

PUBLIC NOTIFICATION OF CENSURE AND RELATED SANCTIONS OF COUNCILLOR DOUGLAS ELLIOTT

Motion of Censure and Related Sanctions for Councillor Elliott's contravention of s. 117 of the *Community Charter*, SBC 2003, c. 26 including the February 7, 2023 letter, discussed on February 7, 2023 and sections 3.2, 5.1, 5.2 and 5.6 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct passed by Council at the March 10, 2023 *in camera* meeting

Whereas sections 4 and 114 of the *Community Charter* and the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct adopted under section 113.1 of the *Community Charter* provides the Village of Tahsis and the Village of Tahsis Council broad authority to control their processes. Courts, including in *Skakun v Prince George (City)*, 2011 BCSC 1796 (CanLII), *Dupont v. Port Coquitlam (City)* 2021 BCSC 728 (CanLII), *Anderson v. Strathcona (Regional District)* 2021 BCSC 1800 (CanLII) and *Barnett v. Cariboo Regional District*, 2009 BCSC 471 (CanLII), have confirmed that Councils are entitled to use the process of censure to express disapproval of a Council member's conduct and to respond to the conduct of Council members;

Whereas Councillor Elliott was informed on January 4, 2023 that *Community Charter* section 117 prohibits disclosure of information and records the Village of Tahsis holds in confidence unless authorized to do so;

Whereas Councillor admitted within his February 8, 2023 email ("February 8, 2023 email") that Councillor Elliott:

- received at an *in camera* Council meeting February 7, 2023 letters from the Village, Mayor Martin Davis, Mark Tatchell, Chief Administrative Officer ("February 7, 2023 Letters"); and
- disclosed those February 7, 2023 Letters with Councillor Elliott's February 18, 2023 email to 18 people and a supermarket,

which is in contravention of section 117 of the *Community Charter* and sections 3.2, 5.1 and 5.2 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct;

Whereas Councillor Elliott has made defamatory comments about Council, Councillor Sarah Fowler, Councillor Cheryl Northcott, Mayor Davis and Mark Tatchell, Chief Administrative Officer:

- within Councillor Elliott's November 15, 2022 Councillor Elliott report to Council;
- during the November 15, 2022 regular Council meeting;

- within Councillor Elliott's December 6, 2022 report (sought to be received) by Council;
 - during the December 6, 2022 regular Council meeting;
 - within Councillor Elliott's December 8 and December 27, 2022 letters to Tahsis residents;
 - within Councillor Elliott's December 31, 2022 email to Councillor Sarah Fowler copied to Council;
 - during the January 3, 2023 regular Council meeting;
 - within Councillor Elliott's January 9, 2023 letter to Tahsis residents;
 - during the January 17, 2023 regular Council meeting;
 - within Councillor Elliott's January 24, 2023 letter to Tahsis residents;
 - within Councillor Elliott's February 7, 2023 email to Janet St. Denis; and
 - within Councillor Elliott's February 8, 2023 email to 18 people and a supermarket,
- which are contraventions of sections 4, 5.1, 5.5 and 5.6 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct and, where applicable, section 24(8)(a) of the *Village of Tahsis Council Procedure Bylaw No. 495, 2004*;

Whereas Councillor Elliott made an attempt of intimidation of Councillor Northcott during a November 15, 2022 regular Council meeting contrary to sections 4, 5.1 and 5.5 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct;

Whereas Councillor Elliott admitted within his February 8, 2023 email and also a February 6, 2023 email to Councillor Joseph that Councillor Elliott intends to proceed with further mail-outs to Tahsis residents;

Whereas Council considers Councillor Elliott's unlawful disclosure of confidential information, defamatory comments and attempt at intimidation to be conduct unbecoming a member of Village of Tahsis Council;

Whereas, and pursuant to the process outlined in the Village of Tahsis' February 21, 2023 letter, Councillor Elliott was given the opportunity to personally, or via Councillor Elliott's legal counsel, make submissions to the rest of Council regarding Councillor Elliott's conduct in this matter;

Whereas Council has unanimously agreed upon the appropriate action;

Whereas Council has provided written reasons, which are attached to this resolution as Appendix "A", so that Councillor Elliott understands the basis for Village of Tahsis Council's decision to pass a resolution of censure and related sanctions to address Councillor Elliott's conduct:

- Be it Resolved as Follows:

1. That Council considers Councillor Elliott's:

- (a) breach of confidentiality;
- (b) defamatory comments of Council, Mayor Davis, Councillors Fowler and Northcott, and Mark Tatchell, Chief Administrative Officer; and
- (c) attempt of intimidation of Councillor Northcott,

to be conduct unbecoming a member of Village of Tahsis Council;

2. That Council shall address what it believes to be conduct unbecoming a member of Village of Tahsis Council by way of:

- (a) a motion of censure on Councillor Elliott that Village of Tahsis Council disapproves of Councillor Elliott's conduct in revealing confidential information, specifically the February 7, 2023 Letters, which are contraventions of section 117 of the *Community Charter* and sections 3.2 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct;

- (b) alternate procedures for Councillor Elliott's access to confidential material as follows:

- i. closed meeting agendas being available in paper form only, being read in the Village office, under supervision, and not being taken from the Village office;
- ii. all notes and other documents made by Councillor Elliott in the course of reading closed meeting agendas being kept at the Village office;
- iii. closed meeting agendas including a special watermark on all closed items to prevent copying of materials; and
- iv. return of the closed meeting paper agendas and any notes made immediately after the closed meeting.

- (c) Councillor Elliott be required to immediately issue a written apology:

- i. To Village of Tahsis Council acknowledging his transgressions against the *Community Charter* and Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct with respect to maintaining confidentiality;

ii. To the following members of Village of Tahsis Council and Village of Tahsis staff acknowledging Councillor Elliott's transgressions of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct for the following comments :

- A. Mayor Davis, Mark Tatchell, Chief Administrative Officer, Councillor Fowler and Councillor Northcott that they are "unethical"¹, "irresponsible"² and "incompetent"³;
- B. Mark Tatchell that he is incompetent, the "most expensive nightmare this Village has ever experienced"⁴ and "is setting up the Village for financial disaster"⁵ and that "if we can't find a suitable replacement for our overpriced CAO and have this town properly managed while contributing to our cash reserves, we are better off dissolving the status of the village and having the regional district take control"⁶;
- C. Mark Tatchell that "he gets to choose, without the knowledge of council, which individuals are to be persecuted and which ones are not"⁷ in bylaw enforcement; and taxpayers should not "fear the wrath of one individual selectively choosing his victims"⁸;

¹ See Councillor Elliott's comments within Councillor Elliott's December 31, 2022 email to Sarah Fowler copied to Council, January 17, 2023 Regular Meeting, January 24, 2023 letter to Tahsis residents, excerpts of which are within Appendix "A" – written reasons.

² See Councillor Elliott's comments within his December 8, 2022 letter – What the Mayor Doesn't Want you to know, December 6, 2022 regular council meeting and January 24, 2023 letter to Tahsis residents, excerpts of which are within Appendix "A".

³ See Councillor Elliott's comments within his February 18, 2023 email to 18 people and a supermarket, excerpts of which are set out within Appendix "A".

⁴ See Councillor Elliott's comments within his February 8, 2023 email to 18 people and a supermarket, excerpts of which are set out within Appendix "A".

⁵ See Councillor Elliott's comments within his February 8, 2023 email to 18 people and a supermarket, excerpts of which are set out within Appendix "A".

⁶ See Councillor Elliott's comments within his December 27, 2022 letter to Tahsis residents, excerpts of which are within Appendix "A".

⁷ See Councillor Elliott's comments within his December 8, 2023 letter – What the Mayor Doesn't Want You to Know, excerpts of which are within Appendix "A".

⁸ See Councillor Elliott's comments within his December 8, 2023 letter – What the Mayor Doesn't Want You to Know, excerpts of which are within Appendix "A".

- D. Councillors Fowler and Northcott and Mayor Davis that they are in a conflict of interest⁹ when it is not proven to be the case¹⁰;
- E. Councillor Fowler in alleging that she “is dishonest”¹¹ “blatantly deceives the public”¹²;
- F. Council as a whole in calling Council “foul bastards”¹³;
- G. Council as a whole in alleging that the Village is “almost broke”¹⁴, and that the Village “should dissolve its status and negotiate transition into the Regional District and then let the Regional District look after water, sewer and garbage”¹⁵; and

iii. for attempting to intimidate Councillor Northcott;

(d) Councillor Elliott be required to take additional training for elected officials regarding the rules of confidentiality associated with Councillor Elliott’s position as a Council member of the Village of Tahsis and expected conduct of an elected official;

(e) public notification of sanctions; and

⁹ See Councillor Elliott’s comments within: the November 15, 2022 regular council meeting; December 6, 2022 report (sought to be received) by Council; Councillor Elliott’s December 8, 2022 letter – What the Mayor Doesn’t Want You to Know; January 3, 2023 regular council meeting, Councillor Elliott’s January 9, 2023 letter to Tahsis residents, January 17, 2023 regular council meeting, excerpts of which are within Appendix “A”.

¹⁰ See the November 30, 2022 legal opinion, excerpts of which privileged legal advice are within Appendix “A”, and also excerpts of the December 6, 2022 Regular meeting and January 3, 2023 regular council meeting, which are also set out within Appendix “A”.

¹¹ See Councillor Elliott’s comments within his January 24, 2023 letter to Tahsis residents, excerpts of which are set out within Appendix “A”.

¹² See Councillor Elliott’s comments within his January 24, 2023 letter to Tahsis residents, excerpts of which are set out within Appendix “A”.

¹³ See Councillor Elliott’s comments within his February 24, 2023 email to 18 people and a supermarket, excerpts of which are set out within Appendix “A”.

¹⁴ See Councillor Elliott’s comments within the November 15, 2022 regular council meeting, excerpts of which are set out within Appendix “A”. See also Councillor Elliott’s comments within the November 1, 2022 and December 6, 2022 regular council meeting and also Councillor Elliott’s comments within his December 8, 2023 letter- What the Mayor Doesn’t Want You To Know. In contrast see excerpts of the November 1, 2022 regular council meeting also within Appendix “A” and Adia Mavrikos explanation of the budget and noting that the Village’s net surplus for the year is \$628,000.

¹⁵ See Councillor Elliott’s comments within the November 15, 2022 regular meeting, Councillor Elliott’s December 6, 2022 report to Council, Councillor Elliott’s December 27, 2022 letter to Tahsis residents, and also the November 1, 2022 regular council meeting and December 6, 2022 regular council meeting, as excerpted in Appendix “A”.

3. That the sanctions imposed on Councillor Elliott in sections 2(b) and (d) above remain in effect for a period of 12 months; and

4. That the above Resolution be released in open meeting.

Appendix "A" – Written Reasons for March 10, 2023 Motion of Censure and Related Sanctions for Councillor Douglas Elliott’s Contravention of Section 117 of the *Community Charter* for Disclosure of Information Received and Discussed in an *In Camera* Council meeting and Contraventions of Sections 3.2, 4, 5.1, 5.2, 5.5 and 5.6 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct and, where applicable, Section 24(8)(a) of the *Village of Tahsis Council Procedure Bylaw No. 495, 2004*

The Village of Tahsis (“Village”) is concerned that Councillor Elliott’s behaviour and communications with Council members, Village staff and the public is eroding relationships and affecting the Village’s ability to make collective decisions in the interests of the community and to provide good governance for the community.

The facts supporting the recitals within the censure resolution and related sanctions are set out within these written reasons.

On January 4, 2023 Mark Tatchell, Chief Administrative Officer (“CAO”), informed Councillor Elliott that *Community Charter* section 117 prohibits disclosure of information and records the Village of Tahsis holds in confidence unless authorized to do so. An excerpt of Mark Tatchell’s January 4, 2023 email is set out below:

January 4, 2023	Mark Tatchell email to Councillor Elliott	The Community Charter in section 117 prescribes how a record (document, report, etc.) and information (written or oral) from a closed meeting (or any other confidential information held by the municipality) can legally be released to the public. As a matter of practice, in instances when Council wishes to publicly release information from a closed meeting to the public, that is done by Council passing a motion to rise and Report on the decision or other matter. ... Council would need to pass a motion prior to discussing and or releasing confidential information at an open meeting. ...
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		Code of Conduct also addresses this issue in sections 3.2, 5.2 and 5.7
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Unlawful Disclosure of Confidential Information

In contravention of *Community Charter* section 117 and sections 3.2, 5.1 and 5.2 of the Village of Tahsis August 6, 2023 Policy No. 2015 Code of Conduct, Councillor Elliott disclosed information discussed and received at an *in camera* Council meeting and admitted doing so within his February 8, 2023 email to 18 people and a supermarket.

Excerpts of Councillor Elliott’s February 8, 2023 email are set out below:

February 8, 2023 email	Councillor Elliot February 8, 2023 email to 	<p>The council and CAO are not very pleased with my mail outs to the community and have served me with letters to demand public apologies and to seek legal advice concerning the information that I passed onto the community concerning their unethical conduct.</p> <p><u>I have attached the documents that were served to me in an unannounced closed meeting right after the regular meeting on Feb 7, 2023.</u></p> <p>I am here to inform you that I stand behind everything I have published and have no intentions of issuing any apologies. Everything I have stated has been an observation since I have been elected. The mayor whom I consider to be very dishonest, has stated that</p>
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		<p>I am lying conveying the information that I have published. This has been masterminded by our beloved CAO who is very threatened by my presence and disappointed that I am not a mindless conformist.</p> <p>I am informing you that my next mail outs will continue to expose their misconduct and that I will not stop until this village is properly managed.</p> <p>Our CAO is setting this village up for a financial disaster that will become very apparent once he announces his retirement in 2026-27. Councillors lack the skills to foresee this and our mayor has lost all credibility in my mind.</p> <p>Our CAO loves to spend our money on lawyers, consultants and the engineers at McElhanney with no regards to our financial well-being. He is completely out of control and is the most expensive nightmare that this village has ever experienced.</p> <p>... Together, we will survive this storm and I look forward to sunny days when the foul smell of bastards has drifted away.</p>
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Unbecoming Conduct – Defamation

Councillor Elliott has made defamatory comments about Council, Councillor Sarah Fowler, Councillor Cheryl Northcott, Mayor Martin Davis and Mark Tatchell, CAO, in

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contravention of sections 4, 5.1, 5.5 and 5.6 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct and, where applicable, in contravention of section 24(8)(a) of the *Village of Tahsis Council Procedure Bylaw No. 495, 2004*.

Councillor Elliott made comments which cast aspersions on Mayor Davis, Mark Tatchell, CAO, Councillor Fowler and Councillor Northcott, that they are “unethical”, “irresponsible” and “incompetent” within Councillor Elliott’s December 31, 2022 email to Councillor Fowler.

Excerpts of Councillor Elliott’s comments within his December 31, 2022 email to Councillor Fowler, the January 17, 2023 regular Council meeting, his January 24, 2023 letter to Tahsis residents and his February 7, 2023 email to Janet St. Denis, Finance and Corporate Services Manager for the Village are as follows:

December 31, 2022	Councillor Elliot email to Sarah Fowler with copies to Council	<p>... Your motion for a recess was not unanimously agreed upon by council and no time limit was specified. Your shameful behaviour violated my constitutional rights to address the public. ...</p> <p>It is unethical when the mayor and councillors violate the rules to censor an elected official from addressing the public. ... I will continue to expose the problems until you come to your senses.</p>
January 17, 2023	Audio of Regular Council Meeting	<p>Councillor Elliott- 38:30 –... When Chair maintains positive disposition and fairness, they ensure that the opposing views.</p> <p>Councillor Elliot - 38:55 -they do not use phrase point of order as a weapon to censure</p>

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		<p>an individual .. to discriminate against any member of the public or Council to censure an opposing view or violate Community Charter is to conduct oneself in an unethical.. (muted/cut off)</p> <p>I hope to see improvements in this matter...</p> <p>Councillor Elliott- 39:34</p> <p>However how we measure our mistakes measures our integrity.</p> <p>Councillor Elliott- 41:56 – concerning the budget – I still have not received the information I requested. I have contacted the authorities concerning this matter and will update the community on my next mail out.</p> <p>Councillor Elliott-42:32 – I have received a petition from the electors concerning their perception of a conflict of interest of re-elected Councillors</p> <p>Councillor Elliot – 42:37 – since I was expecting the motion for the referendum to be on tonight’s agenda, I can only speculate that the two councillors are seeking legal advice before this motion be put forward.</p>
January 24, 2023	Councillor Elliot January 24, 2023 Letter to Tahsis residents	<p>[Councillor Fowler] out right lied to the public and claimed that this resident was coerced into signing the petition.</p> <p>I tried to confront the dishonest re-elected councillor</p>

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		<p>[Fowler] concerning the coercion however, I received a blank stare of hostility with no intelligent reply. It is absolutely shameful when a member of council blatantly deceives the public ... I have spoken with the Deputy Minister concerning the unethical conduct from the CAO, mayor and the re-elected councillors (Fowler and Northcott).</p> <p>The mayor and the re-elected councillors, (considered to be in conflict by the residents that presented the petition) are acting irresponsible and in violation of the Community Charter and the Code of Conduct. They choose to exclude the public input. ...</p> <p>In 7 years, our well compensated CAO still lacks the skills to run our village within our budget while providing contributions to our cash reserves. There is only one way to describe this as it looks to me that he is the problem. I believe that there is no way to resolve this until we hire an individual that understands the concepts of living within our means.</p>
February 7, 2023	Councillor Elliott email to Janet St. Denis	In response to Village’s February 7, 2023 letter that Councillor Elliott attend the LGLA training scheduled for the week of February 13, 2023

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		<p>Since it is very apparent that the councillors and mayor require some training concerning the concepts of democracy, there is no need to waste any taxpayers dollars sending me. Hopefully they will return having some skills concerning their roles and I won't need to send out as many mailouts concerning their behaviour.</p> <p>Please cancel my hotel reservations as I have more important issues to address. Perhaps Mr. Tatchell might find this training useful and utilize my hotel reservation.</p>
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See also Councillor Elliott’s February 18, 2023 email to 18 people and a supermarket (set out earlier within the written reasons).

Councillor Elliott made comments about Mark Tatchell, CAO, that:

- Mark Tatchell is incompetent, the “most expensive nightmare this Village has ever experienced” and “is setting up the Village for financial disaster ” and that “if we can’t find a suitable replacement for our overpriced CAO and have this town properly managed while contributing to our cash reserves, we are better off dissolving the status of the Village and having the regional District take control”; and
- Mark Tatchell “gets to choose, without the knowledge of council, which individuals are to be persecuted and which ones are not” in bylaw enforcement; and taxpayers should not “fear the wrath of one individual selectively choosing his victims”.

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Councillor Elliott made such comments within his December 8, 2022 Letter -What the Mayor Does Not Want You to Know-to Tahsis residents and his December 27, 2022 letter to Tahsis residents, his January 24, 2023 letter (see excerpts earlier in the written submissions) and his February 8, 2023 email to 18 people and a supermarket (see excerpts earlier in the written submissions).

Excerpts of Councillor Elliott’s December 8 and 27, 2022 letters are as follows:

December 8, 2023 Letter	Councillor Elliott letter – What the Mayor Doesn’t Want You to Know	<p>This town is now facing a rather dismal future if our administration is unable to put our financial house in order. ... I am not opposed to good ideas but I will not support bad mismanagement, secrecy, deceit and irresponsible financial decisions. ...</p> <p>Our options are the direct consequence of twenty five years of poor leadership and management. ...</p> <p>At the recent planning session, the mayor and council were informed by our CAO that if we wish to have local bylaws enforced, we need to employ the services, at the village’s expense, from the by-law enforcement officer employed with the Regional District. The service would be complaint driven and subject to legal cost. ... This is rather disturbing that our CAO has created a two tier justice system concerning our by-law enforcement. He gets to choose, without the knowledge of council, which</p>
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		<p>individuals are persecuted and which ones are not. This does not seem like a fair and just system. We as taxpayers should all be treated equally and not fear the wrath of one individual selectively choosing his victims. This is rather disturbing and creates the opportunity of improprieties that can lead to an abuse of power by a member of this village.</p>
December 27, 2022	Councillor Elliott letter to Tahsis residents	<p>If we can't find a suitable replacement for our overpriced CAO and have this town properly managed while contributing to our cash reserves, we are better off dissolving the status of the village and having the regional district take control.</p>

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Councillor Elliott made comments that Councillors Fowler and Northcott and Mayor Davis that they are in a conflict of interest, when it is not proven to be the case. See Councillor Elliott’s comments within the November 15, 2022 regular Council meeting, Councillor Elliott’s December 6, 2022 report (sought to be received by Council), Councillor Elliott’s December 8, 2022 letter – What the Mayor Doesn’t Want You to Know (see excerpts set out earlier within the written reasons), Councillor Elliott’s January 9, 2023 letter to Tahsis residents and the January 17, 2023 regular Council meeting.

Excerpts of the November 15, 2022 regular Council meeting, December 6, 2022 report (sought to be received by Council), Councillor Elliott’s December 8, 2022 letter – What the Mayor Doesn’t Want You to Know, the January 3, 2023 regular Council meeting, Councillor Elliott’s January 9, 2023 letter to Tahsis residents and the January 17, 2023 regular Council meeting are set out below:

November 15, 2022	Regular Council Meeting - Audio recording	Councillor Elliot motion: 34:06 – I also make a move to have Councillor Fowler and Councillor Northcott, who are clearly in conflict of interest concerning the Firehall plan. Both their husbands work for the fire department and have served as acting chiefs. ... If they do not agree, I remind them that they should not question this motion and leave the room and seek legal advice on this matter. Failing to do so could disqualify them from serving as councillor.
December 6, 2022	Councillor Elliot Report sought to be received by Council	It is of my opinion that the public witnessed and participated in discussions recognizing a Conflict of Interest concerning Councillor


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		<p>Fowler and Councillor Northcott.</p> <p>I had asked them to step aside and seek legal advice... They have been informed that I have contacted the Ministry of Municipal Affairs concerning this matter.</p>
December 6, 2022	Regular meeting	<p>At the December 6, 2022 closed Committee of the Whole meeting Council received and accepted a legal opinion which concludes that neither Councillor Fowler nor Councillor Northcott are in a conflict of interest by voting on matters relating to the Fire Hall Relocation Project.</p>
December 8, 2022 Letter	Councillor Elliott – What the Mayor doesn’t want you to know	<p>It is of my opinion that the public witnessed and participated in discussions recognizing a conflict of interest concerning Councillor Fowler and Northcott. I had asked them to step aside and seek legal advice concerning this matter. They have been informed that I have contacted the Ministry of Municipal Affairs concerning this matter. I have received a response that the following information from the Community Charter needs to be adhered to.</p> <p>I am not convinced that the lawyer representing the two councillors has received all the necessary information. I have requested that the attorney be informed that the two</p>

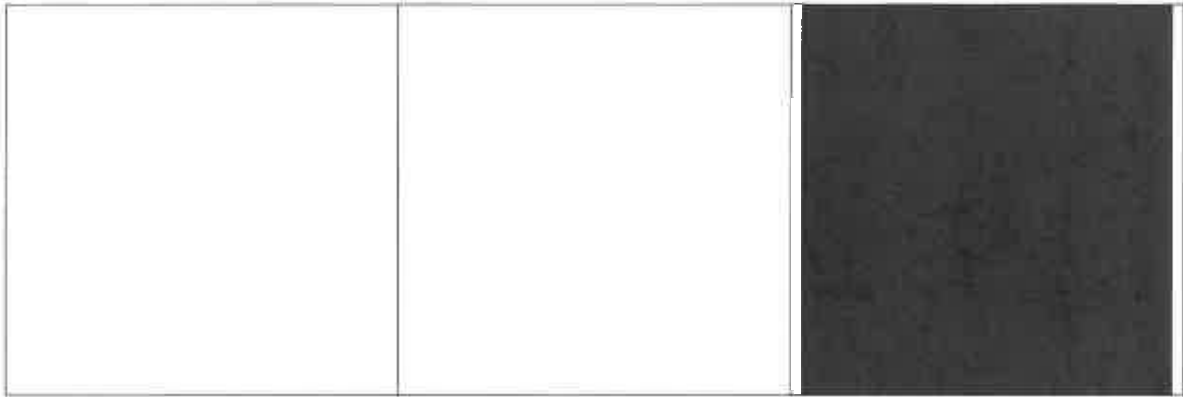
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		councillor’s husbands would benefit by having an improved work environment. This in my mind still constitutes a conflict and is the reason why I would disqualify myself if my wife belonged to the fire department. It has been made clear to them this community intends to pursue this matter and that they risk being disqualified from holding office, in the entire province of British Columbia, if they make the wrong decision ...
January 3, 2023	Regular Council Meeting	Mayor Davis Report Regarding the conflict of interest by Councillor Elliott of two of our councillors, I had stated at the time I believed they were not in conflict. However, to put this to rest, council did ask for and received the legal opinion that confirmed that they are not in conflict. This opinion cost Tahsis taxpayers \$1,350. In future, attacks on other councillors or our staff by any councillor will cause us to move immediately to a closed meeting as this is where these types of challenges are normally resolved.
January 9, 2023	Councillor Elliott letter to Tahsis Residents	A petition was handed to the mayor. ... I advised him that we were not lawyers and this needs to be taken seriously. ... This petition states that the

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		<p>members of our community perceive that the two re-elected councillor (sic) are possibly in a state of Conflict of Interest. The most startling aspect of the meeting was the motion that we compensate the transportation cost for the Good Food Boxes that amounts to \$2400.00 per year. I questioned the Councillor concerning the involvement with the organisation and how this constituted a Conflict of Interest.... The councillor did not declare a conflict and voted on this motion. In my complete disbelief, the mayor broke the tie and this motion was passed. I will include this scenario in my next correspondence with the Inspector of Municipal Affairs. This motion needs to be overturned by the authorities. I will keep you posted concerning the outcome and wish to extend my apologies to the businesses that are being treated unfairly by the village.</p>
<p>January 17, 2023</p>	<p>Minutes of Regular Council Meeting</p>	<p>Failed Motion: Councillor Elliott voted That the Petition Re: Alleged Conflict of Interest be received</p> 

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Councillor Elliott stated within his January 24, 2023 letter to Tahsis residents (see excerpts earlier in the written reasons) that Councillor Fowler “is dishonest” and “blatantly deceives the public”.

Within Councillor Elliott’s January 24, 2023, 2023 letter to Tahsis residents (see excerpts earlier in the written reasons) Councillor Elliott stated that Council and CAO were “foul bastards”.

Councillor Elliott also alleged that the Village is “almost broke”, and commented that the Village “should dissolve its status and negotiate transition into the Regional District and then let the Regional District look after water, sewer and garbage”.

Excerpts of such allegation and comments within the November 1, 2022 regular Council meeting, November 15, 2022 regular Council meeting and December 6, 2022 regular Council meeting, Councillor Elliott’s December 6, 2022 report to Council, Councillor Elliott’s December 8 letter – What the Mayor Does Not Want You to Know (set out earlier in the written submissions). In contrast see excerpts of the November 1, 2022 regular Council meeting and the explanation of Adia Mavrikos, Director of Finance of the Village, about the budget and noting that the Village’s net surplus for the year as of September 30, 2022 is \$628,000.

What follows are excerpts of the November 1, 2022 regular Council meeting, November 15, 2022 regular Council meeting, December 6, 2022 regular Council meeting and Councillor Elliott’s December 6, 2022 Report sought to be received by Council:

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<p>November 1, 2022</p>	<p>Audio of November 1, 2022 Regular Council meeting</p>	<p>Adia Mavrikos- 28:13 – 32:01 So, ending September 30, 2022- overall our financial results are healthy and on target for year end. Revenues are projected to be ahead of budget with the exception being on the investment income. And our federal grants, we’re still waiting approval on a couple of those. ...</p> <p>The main contributor to our positive operating trend is due to lower staffing and associated benefit costs. ... Additionally, legal costs are less than budget due to fewer bylaw issues. ... Another very notable item is the investment income. Se we are \$24,000 under budget due to the rising interest rate environment that we are in as the village has a large bond holding. So, we saw negative returns to the village bond holdings in the first two quarters with a slight improvement for Q3.</p> <p>Adia Mavrikos- 35:11 – 35:38 September 30... net surplus for the year is \$628,000. 25% of our expenditures have not yet been incurred.</p> <p>50:32 - 51:28 Councillor Elliott- I am not in favour of borrowing</p>
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		<p>any money towards our new firehall.</p> <p>Councillor Elliott- 51:37 to 51:40 - Borrowing money at higher interest rates to hide a dismal financial state of the Village is unethical if we doesn't have the funds to pay our share of the grant then quite obviously we cannot afford that grant.</p>
<p>November 15, 2022</p>	<p>Audio of November 15, 2022 Regular Meeting</p>	<p>Loan authorization bylaw for sewage treatment plant</p> <p>Adia Mavrikos: 58:43 – Based on our 2021 financial statements we have reserve funds up to \$821,000.</p> <p>Councillor Elliott-1:00:45 - Hey so we're almost broke and we wana take maybe our last half \$1,000,000 and blow it on our sewer plant.</p> <p>Councillor Elliott- 1:02:27- But to just go out and blatantly borrow, we're living above our means. And it that being the case, then maybe we should just go in the regional district and then at that point let them look after water, sewer, garbage for us with reasonable taxes.</p> <p>Mayor Davis-1:03:28- I mean, you talk about subsuming ourselves into the regional district. That's not a good place to start.</p>

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		<p>Councillor Elliott-1:03:55 – If we're broke, then I think should just go into the regional district and do a transition. If we haven't been able to manage our financial house for 20 years, then borrowing money to hide that fact, I think is unavoidable and fraudulent. .. This should be just postponed indefinitely and forgotten about. We go in the Regional District, they will look after water, sewer, garbage for us. ..</p> <p>Motion for loan authorization bylaw 6532020 (for the sewage treatment plant) receive a second reading on November 15, 2022 Motion carried Motion for loan authorization bylaw 6532022 receive the third reading. Councillor Northcott seconded Councillor Elliot -1:06:27- We don't seem to be discussed any plan to raise the money to proceed with this project. We just seem to be discussing borrowing more money to hide the fact we are broke. I really think that this is unethical. I vote no. ...</p>
December 6, 2022	Audio of Regular Council Meeting	<p>Councillor Elliott -1:10:49 – Now the Grim part, upcoming taxes after the third meeting concerning the budget, I have reached the conclusion that our villages is in a rather dismal financial state, for the past 25</p>

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		<p>years since the closure of the mill, not one administration has put us on a sustainable financial path. ...</p> <p>If we cannot operate within the operational budget, borrowing money will complicate our ability to balance future budgets. This is clearly irresponsible.</p>
December 6, 2022	Councillor Elliott report to Council (not received by Council)	It is of my opinion that this village should dissolve its status and negotiate the transition to the control of the regional district

Conduct – Intimidation

In contravention of sections 4, 5.1 and 5.5 of the Village of Tahsis August 6, 2019 Policy No. 2015 Code of Conduct, Councillor Elliott has also attempted to intimidate Councillor Northcott during the November 15, 2022 regular Council meeting by threatening to inform the Ministry of Municipal Affairs if Councillor Northcott did not declare a conflict of interest:

November 15, 2022	Regular Council Meeting - Audio recording	<p>Councillor Elliott motion: 34:06</p> <p>– I also make a move to have Councillor Fowler and Councillor Northcott, who are clearly in conflict of interest concerning the Firehall plan. Both their husbands work for the fire department and have served as acting chiefs. ... If they do not agree, I remind them that they should not question this motion and leave the room and seek legal advice on this matter. Failing to do so</p>
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		<p>could disqualify them from serving as councillor.</p> <p>CAO reminded Councillor Elliott that a motion needs to be put forward to Council that requires support by a majority of Council.</p> <p>Councillor Elliot -36:25- They cannot vote on any of the proceedings involving the Firehall project, including the loan authorization bylaw number 6522022 at the meeting agenda of this date, November 15, 2022</p> <p>Councillor Northcott - 37:24- I have no conflict. I am interested in fire service in this community. As every resident is public interest.</p> <p>Councillor Fowler- 33:39- I’m not in conflict the same thing as with Sarah. Financially it works out to be about \$200.</p> <p>Councillor Elliott-38:16- Admitted that you got a household income.</p> <p>Councillor Elliott-38:26-That is a conflict of interest. Yeah, you will get in trouble and lose your job as a councillor over this. This is ridiculous. Cheryl, please step down and do the right thing.</p> <p>Councillor Elliott -38:44 – This is going to go to municipal affairs and then you’re going to lose your job, councillor.</p>
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Intention to Continue with Unbecoming Conduct

Councillor Elliott admitted within the January 17, 2023 regular Council meeting (see excerpt earlier in the written reasons), his February 8, 2023 email (see excerpts earlier within the written reasons) and also a February 6, 2023 email to Councillor Joseph that Councillor Elliott intends to proceed with further mail-outs to Tahsis residents if Mayor Davis did not allegedly agree to put forward a motion related to the community dock. An excerpt of Councillor Elliott’s February 6, 2023 email to Councillor Joseph is set out below:

<p>February 6 and February 7, 2023 emails</p>	<p>Councillor Elliott emails to Councillor Joseph</p>	<p>February 6, 2023: Martin and I had a chat concerning the community dock plan. I have convince (SIC) him to put forward a motion to reconsider If one of us seconds the motion, I am confident it will pass and I hope to move it to a committee. Martin has agreed to give me an opportunity to have an improved design put forth for an engineer to finalize. It will dramatically improve the project and the three of us will greatly benefit for fixing this colossal mistake. If Martin lives up to his word, I hope this moves forward ... If he doesn't, I'll have plenty of ammo for my next mailout. February 7, 2023: Hi Meggan I did go through my village emails and did not receive your response.</p>
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