



**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, JANUARY 31, 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 Abbot
Councillor Michael Broughton
Councillor Marcus Reuter

Staff: Marina Blagodarov, Administrative Assistant
Kelsey Guenette, Raincoast Ventures Ltd. (via videoconference)
(Recorder)
Nai Jaffer, Public Works Manager (via videoconference)
Ron Miller, Acting Chief Financial Officer (A/CFO)
Anthony Tobin, Acting Chief Administrative Officer (A/CAO)

Public: 6 in person; 19 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)

Moved/Seconded

THAT part of this Regular Meeting of the Village of Lions Bay Council be closed to the public due to the consideration of items pursuant to Section 90 of the *Community Charter* that provides:

- 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:
- 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;
 - c) labour relations or other employee relations;

n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

CARRIED

The meeting returned to open session at 7:00 p.m.

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

The Mayor informed that reporting out would occur following the reconvening of the Closed session later in the agenda.

4. Adoption of Agenda

During discussion on the January 31, 2023 Regular Council Meeting agenda, concerns were raised regarding the lack of time provided to review the agenda package prior to the meeting. As such, meeting minutes were requested to be tabled, and the Mayor’s Report received rather than adopted.

Moved/Seconded

THAT the agenda of the January 31, 2023 Regular Council Meeting of the Village of Lions Bay be adopted with amendment to remove Items 10.2 Acting CAO Report and 10.3 Acting CFO Report and add a discussion on the Municipal Clerk job posting under Item 14. New Business.

DEFEATED

(Mayor Berry and Councillor Broughton opposed)

Moved/Seconded

THAT the agenda of the January 31, 2023 Regular Council Meeting of the Village of Lions Bay be adopted with amendment to remove language in the agenda that restricts/conscripts public participation and sets limits to speaking.

DEFEATED

(Mayor Berry and Councillor Broughton opposed)

Moved/Seconded

THAT the agenda of the January 31, 2023 Regular Council Meeting be adopted with amendment to add a discussion on the Municipal Clerk job posting under Item 14. New Business.

CARRIED

5. Public Participation

A. Tamara Leger

Tamara Leger questioned whether A/CAO Anthony Tobin was the same person cited in a judgement at the BC Supreme Court of Appeal as the citation alleged abuse of public office.

The A/CAO advised that it was not the same person.

B. Karen Jeffery

Karen Jeffery requested that the Procedures Policy be rewritten as it had not been updated since 2015.

C. Rose Dudley

Rose Dudley requested clarification on the Village's hiring practices as there was no posting advertised for the A/CFO position.

Council responded, noting that the A/CFO was a former member of MNP LLP until his retirement, and was known to the Mayor in a professional manner. Additionally, it was noted that a list of qualified individuals for the A/CAO and A/CFO was provided to all Councillors for review by the Mayor, and they were requested to add to the list further. The A/CAO was hired via unanimous resolution.

D. Rebecca Caspersen

Rebecca Caspersen requested clarification on why the bank signing authority of a previous staff member was not yet removed.

Council responded, noting that it was working to correct and strengthen financial controls of the Village, and that the matter was unresolved in a previous Closed session; however, would be hopefully resolved later in the agenda.

E. KC Dyer

KC Dyer questioned whether Closed sessions would remain a regular occurrence prior to Open sessions.

Mayor responded, noting that holding Closed sessions prior to Open sessions includes reporting out to allow the public to respond if desired.

F. Karen Jeffery

Karen Jeffery noted that the unanimously appointed A/CAO holds the authority for all hiring in the Village, and as such, Council would not have any authority to approve the selection of the A/CFO.

6. Delegations

None.

7. Adoption of Minutes of Prior Meetings

A. Regular Council Meeting – January 17, 2023
 Moved/Seconded

THAT the Regular Council Meeting Minutes of January 17, 2023 be approved as circulated.

TABLED

B. Special Council Meeting – January 13, 2023
 Moved/Seconded

THAT the Special Council Meeting Minutes of January 13, 2023 be received as circulated.

CARRIED

8. Business Arising from the Minutes

None.

9. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

No.	Date	Item Description	Action
253	July 5, 2022	Highway maintenance follow up	A report will be issued by February 28, 2023, identifying pavement to be replaced 2023-2025
257	December 20, 2022	Speculation and Vacancy Tax	Mayor Berry to contact Finance to obtain further details regarding the Speculation and Vacancy Tax
258	December 20, 2022	First Nations Acknowledgement for Agendas	Councillor Broughton to reconfirm the territorial acknowledgements appropriate to the Village of Lions Bay
261	December 20, 2022	Pesticide Bylaw No. 430, 2011, Amendment Bylaw No. 624, 2022	Complete
262	December 20, 2022	Correspondence R11	Complete

Updates to action items included:

- 253: The report will be provided prior to 2023 budget approval
- 257: Mayor Berry advised that additional follow up on the Speculation and Vacancy Tax was needed
- 258: Councillor Broughton informed that contact had been made with cultural and language services at Squamish Nation to assist with drafting an appropriate territorial acknowledgement
- 261: Complete
- 262: Complete.

10. Reports

A. Mayor

i. Mayor's Report

The Mayor's Report was provided with meeting materials for information.

B. Acting Chief Administrative Officer

i. Verbal Report

The A/CAO provided a verbal report, noting that logistic issues in terms of responding to email correspondence/phone calls and circulating information to Council in a timely matter remained a concern due to dysfunctional office equipment and the lack of a Municipal Clerk.

During discussion, it was noted that none of the communities in the area of a similar size have retained municipal coordinators in their offices.

C. Acting Chief Financial Officer

i. Verbal Report

The A/CFO provided a verbal report, noting that work had begun on the budgeting and audit process. Expenditures for the year are normally approved prior to its beginning; however, the Village is approximately five months behind and will have a quarter of unapproved expenditures and activity, which is not ideal.

Additionally, a current concern for the Village is the banking process (i.e., only one person is currently permitted to prepare and sign cheques). A municipality should have a segregation of duties – one person recording transactions, separate from the person who signs them, and also separate from the custodian/control over the asset.

D. Committee Reports

i. Finance Committee

Mayor Berry reviewed the outcome of the recent Finance Committee meeting and noted its recommendation that banking vulnerability be addressed.

Moved/Seconded

THAT the Closed Minutes of the January 10, 2023 Finance Committee Meeting be received as circulated.

CARRIED

ii. Beach Committee

The meeting was informed that the Lions Bay Beach Park Advisory Committee was scheduled to meet on February 1, 2023 to confirm its Terms of Reference.

iii. Metro Vancouver Committees

Mayor Berry informed that TransLink, Metro Vancouver, and Climate Action Committee meetings were attended, where advocacy for the Village occurred whenever possible, including for possible participation in upcoming climate action pilot projects, and the need for consistent bus service to rural communities.

11. Resolutions

A. Bank Signing Authority

In response to a question, it was noted that the A/CFO would be meeting with the auditor this week, who would be informed of bank signing authority concerns.

Moved/Seconded

THAT two authorized signatures are always required for all financial transactions on behalf of the Village of Lions Bay for all paper cheques and also for all electronic transfers where the latter is feasible and appropriate in the view of the Chief Financial Officer; and

THAT signing authorities for the Bank, include and are limited to the Mayor, any Councillor, the Chief Administrative Officer, the Chief Financial Officer, the Municipal Accountant; and

THAT a copy of this resolution be provided to the Manager of the Village's bank by the Chief Financial Officer at the earliest opportunity having consideration for the timing of any relevant financial and payment circumstances or obligations of the Village.

CARRIED

- B. Appointment of Fire Chief
During discussion, concerns were raised regarding requests for Council to review the Fire Chief’s negotiated contract.

Moved/Seconded

THAT Barret Germscheid be appointed Fire Chief for the Village of Lions Bay this 31st day of January 2023 and may exercise all of the powers granted to a Fire Chief of a municipality under governing Provincial Legislation and Fire Bylaw; and

THAT the Fire Chief enter into a contract for his services to the Village of Lions Bay as determined and agreed with the Chief Administrative Officer.

DEFEATED

(Councillors Reuter and Abbot opposed)

Moved/Seconded

THAT Barret Germscheid be appointed Fire Chief for the Village of Lions Bay this 31st day of January 2023 and may exercise all of the powers granted to a Fire Chief of a municipality under governing Provincial Legislation and Fire Bylaw; and

THAT the Fire Chief enter into a contract for his services to the Village of Lions Bay as determined and agreed with the Chief Administrative Officer, to be reported to Council at a Closed meeting.

CARRIED

- C. Appointment of Election Officials
In response to a question, it was noted that by-election costs would require approval by Council as an expenditure amendment to the prior year’s budget.

ACTION: Anthony Tobin, A/CAO, to review options for by-election expenditures with the A/CFO and report to Council at the next meeting.

Moved/Seconded

THAT the Chief Administrative Officer is appointed Chief Election Officer and that accordingly the date of the by-election must be no later than 80 days after the 31st day of January 2023 and must fall on a Saturday which is the 16th day of April 2023.

CARRIED

12. Bylaws

- A. Garbage Recycling Bylaw Initial Draft
The initial draft of the Garbage Recycling Bylaw was provided for information with meeting materials.

ACTION: Anthony Tobin, A/CAO to present the Garbage Recycling Bylaw tracked changes version at the next Council meeting.

Moved/Seconded
THAT the meeting be extended to 10:30 p.m.

CARRIED

13. Correspondence

A. List of Correspondence to January 31, 2023

ACTION: It was requested that correspondence received by the Village reception/agenda email address be circulated to Council for review prior to release of agenda packages.

During discussion on general correspondence, it was suggested that G2 be referred to the Lions Bay Climate Action Committee and G8 be referred to the Historical Society.

Moved/Seconded
THAT the correspondence for the January 31, 2023 Regular Council Meeting of the Village of Lions Bay be received as circulated; and

THAT all such correspondence be acknowledged in writing; and

THAT any correspondence seeking an action within the proper jurisdiction of the municipality is referred to the Chief Administrative Officer.

CARRIED

FROM	TOPIC
G1 BC Hydro, Whitney Deane	Community ReGreening Program
G2 MP Patrick Weiler	Disaster Mitigation and Adaptation Fund Application
G3 British Columbia Social Procurement Initiative, Rob Fisher	Introduction to Social Procurement for Elected Officials and Senior Leadership
G4 MP Patrick Weiler	Valentines for Vets 2023
G5 Fisheries and Oceans Canada	Post Workshop
G6 GranFondo	Request for Letter of Support
G7 Alex Schwarz	Micro Quakes
G8 Heritage BC	Heritage Week
G9 MP Patrick Weiler	2023 Pre-Budget Consultations
G10 MP Patrick Weiler	Second Capital Intake of the Rural Transit Solutions Fund
R1 Norm Barmeier	Agenda and Past Minutes
R2 Rebecca Caspersen	Finance Committee
R3 John Dudley	Beach Park Update
R4 Karl Buhr	Various questions
R5 John Dudley	Finance Committee Meeting
R6 Karl Buhr	Road Bridge
R7 Stephanie Beattie	Finance Committee clarity
R8 Karl Buhr	Collateral to Public participation
R9 Ute Philips	CFO Position
R10 Rose Dudley	Hiring Part-time CFO
R11 Norm Barmeier	Disaster Mitigation and Adaptation Fund
R12 Stephanie Beattie	Bike Park
R13 Norma Rodgers	Defamatory Correspondence

14. New Business

A. Municipal Clerk Job Posting

During discussion on the Municipal Clerk job posting, concerns were raised related to the lack of Council’s involvement in the process. Additionally, it was identified that there is no existing Municipal Clerk position on the Village’s organizational chart.

The A/CAO advised that the Municipal Coordinator was advertised with a closing date of December 20, 2022. Applicants for the position were being reviewed and responded to accordingly, as the Municipal Clerk would have similar roles and responsibilities to the Municipal Coordinator, with the addition of some corporate officer responsibilities. The position would be an interim term.

Moved/Seconded

THAT candidates for the Municipal Clerk be reviewed by Council to determine whether the hiring freeze should be lifted.

DEFEATED

(Mayor Berry and Councillor Broughton opposed)

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

A. David Shore

David Shore expressed appreciation to the A/CAO and A/CFO for their input on important matters and the experience both bring to their respective positions.

B. Tamara Leger

Tamara Leger requested information on the recourse for the Village to recapture the by-election expense, and what safeguards would be put in place to ensure it does not occur again.

Council responded noting that there are no legal remedies or legislation available to give recourse to the public when an elected officer resigns on short notice.

16. Closed Meeting (continuation)

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 10:48 p.m. and returned to open session at 11:17 p.m.

17. Reporting Out

The Mayor reported the following:

- Norm Barmeier, Clara George, Christina Lee, and Greg Weary were reappointed, and new member John Robb was appointed, to the Lions Bay Climate Action Committee
- Jennifer Hetherington, Kit McLean, Nicole Strahl, Hugo van Hoogstraten, were reappointed to the Curly Stewart Memorial Trust Fund Committee
- Council resolved to remove contractual limitations on the Lions Bay beach park project to allow the committee to move forward.

18. Adjournment

Moved/Seconded

THAT the January 31, 2023 Regular Council Meeting for the Village of Lions Bay be adjourned.

CARRIED

The meeting was adjourned at 11:18 p.m.

Mayor

Corporate Officer

Date Adopted by Council:	September 5, 2023
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