

Subject: RE: Agenda Item #9 - Bylaw 7555 Security Alarm Systems Bylaw

Date: Tue, 19 Jul 2005 09:52:01 -0700

From: "John Hunter" <hunterjohn@telus.net>

To: "James Ridge" <James_Ridge@dnv.org>, "Corrie Kost" <corrie@kost.ca>, "Ernie Crist" <ernie_crist@dnv.org>, "Mayor Harris" <Janice_Harris@dnv.org>, "Lisa Muri" <lisa_muri@dnv.org>, "Maureen McKeon Holmes" <Maureen_McKeonHolmes@dnv.org>, "Alan Nixon" <Alan_Nixon@dnv.org>, "Richard Walton" <richard_walton@dnv.org>, "Agnes Hilsen" <Agnes_Hilsen@dnv.org>, "Jim Cuthbert" <Jim_Cuthbert@dnv.org>, "Mayor and Council - DNV" <Council@dnv.org>

CC: "Council Remuneration" <wrtracey@telus.net>, "Brian Platts" <bplatts@shaw.ca>, "Cathy Adams" <cathyadams@canada.com>, "Eric Andersen" <eric_g_andersen@hotmail.com>, "Elizabeth James" <cagebc@yahoo.com>, "Pam Bookham" <bookham@shaw.ca>, "Peter Thompson" <bedeconsulting@shaw.ca>, "Chief Superintendent, RCMP" <gord.tomlinson@rcmp-grc.gc.ca>, "FONVCA" <fonvca@fonvca.org>

Yes, Mr. Ridge, I am aware of the history, but thanks for the note.

If you read my note of July 18 below, I pointed out that the proposed "4th reading" or adoption came with no prior notice other than the Council agenda. Like pesticides, this issue clearly affects a lot of DNV residents in a very personal and intrusive way – some 50% by Staff's numbers. And in an election year. I did not suggest that this issue was not in the public domain or that there had been no public input.

My point was that in such circumstances, a specific notice in the newspaper might have been warranted, not just the regular council agenda summary which few, I suspect, read. Council just conceded this in the pesticide case.

The other reason for more notice since the last exercise in May is to allow people to see what, if anything, had changed in the proposed bylaw since May. Also to have a chance to review and perhaps research any new report to council that accompanies the agenda item.

And by failing to give more notice, DNV did, as I understand the rules, foreclose the possibility of a citizen's (or any) delegation other than the one DNV arranged.

So I continue to suggest that a few weeks notice be given in a specific ad when items that could be expected to be controversial or affect a LARGE number of residents (in an unusual way – not for example annual taxes which are an every year event). Better to take some flak and get more input before a bylaw passes, than get unexpected consequences after it is passed.

For the reasons given by Peter, Corrie, and myself last night and in our various e-mails, I continue to see this as a somewhat bizarre bylaw, an obvious and large tax grab (deliberately or otherwise), and lacking logic. You can cut the number of freebie false alarms to zero a year and cover the claimed cost of the two police FTEs. Why not try a simple solution? And why not integrate the fire issue at the same time?

I remain unconvinced by the Staff report, which lacks sufficient analysis. The source of the problem is NOT identified.

-Are 80% of false our alarms caused by 20% of users – as several public sources on false alarms claim?

-Is it mainly non-residential as is apparently typical? (for our \$130 fine, many people will not both to fix it, especially those who can write off the fine, and especially with a freebie EVERY YEAR)

-Is it all alarm companies, or just a few, that cause the majority of the problem?

-Do non-monitored alarm systems cause false alarms (presumably not)? So why target them too?

-IN OTHER WORDS, WHAT IS THE CAUSE OF THE PROBLEM, AND WHO OR WHAT SHOULD WE TARGET? Or as proposed, do we need to take a big hammer to the guilty and the innocent?

-Why are you increasing the number of "freebies" and reducing the fines for at least the first four false alarms in the proposed bylaw? (Back May 11/05 report, Schedule A). Perhaps someone can explain the logic of this?

-Did Staff find out why the Vancouver system reduced alarms? Do we need this massive Vancouver style intrusion to get results, or just the mandatory first call to the alarm source instead of the first call to the police, as I understand anecdotally? In other words, can you cherry pick the Vancouver system and get big progress with a small hammer?

-Why are no serious alternatives presented for Council's consideration?

-Why is there not even a claim by Staff that this is the most cost effective solution? (for this you need a list of alternatives, consider them, do a pro/con – no evidence this was done)

Absent these answers, how can you justify collecting some \$400,000 from all alarm users and setting up a bureaucrat's delight to solve a \$90,000 net issue?

Go after the abusers!

I won't repeat the other problems from my earlier e-mail below, nor those flagged by Peter and Corrie.

In 2004, had we collected our \$130 fine from all false alarms, there would be more than an dollar offset to the wasted RCMP effort, and presumably a push on users to reduce false alarms, PARTICULARLY if you users with larger, and preferably graduated, fines. And hit non-residential harder if they are the problem.

Colour me unimpressed by the quality of the logic and research behind this proposed bylaw. Just because other towns use this approach does not mean we should adapt the entire thing without understanding the problem. Good policy starts with understanding the problem – and I see little evidence that we do.

To be clear, perhaps all this information is available to Council and it just was not in the May 2005 reports. In that case, I'd appreciate a copy as I am sure would others.

As always, open to being shown the error of my views.

John

-----Original Message-----

From: James Ridge [mailto:James_Ridge@dnv.org]

Sent: July 18, 2005 4:49 PM

To: John Hunter; Corrie Kost; Ernie Crist; Mayor Harris; Lisa Muri; Maureen McKeon Holmes; Alan Nixon; Richard Walton; Agnes Hilsen; Jim Cuthbert; Mayor and Council - DNV

Cc: Council Remuneration; Brian Platts; Cathy Adams; Eric Andersen; Elizabeth James; Pam Bookham; Peter Thompson; Chief Superintendent, RCMP; FONVCA

Subject: RE: Agenda Item #9 - Bylaw 7555 Security Alarm Systems Bylaw

Mr. Hunter,

My comments are limited to the process concerns you raise related to this by-law.

- Council first received a detailed briefing on this idea during a budget workshop in November of 2003, at which time Council generally endorsed moving to a permit based system.
- The general content of a proposed by-law was discussed and supported in April 2005 at the North Vancouver Police Management Committee made up of the two Mayors, a member of each of City and District Council (Coun Crist), and the two CAO's.
- The general concept of the by-law was approved by Council, in the public agenda, over two months ago on May 9th. Staff were instructed to prepare a bylaw for consideration. There was public input that evening about the proposed by-law.
- The by-law received first, second, and third readings on May 16th. There was public input that night as well.
- There was a third round of public input on May 30th resulting in a motion to defer adoption. It was deferred for one purpose only, to allow the RCMP to respond to Council regarding comments made by a member of the public during public input.
- The item will be available again for public input tonight before a decision on adoption.

In parallel the identical by-law went through a more abbreviated approval process in the City leading to adoption on May 26th.

In short, the key concepts contained in the by-law, including most of the issues you raise, have been in the public domain for discussion since May 9th and the full draft by-law has been available since at least May 15th. Including tonight, there have been four formal opportunities for public input in the ten week period since May 9th.

James Ridge

CAO

From: John Hunter [mailto:hunterjohn@telus.net]
Sent: Monday, July 18, 2005 12:08 PM
To: 'Corrie Kost'; Ernie Crist; Mayor Harris; Lisa Muri; Maureen McKeon Holmes; Alan Nixon; Richard Walton; Agnes Hilsen; Jim Cuthbert; Mayor and Council - DNV
Cc: James Ridge; Council Remuneration; 'Brian Platts'; 'Cathy Adams'; 'Eric Andersen'; 'Elizabeth James'; 'Pam Bookham'; 'Peter Thompson'; 'Chief Superintendent, RCMP'; Letters to the Editor NS Outlook; FONVCA
Subject: RE: Agenda Item #9 - Bylaw 7555 Security Alarm Systems Bylaw

Dear Council

Why are we again putting to Council an adoption (4th reading) proposal on too short a notice for citizen or Council reaction? Just like the Burrard Band and Pesticide proposals. When are Councillors going to turn to the Mayor and/or Mr. Ridge and say "enough"! Yes, this came up in May at Council, but not necessarily in final form.

Practically speaking, this agenda item tonight on short notice foreclosed any possibility of a citizens' delegation as about two weeks notice is needed for a delegation the clerk's office told me today. And other than the normal posting of the council agenda summary, there was no public notice of this. Yes, citizens should pay more attention, but there is a reality, and intrusive bylaws like this should get special handling – just as you decided on pesticides.

Why are we again looking at some form of costly bureaucracy and in effect punishing those who have alarm systems by hitting them with fees. First try the non-bylaw approach - cut the number of "freebie" false alarms to zero and warn of it in the papers. Perhaps increase the fine for a false alarm as a second and subsequent step.

I see no evidence that this system will solve the problem – it's main drive seems to be to collect money. It's second thrust is to deny protection to a homeowner who may well be doing his best to stop any false alarms. Give him the proper incentives through "no freebies" and larger fines for false alarms.

I note that you exclude from the bylaw RCMP alarms for victims of potential domestic abuse – presumably for the reason I give herein: you do not want to "punish" those trying to protect themselves, nor punish them for unfortunate acts (false alarms) if beyond their control.

I for one will object to any information on alarm systems being given out to DNV or anybody else. I would be astounded if this is legal under the new Privacy legislation - BC Hydro can't even give out metering info to the police to spot grow-ops I am told. Just picture what happens if that list gets into the wrong hands as so much credit card and other personal info has - it's a perfect list of what houses to hit - all those not on the list.

Have we a shred of evidence that this heavy handed bureaucratic approach works better than having a zero tolerance for false alarms and a heavier fine for false alarms? Mr. Back's claims on page 2, paragraph 2 of his May 2 memo offer no backup to his interpretation of the experience of others, no source of info to allow an independent check, and ZERO evidence for Council or the public to read and interpret themselves. He also offers not even a CLAIM, let alone evidence, that this bylaw is more cost effective than other approaches. When he states that Vancouver reduced false alarms substantially by a permitting system, we do not know what, if anything, else they did. And we sure don't have time to find out by tonight at 6 PM.

We apparently had 1250 false alarms we did not bill in 2004, nearly double the number we did bill (697)? Why? Perhaps the one freebie a year? That would have been \$162,500 in extra revenue to offset false alarm costs. That covers 71% of the extra costs claimed by Mr. Back to be caused by false alarms in the city PLUS DNV, so I suspect it covers more than 100% of the DNV share.

Why are we going backwards in the treatment of false alarms? Under the new bylaw, we will go back to allowing two false alarms EVERY YEAR for no penalty. The third is \$50. Four and more is \$100 (per incident I guess, it does not say). Today we are allowed one freebie per year, and then it's a fine of \$130.

On the one hand Supt. Tomlinson argues the reduction in allowed freebies does not work very well long term. So our response is increase the number of freebies and reduce the penalty? WHAT LOGIC IS THIS? Hopefully I am reading this wrong.

I assume staff has determined the additional charges that alarm companies will charge users for response to these new requirements? What is the amount, by company?

-This bylaw covers only police response WHY ARE WE NOT GETTING THE ANALOGOUS FIRE BYLAW AT THE SAME TIME? ARE WE GOING TO BE HIT WITH YET ANOTHER FEE FOR A SYSTEM THAT HAS BOTH FIRE AND POLICE ALARMS? So if I have a fire alarm, a hold-up alarm, and a break in alarm - all one system, do I get three fees and three registrations?

As for the bylaw itself, from the short time I have had to look at it:

-Is the statement in Supt. Tomlinson's letter of a higher "rate" of false alarms due to a higher percentage of false alarms, or growth in the number of alarm systems? That is, what is causing the problem? Is one alarm company the main offender, or is the problem widespread? No information. Is this a mallet to a mouse?

-Why on earth are we including alarms that are not monitored (it's caught as "Local Alarm System" under the definition of "Alarm System". Since these presumably cause few or no false alarms to police, what is your rationale to collect money from them?

-Why do you only allow electronic means for a Keyholder to verify if an alarm is real or not? My neighbour walks over to ensure all is OK if the fire alarm goes, for example.

-look at the lovely bureaucracy of 3.1 - can require one homeowner to have multiple registrations. Why are you charging me twice (apparently) because I have a Hold-up Alarm"?

-why are you forcing all our banks and other business with ATMs to register more than once? (3.3)

-How are you going to enforce this on those of us who install our own alarm systems, either personally, or a private electrician?

-Has anyone verified that the alarm companies can or have agreed to comply with 3.6(h)(iv)? If not, you can't get registered.

-What gives DNV the authority to require a Keyholder to take any actions in a certain time frame (4.3)? Thirty minutes is ridiculous anyway – by then a house has burned down or the contents are gone.

-How can a homeowner prove an act of God caused an alarm (5.3)?

-How many years will it take the new bureaucracy to process all this paper, AND REPROCESS SOME OF IT EVERY YEAR. Why not allow for paying a five year fee, vs. annually?

-How can a homeowner undertake 12.1 (c)? The reason the alarm is set is that we are AWAY. I cannot guarantee that my two Keyholders are not too, especially during the day. Similarly, the requirement in 12.3 in the last sentence may be impossible to fulfill.

-\$10,000 maximum seems a hideously high fine for EACH DAY that a problem continues in a case where people are trying to protect themselves. This bylaw has dozens of requirements that one could inadvertently violate.

-13.6 has DNV been assured that a FOI request for personal alarm data would fail?

-The penalty for a false hold-up alarm is relatively high. Should it not differentiate between an alarm triggered deliberately by stupidity, vs. a system problem or an honest belief that a break-in is underway (for example, the midnight bear we had at the back door, and the spaced out teenager we had on the back porch who was at the wrong house but trying to get in). (In both cases, we dealt with it). Why make a financially modest widow afraid to use her alarm?

-Has it been confirmed that all alarm companies in DNV are willing to live with this as opposed to saying to heck with it and walking away?

Let's use common sense and not bylaws for every problem we have. This bylaw is heavy duty bureaucracy, severe overkill, and of dubious justification when we have not tried the alternative (no freebies, larger fines for false alarms).

PS Read the Sun this morning page A11 on exactly this "bylawism" issue under "Soundoff".

John Hunter,

-----Original Message-----

From: Corrie Kost [mailto:corrie@kost.ca]

Sent: July 17, 2005 9:59 PM

To: Ernie Crist; Janice Harris; Lisa Muri; Maureen McKeon Holmes; Alan Nixon; Richard Walton; Agnes Hilsen; Jim Cuthbert; council@dnv.org

Cc: James Ridge DNV CAO; Bill Tracey; Brian Platts; Cathy Adams; Eric Andersen; john hunter; Elizabeth James; Pam Bookham; Peter Thompson; Chief Superintendent, RCMP

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Your Worship & Members of Council,

Attached is my presentation outlining the reasons why council should not adopt this bylaw and providing more reasonable alternatives.

Yours truly,

Corrie Kost