

CITIZENS FOR RESPONSIBLE MUNICIPAL GOVERNMENT

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Lawsuit could cost taxpayers \$10 million+ \$1,000 per Household on Taxes?

The Class Action Lawsuit served on the District of Mission last week in relation to its ill-fated PSIT/Grow Op Bylaw could easily cost every household in Mission an additional \$1,000 in taxes.

The lawyer for the over 400 potential plaintiffs has stated that damages for those homes searched for no reason might receive \$5 – 10,000 in damages. It is difficult to see how Council could defend against these claims since it has already admitted wrongdoing and apologized to 216 such citizens.

However, the hole was dug even deeper, making potential damages even greater, when Councillor Mike Scudder qualified the apology stating just because PSIT did not designate a home a controlled substance property "does not mean there was a total absence of any kind of innocence was established it just means we didn't have the evidence.." He has obviously never heard of the concept of "innocent until proven guilty"

The lawyer went on to say that damages of \$100,000 could be assessed in the cases where the fine of \$5,200 was levied unjustly. Council has admitted to 15 such properties. However, there remain 187 other cases in dispute where those fined have not been accorded a proper hearing.

Council has had numerous opportunities

over the past three years to abandon this reckless program but has stubbornly refused to do so, with the exception of Councillor Jenny Stevens who has been the sole voice for fairness and sanity.

Even the Mayor admitted that Council should have reviewed the program a year ago but failed to do so.

It seems unlikely that the District of Mission's insurance will cover any assessed damages yet no provision has been made in the budget to set aside funds to settle this lawsuit should the District lose.

This reckless and unethical behaviour could have devastating consequences for Mission citizens.

The outcome of any lawsuit is uncertain but, should the District of Mission lose, it simply does not have \$10+ million available to pay damages. Potentially over \$1,000 per household will have to be provided by taxpayers.

The recent apologies and refunds were too little, too late.

If only Council has listened this potential disaster could have been avoided.

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Sadly, it will likely be a future Council which will have to clear up this mess.

Taxpayers funding Council's Re-election Campaign

Ever since Mission was founded in 1891 Councils have managed to communicate with citizens without the help of a spin doctor.

Now Council, with the exception of Jenny Stevens, suddenly finds it necessary to hire a professional to perform this task.

It would be stretching credulity to believe that this is unconnected with a civic election being just four months away.

So taxpayers are now being asked to fork out \$35,000 to fund the re-election campaigns of the current Council.

At least this time Council is announcing its decision publicly. Earlier when it hired a spin doctor company it kept it secret. Not surprising, since part of the plan was to have that company "spin" the local papers before announcing decisions to the public. When that outrageous program "leaked" Council reacted angrily, commissioning an RCMP investigation, house searches and seizure of computers.

Council already spends a great deal of taxpayers' money allegedly communicating. There are frequent two page spreads in the local papers

and a series of advertisements trying to justify the ill-fated PSIT/Grow Op bylaw.

The arguments for this bizarre decision were ludicrous in the extreme.

Councillor Gidda argued that Abbotsford spent \$123,864 on "communications" so our planned expenditure was reasonable. Not exactly a telling argument since 123,864 is the population of Abbotsford not the amount it spends!

The other argument was that Mission needs to counter the bad publicity it has recently received. It is true that Mission has received very bad publicity over the PSIT/Grow Op bylaw. It has been reported in newspapers across Canada, in Arizona and Georgia in the U.S. And in national newspapers in Germany and Holland.

The cause of that bad publicity was not the lack of a spin doctor but a series of unfair and potentially financially ruinous decisions by Council.



Councillor Stewart said she never wanted to hear the term "spin doctor" ever again. Well, if it waddles like a duck and quacks like a duck it's unlikely to be an eagle!

Only Councillor Stevens voted against this flagrant misuse

of taxpayers' money so not only are Mission Taxpayers potentially on the hook for \$10 million+ because of the PSIT lawsuit but, to add insult to injury, they are funding the re-election campaigns of those who got us into this mess.

What others are saying about Mission

Jon Ferry

Province Columnist

Mission's anti-grow-op strategy, in which it dinged homeowners who had outsized hydro bills thousands of dollars in inspection fees, was fundamentally flawed — as the B.C. Civil Liberties Association and others pointed out.

Now, the district has compounded that public relations fiasco by calling in the Mounties to hound those allegedly involved in leaking embarrassing information about that strategy from secret council meetings.

The RCMP won't say exactly why they had to seize two computers from blind Mission district Coun. Jenny Stevens and three others from veteran former councillor Ron Taylor. But it's pretty clear the "breach of trust" probe stemmed from vocal opposition by Taylor and Stevens to the discredited inspection initiative.

No one likes a tattletale. And it's obvious Mission Mayor James Atebe and others at city hall are unhappy about the way their money-spinning anti-grow-op approach has backfired, only months from the civic elections. So it's understandable that they would want to get back at those they suspect of ratting them out to the media.

"The RCMP are being used as a political tool," Taylor told me Thursday. And, in the absence of contrary information, I agree.

The fact is, as Taylor pointed out earlier to Province reporter Susan Lazaruk, Mission council "leaks like a sieve."

And as the civil liberties association noted, there are frequent allegations that Mission and other metro municipalities are misusing in-camera meetings intended for sensitive personnel, legal and real-estate matters to discuss topics they don't want to debate in public.

.We do not live in a police state. And persecutions of those who may have fed, or been fed, juicy tidbits from secret council discussions are as distasteful as they are counter-productive.

We need fewer in-camera discussions, more watchdogs of councils' activities . . . and a far better-informed electorate.

B.C. Civil Liberties

Association

The BCCLA is supporting residents of the District of Mission who have launched a class-action lawsuit against the District for violations of their rights under the District's Controlled Substance Property Bylaw.

The bylaw permits safety inspectors to enter private homes to look for marijuana grow operations.

However, many Mission residents have been found in violation of the bylaw despite having no marijuana grow operation.

In 2010, the BCCLA made written and oral presentations to the Mission District Council about the numerous, highly credible reports of exorbitant inspection "fees", revocation of occupancy permits on insufficient or spurious safety grounds, and a total lack of procedural fairness at various stages of the investigatory and hearing process.

Micheal Vonn, Policy Director: "Essentially residents in Mission are being charged for having imaginary grow-ops. "Safety" inspectors have been declaring homes "controlled substance properties" without any credible evidence. Entirely innocent residents have been charged outrageous fees and tarred with the label of drug manufacturer, without any effective way to challenge the charge".

Stacy Gowanlock, Plaintiff in the lawsuit: "The citizens of Mission have tried for years to get the District to properly review these decisions and fix this program.

We have seen litigation as an absolute last recourse. But we can't wait any more. People are suffering badly, particularly the elderly and those on fixed incomes.

People have been traumatized and in some cases, have lost their homes. It's clear the District is not moving on this; so we have to ask the courts to remedy the damage."

The statement of claim notes that the District of Mission communicated the false reports of drug activity to third parties including plaintiffs' mortgage holders, property insurers and prospective home purchasers.

The plaintiffs claim damages for a range of harms including invasion of privacy, lost reputation and diminished market value of their homes.