan Davis join Councillors Abbott and Broughton to move the project forward.

Areas of focus for the Advisory Committee members will be:

1. **Builtform & Environmental Review** (new washroom building, Lori Beck Pavillion upgrade) - Oliver Ganske
2. **Playground Upgrades and Renewal** (Tots, middle, older) - Kirsty Pappas
3. **Overall site layout & Breakwater** (Jetty upgrade and watercraft storage) - Scott Gordon
4. **Communications/Ongoing facilitation** (including Have Your Say) - Susan Davis

Those leading each area will reach out to others for advice and direction, and may invite participation from the current group of volunteers, as needed, based on skills relevant to their respective areas. Council and the Lions Bay Beach Park Advisory Committee will continue to share the progress in the Village Update, the Village website and Council meetings. A Village-wide 'Have Your Say' is planned for the week of February 6th, 2023. Thank you everyone for your support.

Thank you to the members of the Working Group from Co-Chairs Councillor Neville Abbott and Councillor Michael Broughton : Brenda Broughton, Ryan Bruce, Mandy Clark, Jaime Cunliffe, Jason Darr, Susan Davis, Oliver Ganske, Scott Gordon, Carmon Leeson, Trudi Luethy, Elizabeth Moore, Kirsty Pappas, Alex Nasr, Penny Nelson, Noelene Searle, David Shore, Marek Sredzki, and Steven van Knotsenburg.

Thank you also to the members of the original Lions Bay Beach Park Advisory Committee formed in 2017 with Chair, then Councillor Ron McLaughlin and assisted

by Public Works Manager Nai Jaffer and staffer Susan Loutet with resident members Oliver Brunke, Mattie Gildenhuys, Heather Hood, Russ Meiklejohn, and Robin Spano who put in countless hours to successfully secure the Lions Bay Beach Park Revitalization Grant and the foundational planning and envisioning that we are now building on.

It takes a Village and its community members to create meaningful outcomes !

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**

[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

Music Together®
Lions Bay Music Together

**Please come join us with your children this winter for a new term of
Lions Bay Music Together**



Winter 2023 children's music Class information

We will meet on THURSDAYS at 9:00am at the Village Hall (in the Gym)

- 45 minute classes
- Starting Thursday January 12th, 2023 (10 weeks of classes)
- 9am class
- Children age 0-5 are welcome
- \$185 for the term. \$100 for Siblings 12 months and older. Siblings under a year old are free. Families receive a Music Together STICKS collection CD, music download code, a song book, and access to the Music Together interactive musical family website.
- Bring your own small instruments OR I will have sanitized ones on hand to loan

WHY Music Together? Exposing children to the language of music in their early developmental years; accelerates brain development, develops social and emotional coping skills, develops motor and mathematical skills, fosters friendships between the children and the parents (creating community) and the list can go on and on. Please text or call **Tanya @ 604-813-0181** or email lbusictgether@gmail.com to register or for more information. I would love the opportunity to foster your child's musical development.



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

Wednesday, 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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