

KERRY MORRIS

March 21, 2016

Commissioner Robert Paulson

73 Leikin Dr.,
MJ Nadon Bldg, M8-3-512 Mailstop 87
Ottawa, Ontario, KIA 0R2
613-843-4590

And To:

D/Comm. Craig Callens

Commanding Officer "E" Division
14200 Green Timbers Way
Surrey, BC, V3T 6P3
778-290-2503

Dear Sirs:

I write to you for the purpose of making enquiry in relation to a breach of the Local Government Act and municipal election policy pertaining to the November 15th 2014 general municipal elections in the City of North Vancouver.

City employees were witnessed standing in City Hall on advance polling days, outside the polling station, handing electors slips of papers on which the incumbent and his 'Slate' of candidates were named, and that staff member asked each person he handed the list to, to support that list of candidates by casting votes for those persons. This action was illegal.

A female elector attended my office and delivered to me the slip of paper she said was handed to her by a City employee on that advance polling day. She named that employee.

This issue was brought to the attention of the Chief Electoral Officer for the City of North Vancouver, who is also the City Clerk, Ms. Karla Graham. I personally raised this issue with Ms. Graham on November 15th 2014 when I delivered to Ms. Graham the slip of paper the female elector had received from that City employee. Ms. Graham accepted this notice and evidence while in the company of the City's long service security officer, Dwight. Attached is a link to a photocopy of the slip of paper that was handed out by the City employee to electors (<http://kerrymorris.ca/wp-content/uploads/2015/09/City-Hall-Voter-Fraud-Handout.pdf>).

I have repeatedly followed up with Ms. Graham on numerous occasions and in each instance I have received a different answer. However, on February 15, 2015, Ms. Karla Graham wrote to me in which communication she stated:

Regarding the allegations that you brought to our attention against a Library employee on General Voting Day, November 15, 2014, we would advise that we discussed the matter in detail with the Ministry of Community, Sport and Cultural Development and the police, and also conducted our own investigation of the matter. After a review of the information, it was determined that no further action was warranted; we will not discuss the details of the investigation.

It is clear from this letter that Ms. Graham alleged this breach of law had been disclosed to the police, which in North Vancouver is the RCMP.

Attached is a link to the full text of Ms. Grahams February 15th 2015 letter. (<http://kerrymorris.ca/wp-content/uploads/2015/07/CNV-Refuses-Meeting-Re-Election-Fraud.pdf>)

The matter was then taken up repeatedly with Elections BC and with the Minister responsible for Local Government beginning with former Minister Ms. Coralee Oaks and later with Minister Mr. Peter Fassbender. On February 10th 2016, almost 6 months after becoming Minister

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responsible for Local Government, and after 3 emails, 2 telephone calls, and following the filing of a complaint for his repeated failures to fulfil his duty to respond to me, Minister Fassbender finally wrote by email alleging the matter should have been raised with the police, and as this had not been done, further action in respect of pursuing this breach of law was time-barred under the legislation. However, he was obviously unaware of Ms. Karla Graham's allegation that the matter had actually been brought to the attention of the Police back on February 15th 2015, five days short of a full year from the date of Minister Fassbender's email.

In response to Minister Fassbender's email, I forwarded his response to RCMP Superintendent Chris Kennedy of the North Vancouver RCMP Detachment. Supt. Kennedy responded soon after with a lengthy email, paralleling the position of Minister Fassbender, alleging the matter was time-barred due to the failure to report the matter within the prescribed 12 months from the date of discovery (November 15th 2014). I then forwarded Supt. Kennedy a copy of Ms. Karla Grahams letter, to which I received an immediate response. The informative section of that email string reads as follows:

From: "Chris KENNEDY" <chris.kennedy@rcmp-grc.gc.ca>
Date: March 4, 2016 at 11:18:28 AM PST
To: "Kerry Morris" <kerry.morris1249@gmail.com>
Cc: <kgraham@cnv.org>, <KTollstam@cnv.org>, "Jennifer HYLAND" <jennifer.hyland@rcmp-grc.gc.ca>, "Randy MARQUARDT" <randy.marquardt@rcmp-grc.gc.ca>
Subject: Response to Mr. Morris #2- Local Government Act - 2014 General Local Election - City of North Vancouver - March 03 2016

Mr. Morris

North Van Det. did not receive any request from you, the City, or Elections BC to investigate at or near the time of the election. The first request this Det. received was via your email of yesterday, dated 20160303; which I have responded too.

Supt. J.C. Kennedy SC, BA
Officer in Charge
North Vancouver Detachment

Attached is a link to the full text of that email string between myself and Supt. Kennedy. (<http://kerrymorris.ca/wp-content/uploads/2016/03/Liar-Liar-Whos-The-Liar.pdf>)

I have subsequently raised this issue with both the City of North Vancouver and Supt. Kennedy asking who in fact is being untruthful? Did the City raise this issue with the RCMP and the RCMP is being untruthful? Or as Supt. Kennedy has stated, was it in fact the case that; Neither the City or Elections BC ever brought this breach of the Local Government Act to the attention of the RCMP detachment? In reply to this inquiry, I have received a letter dated March 8th 2016 from City of North Vancouver's CAO Mr. Kenneth Tollstam. That letter states in part:

I have yet to receive any confirmation from Supt. Kennedy that the RCMP

2. the RCMP has advised us that it will not be investigating your claim that the City's Chief Election Officer engaged in election fraud. This matter raised by you was appropriately dealt with at the time and you were advised of such, well over a year ago.

intend to investigate this matter. A full text of CAO Mr. Tollstam's response is attached by link. (<http://kerrymorris.ca/wp-content/uploads/2016/03/Election-Fraud-City.jpg>)

In CAO Mr. Tollstam's letter he also alleges that issues in relation to the City's failure/refusal to comply with Freedom of Information (FOI) requests pertaining to City of North Vancouver finances has been "...dismissed..". The Office of the Information and Privacy Commissioner of BC in the person of Mr. Patrick Egan, Director of Investigations has confirmed that Mr. Tollstam's allegation that our FOI complaint has been dismissed is false. Attached is a link to an email response from Mr. Egan in which he sets out the status of the complaint. (<http://kerrymorris.ca/wp-content/uploads/2016/03/OIPC-Director-of-Investigations-confirm-FOI-Investigation-has-NOT-been-dismissed.pdf>)

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I would be remiss if I failed to point out that CAO Mr. Ken Tollstam is also under investigation for being untruthful to City of North Vancouver council, the public and myself, in relation to a \$363,000 water meter billing error loss suffered by the City which was confirmed in a shared loss agreement executed between the City and Vancouver Coastal Health. (<http://kerrymorris.ca/wp-content/uploads/2015/06/ICABC-Professional-Conduct-Enquiry-Process-Notice-June-10.pdf>) This matter and the story behind it can be viewed at the attached link: (<http://kerrymorris.ca/wp-content/uploads/2015/06/City-Councils-Pursuit-of-Respect-Not-Reciprocal.pdf>)

A second matter also under review is the CAO's untruthful statements to council and the public in relation to the RCMP shared services contract between the City and the District of North Vancouver. The CPABC (previously ICABC) are investigating this untruthful conduct as well. The District of North Vancouver also took exception to the CAO's statements in this regard and raised a similar complaint, but did so directly with the City. I brought formal complaint of this matter in tandem with the water meter billing error issue. Attached is the District's complaint as described by Mayor Richard Walton.

<p>355 West Queens Road North Vancouver BC V7N 4N5 www.dnv.org</p>  <p>Mayor Richard Walton Phone: 604 990 2208 Fax: 604 990 2403 rwalton@dnv.org</p> <p>September 19, 2014 File:</p> <p>Mayor Darrell Mussatto City of North Vancouver 141 West 14th Street North Vancouver, BC V7M 1H9</p> <p>Dear Mayor Mussatto:</p> <p>Re: Shared Services</p> <p>I am writing on behalf of our Council in response to recent comments made by the City's Chief Administrative Officer and members of Council with respect to the policing formula for administrative and operating expenses. More specifically, I am referring to comments contained in the CAO's report dated June 11, 2014 and comments made by Councillor Pam Bookham and reported in the North Shore News, June 18 and September 14, 2014, suggesting that the District "owes" the City \$1.2 million dollars with respect to a change in the funding formula for operating and administrative expenditures. The statements made are not correct, and are in fact, misleading and damaging to the District's reputation.</p> <p>The District has been pressing for a review of our shared services for many years, in part because there is an imbalance in the allocation of police resources and the current funding formula. The attached reports, prepared by E Division in 2012 by the North Vancouver Detachment OIC in 2014 and by the consultant, just recently all confirm that a change in the formula is warranted. When the change to the operating and administrative formula was scheduled to be changed in 2011, the District requested that the change to the formula be deferred until a review of shared services had been completed. This and other considerations formed the basis of a signed agreement between the District and the City dated February 25, 2011 (copy attached). May I draw your attention to item G in the Agreement which states:</p> <p><i>"Under the existing formula which ended December 31, 2010, civilian support costs were shared 54% by the District and 46% by the City. Effective January 1, 2011, under the terms of the existing agreement between the City and the District, the formula changed to a ratio based on the official RCMP strength by both municipalities, which will result in the District paying approximately 60% and 40% for the City. The change in the formula of 6% represents a re-allocation of approximately \$300,000 in Civilian Support costs to the District.</i></p> <p><i>The City agrees to defer this change in formula until a full review of all shared services between the CNV and DNV is completed and reported to both municipal Councils, on the understanding that both parties are in agreement with all other terms noted in this document. It is understood that the entire RCMP Civilian Support funding formula will be reviewed as part of the Joint Services Review."</i></p> <p>Document: 2441261</p>	<p>Re: Shared Services September 19, 2014</p> <p>Page 2</p> <p>District staff has undertaken a significant amount of work, the results of which have been shared with City staff, pointing to the need for changes in the respective funding formulas and in the agreements themselves, in areas such as overhead allocation, application of facility rental fees, sharing of maintenance costs, dispute resolution mechanisms, etc. We have been unable to make progress on resolving these issues primarily because of the lack of resources to complete the necessary work by the City.</p> <p>Our Council continues to believe that residents of both municipalities benefit from shared services arrangements. However, the benefit is diminished if we do not have a mechanism to periodically review and update them to reflect changing circumstances and expectations. Your recent public comments on the importance of working with us and maintaining a positive relationship, stand in sharp contrast to the comments made by some of the City's Councillors and are most appreciated, as they reflect the strong working relationship that our two committees have enjoyed over the years. District Council respectfully requests that the City issue a public statement clarifying that the two parties have an agreement in place deferring implementation of any changes to the operating and administrative agreement formula until the full review of all shared services has been completed.</p> <p>Sincerely,</p>  <p>Richard Walton FCA Mayor</p> <p>CC: District Council</p> <p>Document: 2441261</p>
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I write to you to raise questions as to the truthfulness of the allegation made-out by the City's Chief Electoral Officer Ms. Karla Graham regarding: If the breach of the Local Government Act was in fact reported to the police as she has stated in her February 15th 2015 letter? Alternatively, Is the statement of Supt. Chris Kennedy truthful or untruthful wherein he alleges in his March 4th 2016 email that the issue was never raised with the North Vancouver RCMP detachment? Further, I am seeking confirmation as to the truthfulness of CAO Tollstam's March 8th 2016 letter in which he claims that: **"...the RCMP has advised us that it will not be investigating your claim..."**. What is the truth? Is it normal practice for the RCMP to issue its decisions regarding investigations through the office of the CAO of the City of North Vancouver?

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I am seeking an investigation to determine if there has been a breach of the law by the City, the Provincial Minister responsible, the RCMP, or any group of these entities together. The conduct and the resulting failure of a duty of care owed under the law to the candidates, to the electorate, and to me, by the City, the Ministry, and if notified the RCMP, for failing to act on an obvious breach of the law in a timely way deserves legal attention. The core of our democratic principals demands this matter be investigated and the perpetrators pursued and punished!

Under normal circumstances I would be content to leave this matter to the local RCMP detachment however, as you are both likely aware, I was compelled to raise a law suit against the RCMP on June 30th 2015, in respect of illegal and wrongful conduct on the part of the RCMP in relation to my daughter. The matter was eventually resolved with the RCMP issuing a formal apology to my daughter for having broken the law and violated her rights and privacy. The matter arose when Supt. Chris Kennedy himself refused to follow the law which eventually compelled us to pursue legal recourse in the BC Supreme Court to achieve successfully resolution of the issues. Given this event I am compelled to admit the untruthful conduct of the parties in respect of this complaint, based on history, could go either way.

I therefore ask that the matter be investigated at a higher level than the local RCMP detachment because quite frankly, I do not trust Supt. Kennedy to willingly follow the law and be balanced in his investigation. I am hopeful to receive a timely response from your offices that you will review and pursue this matter. I have raised a complaint on-line, as well as an FOI request for all the documents that exist in relation to this matter. Thank you.

Respectfully,

'Kerry Morris'

Kerry Morris

Cc Prime-minister Trudeau
Premier Christy Clark
Minister Peter Fassbender
Minister Coralee Oakes
City of North Vancouver Council
District of North Vancouver Council
CAO Mr. Kenneth Tollstam
Clerk Ms. Karla Graham
Supt. Chris Kennedy
Elections BC
Mr. E. Tanaka, CPABC