

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Nexus, a Minnesota non-profit corporation,

Type of Case: Other Civil
(Defamation)

Plaintiff,

Court File No.: 27-cv-09-11651

v.

Judge John Sommerville

Janette J. Swift,

AFFIDAVIT OF JANETTE J. SWIFT

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF MILLE LACS)

Janette J. Swift, first being duly sworn under oath, does state and allege as follows:

1. My name is Janette J. Swift. I am the Defendant in this lawsuit. I make this Affidavit based upon my own personal knowledge.

2. I have been actively involved as a leader of the Onamia Area Citizens for Responsible Growth (OACRG), a citizen-based group in Onamia, Minnesota, that has been vigorously opposing the establishment of a proposed sex offender treatment facility for juveniles to be located in Onamia. The proposed facility would be a relocation of an existing facility that is licensed by the Minnesota Department of Corrections for juveniles who have been adjudicated as having committed sexual crimes which have caused harm. The proposed relocated facility would be placed within newly established Onamia city boundaries on 38.81 acres annexed from Bradbury Township, where I live.

3. The proposed facility has been and remains a matter of public controversy since it was announced in the spring of 2007.

4. Onamia has been my home town for the past 29 years. I, as do many others in my community, believe that the proposed juvenile sex offender facility, owned by a private corporation, is absolutely unacceptable in a residential neighborhood, and its relocation to this area is detrimental to the best interests of the community. I have, therefore, attended many meetings of governmental bodies, including the Onamia City Council, Bradbury Township Board, and Mille Lacs County Board, and have expressed strong views on my own behalf, and on behalf of others, opposing the proposed juvenile sex offender facility.

5. Attached as Exhibit 1 is a true and correct copy of the minutes of the meeting of the Onamia City Council on May 9, 2007. Attached hereto as Exhibit 2 is a true and correct copy of the Petition regarding the proposed facility that was presented to the Onamia City Council at its May 9, 2007 meeting and to which Exhibit 1 makes reference. The Petition contains my signature.

6. Attached hereto as Exhibit 3 is a true and correct copy of the minutes of the meeting of the Onamia City Council on May 23, 2007 which note that “Ms. Swift expressed opinion that while she does see a need for the treatment, she just doesn’t want the facility right there.”

7. Attached hereto as Exhibit 4 is a true and correct copy of the minutes of a public meeting about the proposed facility on June 13, 2007

hosted by the Mayor of Onamia and all of the city trustees. The Minutes note that “J. J. Swift Lukens spoke in opposition to the annexation and acquisition of the land for the purpose of relocating MLA.”

8. After the June 13, 2007 meeting to annex the property on which the proposed facility would be located, there were many other governmental steps that needed to be taken before the facility could be constructed. These included Minnesota State Department of Boundaries adjustments finalization of the annexation (November 15, 2007), obtaining a tax abatement from the city of Onamia (November 14, 2007), tax abatement from Mille Lacs County (December 4, 2007), a re-zoning of the property by the City of Onamia (January 30, 2008), a closing on the Steve Bye/Onamia land deal (which had been extended until January 2008), a closing on the Onamia/Nexus purchase agreement for the property, changing city zoning ordinances and Nexus’ zoning classification to allow the sex offender institution into a residential (R-1 zoned) district, and changing ordinances to allow Nexus a Conditional Use Permit to house 94 convicted juvenile sex offenders. The Conditional Use Permit public hearing took place on April 30, 2008.

9. In my efforts opposing the proposed facility I have been making statements in an attempt to procure favorable governmental action to deny the permits or other requisite governmental approvals for the proposed facility. These efforts have ranged from attempting to prevent City annexation of the area where the facility is to be constructed to lobbying against property tax exemption and property tax abatement. Through telephone, letters, and emails

I have corresponded with my representatives: State Representative Sondra Erickson, State Senator Betsy Wergin, County Commissioner Roger Tellinghuisen, as well as contacted government offices such as the Mille Lacs County Auditor, Mille Lacs County Zoning, Minnesota Board of Boundary Adjustments, the Minnesota Attorney General, the Minnesota State Auditor, the Minnesota State Department of Revenue, etc. about the problems that would be posed by the proposed Offender Facility, should it be approved.

10. I have also been quoted in various news articles on the controversy:

- a. Attached hereto as Exhibit 5 is a true and correct copy of an article from the *Mille Lacs Messenger* newspaper, dated May 16, 2007, and titled “Bradbury Township neighborhood in a spin,” which relates some of my activity in opposition to the project and in which I am quoted.
- b. Attached hereto as Exhibit 6 is a true and correct copy of an article from the *Mille Lacs Messenger* newspaper, dated May 30, 2007, and titled “Nexus relocation under fire,” which relates some of my activity in opposition to the project and in which I am quoted.
- c. Attached hereto as Exhibit 7 is a true and correct copy of an article from the *Mille Lacs Messenger* newspaper, dated June 20, 2007, and titled “Annexation moves forward,” which relates

some of my activity in opposition to the project and in which I am quoted.

- d. Attached hereto as Exhibit 8 is a true and correct copy of an article from the *Mille Lacs Messenger* newspaper, dated August 29, 2007, and titled “Mille Lacs Academy plans take shape,” in which I am quoted at length.
- e. Attached hereto as Exhibit 9 is a true and correct copy of an article from the *Mille Lacs Messenger* newspaper, dated November 21, 2007, and titled “No common ground,” which relates some of my activity in opposition to the project and in which I am quoted.
- f. Attached hereto as Exhibit 10 is a true and correct copy of an article from the *Mille Lacs Messenger* newspaper, dated December 12, 2007, and titled “they asked for 10; they got 7 – County gives Nexus \$253,000 tax abatement,” which relates some of my activity in opposition to the project and in which I am quoted.
- g. Attached hereto as Exhibit 11 is a true and correct reprint of an article from the *Mille Lacs Messenger* newspaper website (www.millelacsmessage.com), dated January 31, 2008, noting my advocacy against the proposed facility at a meeting of the Onamia City Council (sitting as the Onamia Planning Commission).

h. Attached hereto as Exhibit 12 is a true and correct reprint of an article from the *Mille Lacs Messenger* newspaper website (www.millelacsmessage.com), dated February 20, 2008, noting my participation in a meeting about possible conditions that Nexus would need to meet if granted a conditional use permit.

i. Attached hereto as Exhibit 13 is a true and correct reprint of an article from the *Mille Lacs Messenger* newspaper website (www.millelacsmessage.com), dated March 6, 2008, noting my advocacy against the zoning treatment of the proposed facility and my concern about the death of a patient at a Nexus-owned treatment center in Iowa.

11. I have also written letters to the editor of the *Mille Lacs Messenger* newspaper in which I have expressed my opposition to the proposal and the reasons for that opposition as well as the opposition of others. Attached hereto as Exhibits 14, 15, 16, 17 and 18 are copies of my letters to the editor dated May 9, 2007, September 12, 2007, October 10, 2007, March 12, 2008, and December 31, 2008 respectively.

12. In order to advance the interests of Onamia Area Citizens for Responsible Growth before the governmental bodies, I have made many communications on a website and blog relating to the proposed sex offender facility. Included on my blog is a link to a YouTube video that I created after the Onamia City Council meeting on March 3, 2008 at which I had informed

the Council about the death of a youth that was under Nexus' care at a facility in Iowa. This video is described in paragraph VII of the Complaint. I also posted an obituary for the youth on my website, <http://millelacsnews.com/Obituaries.htm>, as alleged in paragraph VIII of the Complaint. I also wrote of Nexus getting away with murder on my blog, <http://bradburybuzzblogspot.com>, as alleged in paragraph XI of the Complaint.

13. I admit that I made all those statements. The reason I made those statements is in order to advance the interests of those who oppose the proposed sex offender facility and are seeking to procure favorable governmental action with respect to our position. I wanted to educate as many people as possible about our point of view and the facts behind Nexus and its operations so that others might join us in advocating for and procuring favorable governmental action with respect to our position.

14. It was also my hope that members of the Onamia City Council and the Mille Lacs County Commissioners would visit the website and blog in order to be educated about my and my fellow protesters' point of view about the proposed facility and be persuaded to reconsider the course of action that they were on and vote down the remaining prerequisites to building the facility.

15. I also posted information on my blog and website that contradict the Plaintiffs' published claims, Exhibit 19, that the juveniles at the existing

sex offender facility had not presented any public safety problem in the past. See Exhibits 20 and 21.

16. If governmental approval were not needed for various facets of the proposed sex offender facility, I would not have taken any of these positions or made any of these statements. All of the statements I have made, as ascribed to me in the lawsuit, are based upon my effort, along with those of others, to procure favorable governmental action to oppose the proposed sex offender facility.

The above is true and correct to the best of my knowledge.

Dated: July ____, 2009

By: _____
JANETTE J. SWIFT

Subscribed and sworn to before me

this ____ day of July, 2009.

Notary Public

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