



**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, APRIL 4, 2023 at 6:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY
AND VIA ZOOM VIDEO CONFERENCE**

MINUTES

In Attendance: Mayor Ken Berry
Councillor Neville Abbott
Councillor Michael Broughton
Councillor Marcus Reuter

Staff: Marina Blagodarov, Administrative Assistant
Dione Costanzo, Raincoast Ventures Ltd. (via videoconference)(Recorder)
Ron Miller, Acting Chief Administrative/Financial Officer (Acting CAO/CFO)

Public: Five in person; 36 via videoconference

1. Call to Order

Mayor Berry called the meeting to order at 6:03 p.m.

2. Closed Council Meeting (6:00 PM)

There was nothing to report from the last Closed Council Meeting that was left unfinished.

Proposed topics for discussion in the absence of the public:

- A. Personnel Matters & Labour Relations
- B. Legal Matters.

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter* and where required, the Council does consider that the matters could reasonably be expected to harm the interests of the municipality if they were held in public:

- 90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
- (c) labour relations or other employee relations;

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (l) the receipt of advice that is subject to solicitor-client privilege, including the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

CARRIED

Council would reconvene the open session at 7:00 pm.

3. Reporting Out from Closed Portion of Meeting/Mayor’s Address

There was nothing to report.

4. Adoption of Agenda

Moved/Seconded

THAT the agenda of the April 4, 2023 Regular Council Meeting be adopted, with the following amendments:

- a. Strike Item 9, Unfinished Business Action No. 272
- b. Strike Item 10, (C) (ii), Councillor Abbott: Requested Update Purchasing Policy
- c. Strike Item 10, (C) (iii), Councillor Broughton: First Nations Land Acknowledgement.

CARRIED

Special Presentation by Consultant Randy Diel

Mayor Berry introduced Randy Diel, who has been contracted by the Village to provide training and support services for staff and Council.

Via Zoom, Randy Diel provided self-introductions. With regard to the proposed the timeline for the project, beginning the week of April 13, 2023, Randy Diel will arrive in Lions Bay to meet with staff and become familiar with City Hall, and then facilitate the first of several workshops with the Mayor and Council, and the Acting CAO/DFO. The project would run until June 2023. Direction and feedback would be sought from Mayor and Council on topics of interest.

Randy Diel explained the following services for staff: guidance and support, assistance with recruiting, providing advice to staff when needed, and facilitating team building exercises. For Council, advice will be provided on legal issues, recruitment, governance, and strategic planning.

It was confirmed that the strategic planning process will take place after the April 2023 by-election, when new leadership is in place. The process will begin with an orientation

workshop, then move into legal and governance requirements and then strategic planning.

Randy Diel will provide a PowerPoint and agenda as a starting point and will look for Council to provide information about the topics that they want to discuss.

ACTION Mayor Berry and Council will prepare for Randy Diel to arrive and meet staff at 2:00 pm on Thursday, April 13, 2023 followed by an Orientation Workshop for the Mayor and Council and senior staff at 6:00 pm.

5. Public Participation (postponed until after Reports)

A. Eric Upeniek via Zoom

Eric Upeniek expressed concern and frustration at a lack of response after submitting a certificate to continue construction projects on two lots, noting having written emails and phoned multiple times with no response.

Mayor Berry acknowledged Eric Upeniek’s frustration and noted having attempted to contact Eric Upeniek directly by driving by his construction site.

ACTION The Acting CAO/DFO to attend to the situation with Eric Upeniek immediately, including finding the certificate and proceeding to the next step.

B. Gail Craig

Gail Craig reviewed some of the content from the Village update of March 24, 2023 in which there were links provided to committees, but there was no section linked for the authority of the Acting CAO/CFO. It was questioned whether Council would be providing residents with the legal opinion for the authority as was done for the other comments in the Village update.

Mayor Berry referred to a motion from 2018 in which Council gave control to the CAO for hiring staff. The authority for hiring staff is also written into the CAO’s contract. Further, there is a legal opinion that the contract for the CAO takes precedent over Councils, giving the CAO authority to hire. Councillor Reuter pointed out the 2018 motion was to temporary absences due to vacation or other instances that cause the CAO to be indisposed.

C. Norma Rogers

Norma Rogers thanked Council for implementing a recent bylaw that fines people who do not secure their garbage and property from bears. It was questioned what resources will be required to dispute the contract of the CAO who received a salary of \$140,000 annually for seven years.

D. Tamara Leger

Tamara Leger commented that the office of the CAO and the CFO are not currently legally occupied, noting that a friend of the Mayor has been allowed to take control of the Village finances. It was questioned what Council's next steps would be to resolve this situation, and why no action had taken place yet.

Mayor Berry informed there is an upcoming meeting with Municipal Affairs at which the situation will be discussed.

Councillors Abbott and Reuter requested that a special meeting be held to determine next steps with regard to the CAO and the CEO.

E. Melissa Byrne

Melissa Byrne wanted to address misinformation written in the Council package around costs and responsibilities for the upcoming by-election.

There was discussion around the responsibility of Municipal Affairs to pay for the by-election or specific items related to the by-election.

F. Norm Barmeier

Norm Barmeier, a former Councillor, shared information as to resignation after four weeks of service, and questioned when the decision was made to hire a Project Manager, and when the project will start. It was stated that there is a Charter requirement to provide meeting minutes and asked what the date is for the Village of Lions Bay to be up to date with the publishing of minutes.

Mayor Berry responded that the publishing of minutes would be brought up to date.

6. Public Delegation Requests Accepted by Agenda Deadline

A. Address Lower Kelvin Grove Issues – Kambiz and Farrah Azordegan

Kambiz Azordegan expressed concerned that there are no bylaw officers in the area, and that there is no proposal for a solution to the ongoing issues experienced by residents in this area, which include loud noises at night, fires burning, people staying in the parking lot and cooking inside their vans, people urinating because public washrooms are locked, loud music, laughing, and partying.

Kambiz Azordegan shared that he and his wife, Farrah Azordegan have been complaining and sending documentation to Mayor and Council and there has been no response or action.

Kambiz and Farrah Azordegan expressed frustration that there has been no budget allocated and there has been no cleanup of the parking lot. They requested permission to trim and clean up the trees and bushes in the parking lot themselves.

Kambiz Azordegan added that he had solutions to share with Council, which needed to let him know what the next step is.

Mayor and Council thanked Kambiz and Farrah Azordegan for sharing their concerns.

7. Review and Approval of Minutes of Prior Meetings

There were no minutes of prior meetings to review and approve.

8. Business Arising from the Minutes

There was no business arising from the minutes.

9. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

It was noted that once the Acting CAO/CFO has had sufficient time to review unfinished business and meet with staff and advisors, a status report will be provided at a future Council meeting.

No.	Date	Item Description	Action
265	February 21, 2023	Follow up with Ministry regarding Vacancy Tax and Report back to Council	A written report will be issued by Marcus Reuter at a future meeting.
266	February 21, 2023	Present Budget to Council	Discussion about the budget will commence at the next Council meeting on Tuesday, April 18, 2023.
270	March 7, 2023	Bird Friendly, invasive species	Councillor Abbott provided an update about an event that is scheduled May 13, 2023 to be held in the Village Hall. Several local community groups and organizations will be there and the event will be similar to last year. Pending the outcome of the April 19, 2023 Annual General Meeting, there will be a report to Council with further information.
272	March 7, 2023	First Nations Land Acknowledgement	Councillor Broughton confirmed that this Action was complete and struck from the list.

Updates to action items included:

- 265: A written report will be provided in the future
- 266: The Budget will be discussed at the next Council meeting
- 270: An event will be held in the Village Hall on May 13, 2023. The next update will be after the April 19, 2023 Annual General Meeting
- 272: This action was struck during Adoption of the Agenda.

Volunteer Appreciation Week

Council discussed the volunteer appreciation event, and the result was that during the by-election campaign, it would not move forward. It was confirmed by Mark Brown that scheduling a volunteer appreciation event is a Council decision. Council agreed to consider and discuss further how volunteers will be celebrated in 2023.

Local By-election 2023 All Candidates Meeting

Mayor Berry confirmed that an all candidates meeting for the 2023 local by-election will be hosted by the Village, moderated by an independent facilitator.

ACTION **That the Acting CAO/CFO reach out to independent elections officers for the Village of Lions Bay local by-election 2023 and confirm details on the rules and structure of an all candidates meeting.**

Moved/Seconded:

THAT the Acting Chief Administrative Officer/Chief Financial Officer engage Dennis Back or another independent facilitator to organize an all candidates meeting for the Village of Lions Bay local by-election 2023.

CARRIED

10. Reports

A. Staff

- i. 2023 Draft Water, Solid Waste and Sewer Budgets (page 8)

Moved/Seconded

To receive the 2023 Draft Water, Solid Waste and Sewer Budgets report for information purposes.

CARRIED

In discussion, some changes in the budget were questioned, and it was suggested that budgeting be based on the actuals from the last fiscal year. The Acting CAO/CFO explained that the budget for Salaries and Benefits was underspent due to staffing shortages.

Moved/Seconded

That the 2023 Draft Water, Solid Waste and Sewer Budgets be tabled until the next Council meeting on Tuesday, April 18, 2023.

TABLED

- ii. EOC and ESS Purchase Orders, and Prepaid Credit Cards
Councillors Abbott and Broughton both referred to the Lions Bay Beach Park Workshop Group Report, which was provided for information.

Moved/Seconded

THAT Council authorizes staff to issue a purchase order number to EOC for a maximum of \$50,000 based on emergency purposes only, AND THAT Council authorizes staff to issue a purchase order number to ESS to a maximum of \$35,000 based on emergency purposes only, AND THAT staff investigate and to issue of possible of Prepaid Credit Cards to ESS in total of \$4,500.

CARRIED

B. Mayor

Mayor Berry shared that discussions at a recent TransLink meeting were focused on a short timeline around adjustments to receive provincial funding. The connection between transit and housing was discussed in depth and municipalities are looking very carefully at funds being spent and that they are closely aligned at housing initiatives over time.

Metro Vancouver is working on several initiatives around housing with new requirements coming from the Province. There is a new provincial mandate for more housing and municipalities and Metro Vancouver will have to come up with plans to meet the new requirements.

C. Council

- i. Councillor Abbott: Citizen of the Year and Distinction

These awards used to be given out on Canada Day, and the previous Village of Lions Bay Council included the award ceremony as part of a Volunteer Appreciation event.

Council agreed to give some thought to the best time and place to present these awards in 2023 and discuss at a future meeting.

Moved/Seconded

THAT a call for nominations for Citizen of the Year and Distinction be published in the Village Update newsletter that is e-mailed to residents who sign up for this service.

CARRIED

- ii. Councillor Abbott – Requested Update Purchasing Policy
Councillor Abbott confirmed that the recommendation was incorrect and should be closed.

Moved/Seconded

THAT the recommendation that Council approve and delegate authority to the LBBPRP Committee to write, distribute, receive, review, and make recommendations to Council, regarding the preferred proponent for the built form Architect and Construction Manager specifically, and others as may deemed necessary be closed.

CARRIED

D. Committees

- i. Lions Bay Beach Park
Councillor Abbott provided an update to Council that the Lions Bay Beach Park Committee has been interacting with the purchasing policy and realizing there are many issues arising because the policy is very out of date. The Committee members are providing suggestions for updates to the policy to be considered by Council.

Previously, the Climate Action Committee brought recommendations to Council and a resolution was passed to assign staff to research and update the purchasing policy. This resolution was never enacted and needs to be rescinded, and the Committee will be requested to make updated recommendations to Council.

E. Emergency Services

- i. RCMP Report
Moved/Seconded
THAT the RCMP report be received for information purposes.

CARRIED

11. Resolutions

Moved/Seconded

THAT Council will sanction two upcoming dates and will review and approve all subsequent requests for multiple dates booked by Promoters.

CARRIED

12. Bylaws

Solid Waste and Utility Rate Amendment Bylaws No. 626, 627 and 628 (page 49)

- A. Water Rates and Regulations Bylaw No 2, 1971, Amendment Bylaw No. 626, 2023 (page 50)

Moved/Seconded

THAT Water Rates and Regulations Bylaw No. 2, 1971, Amendment Bylaw No. 626, 2023 be introduced and read three times.

POSTPONED

- B. Sewer User Rates Bylaw No. 122, 1984, Amendment Bylaw No. 627, 2023 (page 53)

Moved/Seconded

THAT Sewer User Rates Bylaw No. 122, 1984, Amendment Bylaw No. 627, 2023 be introduced and read three times.

POSTPONED

- C. Garbage and Recycling Collection Bylaw No. 455, 2013

Moved/Seconded

THAT Garbage and Recycling Collection Bylaw No. 455, 2013, Amendment Bylaw No. 628, 2023 be introduced and read three times.

POSTPONED

13. Correspondence

- A. List of Correspondence to March 30, 2023 (page 58)

THAT the following actions be taken with respect to the correspondence.

ACTION That Councillor Abbott, Councillor Reuter and the Acting CAO/CFO meet to discuss the possibilities for accessing grant monies that the Municipality is eligible for.

ACTION That Councillor Broughton do some outreach to grant writers and develop a list of potential people to work with.

14. New Business

There was a discussion between Mayor and Council about the need to address the issue of legality of Council procedures. Legal opinions are published in the Village Update, and there is a legal opinion that calls into question the authority of the Acting CAO/CFO. Mayor Berry expressed that legal opinions have been sought, obtained, and then they are questioned. This has led to Village of Lions Bay residents questioning Council's legal costs. Council agreed that legal opinions should be used to support the Council's processes.

15. Public Questions & Comments

There were no public questions or comments.

16. Closed Meeting (continuation, if applicable)

Moved/Seconded

THAT the meeting be closed to the public on the basis of the matters noted in Item 2.

CARRIED

The meeting returned to closed session at 9:58 p.m.

17. Reporting Out from Closed Portion of Meeting (if applicable)

None.

18. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 9:58 p.m.

Mayor

Acting CAO/CFO

Date Adopted by Council:	April 18, 2023
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