



# CITY OF NORTH VANCOUVER SEEKING REQUEST FOR QUALIFICATIONS FROM A POSSIBLE PROVIDER OF LEGAL SERVICES

By: Kerry Morris - January 15, 2016

Should we be allowing a Mayor who benefits from golf junkets to Palm Springs and other destinations to vote on awarding a new legal contract to the law firm that pays for those holiday's? I don't think so!

The City is currently circulating an RFQ (Request for Qualifications) seeking supplier interest in providing legal services. The RFQ document contains no particulars in respect of contract duration but does quote historical annual expenditures which range from a low of \$601,456 in 2011 to a high of \$884,198 in 2014 (the same year as the last municipal

election). A 32% increase over 3 years, let me tell you that's pretty big. (<http://www.bcbid.gov.bc.ca/open.dll/downloadFile?sessionID=29605082&charID=31095883&disID=31095851&blobID=3289589&filetype=Blob>).

The following is a summary of the approximate funds expended by the City on legal fees for the years shown:

2010	\$ 621,668
2011	\$ 601,456
2012	\$ 673,724
2013	\$ 636,319
2014	\$ 884,198
2015 (YTD)	\$ 774,498

The year over year increase in legal expenditures between 2013 and 2014 equals a whopping 28%, that's incredible given such a short span of time. However, I don't find this hard to believe when you consider that over the 2014 period, in the lead up to and then during the formal election period, the City threatened me with 3 separate legal actions, all of which involved communications with Bull Housser (sands tupper), the City's current service provider. The firm, referred to by

some within the legal community, as 'Bacon Ham & Tomato' has represented the City for as long as I can remember. In fact, I cannot remember a time when Bull Housser did not act for the City, a cozy relationship to be sure.

The list of actions in which Bull Housser is assumed to have represented the City was pulled from the online court services file and discloses nothing particularly abnormal about the City's litigation needs in the 2014 period that would justify this massive increase in legal costs. I can only assume that the City's actions attacking me designed to preserve the Mayorship of Darrell Mussatto, during the last municipal election, were in some measure responsible for this inordinate cost increase to the public purse. The fact is we will never know because despite repeated requests by others, the City has claimed they are unable to disclose the amount of public money spent on each and every file for which legal services are engaged.

That said, I do hold certain strong beliefs. I believe the City has spent a considerable legal sum analyzing each and every piece of correspondence and public Tweet which I have authored, re-Tweeted or liked, in an attempt to determine if they could bring a legal action against me for libel or slander, post election. I believe this activity is ongoing.

Additionally, they have had to deal with legal actions for wrongful dismissal for Mr. Glen Stanton, and a quite settlement with Ms. Sandra Dawson-Dunn, both of whom were paid handsomely for there wrongful dismissal and quite departure, not to mention yet another legal threat to Mr. Barnes.

B.C. Home		Main Index		Help	
Ministry of Justice		Contact Us		Log On	
Search Civil By Party Name - All Results					
Search Criteria: Search name: City of North Vancouver					
Results: 31 - 48 of 48 cFReviews 1 2					
Last Name, First Name	Classification of Case	Court	File Number	Date File Opened	Date Last Updated
CITY OF NORTH VANCOUVER	Supreme Court	Vanouver	08298	07Jul2009	28Mar2011
REVOY, Roselle v BELLEAU, Paul	Motor Vehicle Accidents	Vanouver	09020	26Jan2009	01Apr2011
CITY OF NORTH VANCOUVER	Supreme Court	Vanouver	094678	23Jan2009	23Jan2009
TELUS COMMUNICATIONS COMPANY v CITY OF NORTH VANCOUVER	(General)	Vanouver	095963	02Dec2009	29Mar2011
POSTLEWATTE, Vicky v ROSZKOWICZ, Robert	Motor Vehicle Accidents	Vanouver	102195	15Oct2010	08Sep2011
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	122296	12Apr2012	25Sep2012
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	12379	31Mar2012	10Mar2014
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	123768	16Apr2012	19Oct2015
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	1321338	30Oct2012	27Mar2015
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	130038	03Jan2013	24Mar2013
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	140315	13Jan2014	18Jan2015
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	1521182	10Apr2014	09May2014
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	143159	20May2014	28Dec2015
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	148952	07Oct2014	08Jan2016
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	150179	19Jan2015	24Dec2015
CITY OF NORTH VANCOUVER	Provincial Small Claims	North Vancouver	158634	19Oct2015	19Oct2015

But the facts remain, we as a City are spending a considerable amount of our public money on legal bills, much of which is not cost recoverable, despite the comments of our CAO to council when last asked to answer this very question. But should a cozy long term relationship, and access to an annual golf junket, be a valid reason to maintain a relationship with any supplier when paid with public funds? I don't think so, but I also don't think those are the only factors which should be considered.

While the term 'Conflict of Interest' when muttered by my mouth or pen tends to remind the reader of the numerous lapses in judgement in which 'Slate' members have forgot or mis-placed their duty to recuse, my reference in this case is all-together different. Funnily enough golf is not the central theme of the issue.

You may recall the now famous attempt by then Councillor Guy Heywood to have the City examine the possibility of increased co-operation with the District of North Vancouver. Guy's thinly veiled attempt was to jointly higher, in co-operation with the District and the Province, consultants to conduct an examination of the synergies and just causes for 3 separate municipalities on the North Shore, but in particular, the stand-alone nature of governing the City and District as two distinct municipalities. While I do not share Guy's immediate opinion that untold financial benefit would come from amalgamation, I also do not share the position evoking the equally famous and undisciplined response of Councillor Craig Keating, wherein he Tweeted 'WTF' slamming Heywood on 'Twitter' for supporting Amalgamation. Such behaviour is inappropriate for a councillor, especially while sitting at the council table, mid-council meeting, according to the council procedures bylaw. But Darrell ignored that one as he often does matters involving Craig. What is important to the discussion regarding the renewal of legal services is the reason Guy's motion went down to defeat.

If you recall that Motion, you will also remember that support for the study was clouded by discussion put forward by the CAO and relied upon by Councillors Bookham and Clark. The allegation being that the District was refusing to honour the shared services contract involving the RCMP, and now owed the City an estimated \$1.2M. This became the focal point of various nearly slanderous comments about the District's conduct, and how the City should not seek to heighten cooperation with another municipal entity that does not pay its bills on time or in full, or honour it's contracts. Tollstam is under investigation for this.

On the basis of this public accusation, council members pontificated on the need to reject Heywood's proposal, and of course it went down to defeat. After this public insult Mayor Richard Walton of the District of North Vancouver wrote to Mayor Mussatto demanding an apology from council and the CAO for the misleading and maligning comments made in such a public venue as a sitting council session. A copy of that letter is enclosed. A larger copy is available on my website for those who don't wish to squint. At no time since these events transpired has the City disclosed the necessary gumption to do the right thing and issue the public apology sought. I'm not surprised though, because I'm still waiting for several due me, of equally slanderous nature, both mouthed by Councillor Craig Keating, who has shown an unwillingness to do the right thing on his own behalf, despite a council bylaw that compels apology. Seems the bylaw is malleable depending on the source of the malignant conduct.

The point here is simple, the District of North Vancouver, our immediate and 'All-Around-Neighbour', and the City are both represented by Bull Housser. Given the frosty nature of the relations, and the fact that various contracts when structured between the parties affect City interests versus District interest, is it really wise to engage a firm that has a shared loyalty? After all, if opportunity presents, will Bull Housser press the benefit for the City, or protect the District at the expense of the City? And indeed, given Bull Housser's own potential conflict of interest in representing both municipalities in a common negotiation or contract, have they ever recused? That is a fact I'd like to know and see disclosed in the inevitable analysis.

All these factors draw me to the conclusion that it is time for Bull Housser to be traded. I'd also like to see a clause that says; **'No paid golf trips for elected officials or staff'** because I don't think we should refresh this problem!

