

Commentary: Developer lawsuit tries to silence residents (East Bay Times My Word)

By Mark Thomson and Tim Platt East Bay Times My Word

POSTED: 07/05/2016 03:00:00 PM PDT | UPDATED: 3 DAYS AGO

We are fortunate to live in a great region where natural beauty is abundant and outdoor recreation is readily accessible.

We can enjoy them every day because everyday citizens fight to keep them.

Attempts to stop people who live in our community from speaking out about what they consider to be unwise city actions -- such as converting a golf course designated as open space into houses -- can result in a knock on the door and being served with a lawsuit.

That knock on the door happened to Friends of Pine Meadow, who successfully blocked an attempt to change the Martinez general plan to allow 99 houses to be built on 26-acre Pine Meadow, a former golf course.



Golfers walk the course on the last day of operation at Pine Meadow Golf Course in Martinez Calif., on Sunday, April. 12, 2015. It is land that's been a battle between the Dean family, who own it and would like to build houses here, and a citizens' group which wants to preserve the course as "open space." Mount Diablo is seen in the distance. (Susan Tripp Pollard/Bay Area News Group)

Pine Meadow has been designated permanent open space/recreation for more than 40 years.

Yet the Martinez City Council approved the development plan with four votes (Mayor Rob Schroder, Anamarie Avila Farias, Mark Ross and Debbie McKillop), ignoring and dismissing without comment numerous concerns and objections of Martinez residents. Councilwoman Lara DeLaney voted no, stating we could do better. Many Martinez citizens agreed.

After Friends of Pine Meadow put feet to the pavement to collect 4,000 signatures to place the project's general plan change on the ballot with a hard-won referendum, the developer-owners DeNova Homes, Christine Dean and Civic Martinez LLC sued them.

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The successful referendum meant Martinez citizens would vote in November on whether Pine Meadow should remain designated permanent open space/recreation.

Just weeks before filing the lawsuit, the developer-owners convinced the mayor and City Council to rescind the vote, taking away the citizens' opportunity to have their say. The developer-owners promised a "better" development plan. Their "better" plan reduced the number of houses by one to 98 units.

The lawsuit is a clear SLAPP suit (Strategic Lawsuit Against Public Participation); its purpose is intimidation and harassment. According to Stu Flashman, Friends of Pine Meadow lawyer, "The entire purpose of this kind of suit is to punish people for participating in the political process With all the issues in this country that demand public involvement, lawsuits like this are the last thing we need."

Friends of Pine Meadow has filed an anti-SLAPP motion, asking the court to dismiss the lawsuit. Recognizing the intent of SLAPP suits to stifle free speech and curtail public participation in issues of vital importance, in 1992 California established a strong anti-SLAPP law to protect the public and allow prompt dismissal of such suits.

But the bigger question is whether we who live in the East Bay will let the threat of a lawsuit, even a frivolous one, keep us from speaking up for what we believe is right.

This SLAPP suit goes beyond the issue of advocating for open space and parks. It speaks to what affects us every day. The decisions of local lawmakers impact how we live and shape the character of our neighborhoods. We need to feel comfortable about telling them our opinions and beliefs.

Money and power often find ways to distort how government works, but they cannot be allowed to suppress our freedom of speech.

Speaking up is not just a basic right; it's our power. A SLAPP suit that stops anyone from speaking damages us all. We must stand up to attempts like this to silence us, to take away our best weapon in shaping our neighborhoods.

Free speech -- at government meetings, in the newspaper, on the streets -- is protected by our state and federal constitutions. Participate, speak up and let the people you elect know they are accountable.

Mark Thomson and Tim Platt are leaders for the Friends of Pine Meadow.