



“When You Talk - We Listen!”



TOWN OF COLLINGWOOD

JUDICIAL INQUIRY

Before:

Associate Chief Justice Frank Marrocco

Held at:

Collingwood Town Hall

Council Chambers

97 Hurontario Street

Collingwood, Ontario

October 15th, 2019

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APPEARANCES

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George Marron) For Sandra Cooper
Frederick Chenoweth) For Edwin Houghton
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1 --- Upon commencing at 10:03 a.m.

2

3 THE HONOURABLE FRANK MARROCCO: So
4 before we -- before we before we start, Mr. Chenoweth,
5 you can lead Mr. Houghton's evidence. We'll follow
6 the same procedure we followed the last time and
7 otherwise generally keep the order of cross-
8 examination the same. You'll re-examine rather than
9 cross-examine, since you'll be leading evidence-in-
10 chief. Anyway, Commission counsel have one final right
11 of re-examination.

12 MR. FREDERICK CHENOWETH: I'm quite
13 content with that, Your Honour.

14 Just while we're dealing with other
15 matters, I have raised with Inquiry counsel the
16 prospect of calling an additional witness who is an
17 expert witness. I just mention that I'm hoping to
18 hear from Inquiry counsel today so I might make
19 arrangements to -- to get --

20 THE HONOURABLE FRANK MARROCCO: This
21 is --

22 MR. FREDERICK CHENOWETH: -- that
23 witness --

24 THE HONOURABLE FRANK MARROCCO: This
25 is John Scott, Mr. Chenoweth?

1 MR. FREDERICK CHENOWETH: Yes, sir, it
2 is.

3 THE HONOURABLE FRANK MARROCCO: You --
4 you can call him. I -- I think it's more efficient if
5 -- if you lead the evidence from him because we would
6 have to interview him and so on, and I don't want to -
7 - I don't want to delay matters. You've obviously --
8 you've obviously interviewed him --

9 MR. FREDERICK CHENOWETH: I have.

10 THE HONOURABLE FRANK MARROCCO: -- and
11 filed this report. So we'll -- we'll - we'll follow
12 procedure, the same procedure with your witness, Mr.
13 John Scott, as we're following with Mr. Houghton.

14 MR. FREDERICK CHENOWETH: I'm quite
15 content, Your Honour. Thank you.

16 MS. KATE MCGRANN: The next witness is
17 Marjory Leonard.

18

19 (BRIEF PAUSE)

20

21 MARJORY LEONARD, Sworn

22

23 EXAMINATION-IN-CHIEF BY MS. KATE MCGRANN:

24 MS. KATE MCGRANN: Good morning, Ms.

25 Leonard.

1 MS. MARJORY LEONARD: Good morning.

2 MS. KATE MCGRANN: To begin, would you
3 please provide us with a brief overview of your
4 education and work experience.

5 MS. MARJORY LEONARD: I have a
6 Bachelor's Degree of Administration from the
7 University of Ottawa, a Master's of Business
8 Administration from York University, I am a CPA/CMA,
9 and up until this year I also held a Certified
10 Financial Planner's designation -- or licence. I'm
11 getting ready to retire so I didn't renew

12 I worked for a chartered accounting
13 firm for twenty-seven and a half (27 1/2) years doing
14 compilations; review engagements; audits; a lot of
15 computer work; assisting clients with selections of
16 systems, and training people on those systems;
17 corporate, personal, and estate tax returns;
18 procedural reviews for clients to develop internal
19 controls; and I started at the Town in 2005 as the
20 Treasurer.

21 MS. KATE MCGRANN: With reference to
22 2012, which is the time frame that we're looking at,
23 would you provide us with an overview of your role and
24 responsibilities as Treasurer for the Town?

25 MS. MARJORY LEONARD: I was

1 responsible for the financial integrity of the
2 Corporation. I oversaw the budget process. Actually
3 I was very integral in the budget process at that
4 time. We were in the process of implementing a job
5 costing system, which I oversaw as well, the payables,
6 receivables, tax revenues, to a certain degree the
7 purchasing functions, day-to-day accounting.

8 MS. KATE MCGRANN: I'm going to ask
9 that you be shown in paragraph 15 of the Foundation
10 Document.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: Paragraph 15
15 describes the bylaw to provide for the purchasing of
16 goods and services that was in place in 2012 in
17 particular.

18 Did you receive any training on this
19 bylaw when it was introduced or -- or before 2012?

20 MS. MARJORY LEONARD: In -- one (1) of
21 the first tasks when I first started in 2005 was to
22 continue on with the preparation of the purchasing
23 bylaw that had been started by the -- the prior
24 treasurer, and that when we were ready to bring this
25 bylaw to Council, we had the lawyer that wrote the

1 bylaw come and provide direction to -- to Council and
2 department head staff at that time during a Council
3 meeting. So that would be the -- the training.

4 MS. KATE MCGRANN: In 2012, who did
5 you understand was responsible for overseeing the
6 administration of this bylaw?

7 MS. MARJORY LEONARD: In terms of this
8 bylaw, the -- I believe it was the Purchasing Manager
9 that was responsible for ensuring that the policies,
10 procedures, and bylaw were in -- in accordance with
11 the directives that were in that bylaw.

12 MS. KATE MCGRANN: And what was the
13 basis for that understanding?

14 MS. MARJORY LEONARD: I believe it --
15 for -- for me it was the definition of Purchasing
16 Manager.

17 MS. KATE MCGRANN: What definition are
18 you referring to?

19 MS. MARJORY LEONARD: If you turn to
20 the bylaw, there is a definition in there of
21 Purchasing Manager, which I believe, in terms of my
22 job description, I was to oversee the preparation of
23 the policies and the procedures and guidelines, and
24 monitor -- evaluate the systems itself and monitor the
25 procurement options. But I believe that from the

1 definition of the Purchasing Manager, to ensure that
2 these policies and guidelines were adhered to, became
3 the Purchasing Manager's responsibility.

4 MS. KATE MCGRANN: It's our
5 understanding that Mr. McNalty was -- held the
6 position of Manager, Fleet Facilities and Purchasing.

7 Is that the role that you're referring
8 to when you say the Purchasing Manager --

9 MS. MARJORY LEONARD: Yes.

10 MS. KATE MCGRANN: -- is responsible?

11 MS. MARJORY LEONARD: Yes. But if I
12 may add, up until the time we hired Mr. McNalty, the
13 department head would be assigned as the Purchasing
14 Manager.

15 MS. KATE MCGRANN: So the department
16 head in charge of the department --

17 MS. MARJORY LEONARD: Yes.

18 MS. KATE MCGRANN: -- that was making
19 the purchase?

20 MS. MARJORY LEONARD: Yes.

21 MS. KATE MCGRANN: Your understanding
22 that that -- that person was responsible for the
23 administration of the -- the purchasing bylaw with
24 respect to the purchases that they were making?

25 MS. MARJORY LEONARD: That's correct.

1 MS. KATE MCGRANN: And it's your
2 understanding that once Mr. McNalty was retained, he
3 then took over that responsibility?

4 MS. MARJORY LEONARD: That's correct.

5 MS. KATE MCGRANN: Did you ever refer
6 -- review Mr. McNalty's job description?

7 MS. MARJORY LEONARD: Unfortunately,
8 Purchasing never -- the Purchasing Manager never
9 reported to Treasury or Finance, so, no, I did not.

10 THE HONOURABLE FRANK MARROCCO: To who
11 -- to whom did the Purchasing Manager report?

12 MS. MARJORY LEONARD: Initially, I
13 believe he reported to the Executive Director of
14 Public Works, and at some point during Ms. Wingrove's
15 tenure, he reported to her.

16 THE HONOURABLE FRANK MARROCCO: Did
17 you find it odd that the Purchasing Manager wouldn't
18 report to the head of -- the head -- whatever the
19 title, but the head of Finance?

20 MS. MARJORY LEONARD: Yes.

21

22 CONTINUED BY MS. KATE MCGRANN:

23 MS. KATE MCGRANN: If we could scroll
24 down so you can see a little bit more of paragraph 15
25 here, first of all with perspective to subparagraph

1 (a).

2 This paragraph describes a provision in
3 the bylaw which says:

4 "Department heads shall ensure that
5 all provisions of the bylaw are
6 complied with."

7 Is that what you were referring to when
8 you said that prior to Mr. McNalty's taking on the
9 role -- department heads were in charge of ensuring
10 the bylaw was complied with?

11 MS. MARJORY LEONARD: Partly, but if
12 you do look at the definition section of Bylaw 2006-
13 42, it does say that in the absence of a Purchasing
14 Manager, the department head would fulfill that role
15 as well.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: Looking at
20 subparagraph (b), which describes a different
21 provision in the purchasing bylaw:

22 "Purchases over 50,000 shall be
23 obtained by tender."

24 Were you aware of that requirement in
25 2012?

1 MS. MARJORY LEONARD: Yes.

2 MS. KATE MCGRANN: What was your
3 understanding of the reason for that requirement?

4 MS. MARJORY LEONARD: It was to ensure
5 a -- a competitive process was undertaken for the
6 larger purchases that we made at the time, in terms of
7 vehicle purchases, sewer works, those types of things.

8 MS. KATE MCGRANN: And what was your
9 understanding as to why a competitive process was
10 required for -- for purchases along those lines or for
11 any purchases over fifty thousand dollars (\$50,000)?

12 MS. MARJORY LEONARD: To ensure the
13 best value for the taxpayer.

14 MS. KATE MCGRANN: Did you receive any
15 training prior to Council's decision to construct the
16 Sprung buildings on the competitive tender
17 requirements of the bylaw or the sole-source
18 provisions of the bylaw?

19 MS. MARJORY LEONARD: As I said, when
20 the lawyer that actually wrote the bylaw for us
21 presented to Council, that was the amount of training
22 that we were given on the bylaw itself.

23 MS. KATE MCGRANN: Okay. And within
24 that training, do you remember receiving any
25 information about the requirements to take purchases

1 over fifty thousand dollars (\$50,000) to tender or
2 where it was permissible for the Town's to proceed by
3 way of sole source?

4 MS. MARJORY LEONARD: There actually
5 was a section in that bylaw that -- that talks about
6 sole sourcing at that time. It was, in general -- and
7 I believe that the prior purchasing bylaw had also
8 used these two (2) dollar amounts. I can't -- again,
9 I -- I -- it's a long time ago for that, but I believe
10 that the fifty thousand (50,000) and the twenty-five
11 thousand dollars (\$25,000) were the same as they were
12 in the initial bylaw, before 2006.

13 MS. KATE MCGRANN: Did you receive any
14 training on where it was appropriate or allowable for
15 the Town to proceed by way of sole source?

16 MS. MARJORY LEONARD: The -- there --
17 as I say, there is a section in that bylaw that does
18 talk about the sole source when it's a unique product,
19 there's only one (1) known source, timeliness. In --
20 in general if -- if -- if I'm -- for instance, we have
21 a water plant that uses a patented technology called
22 ZeeWeed, and that decision was made in 2000 -- 19 --
23 the late 1990s, and we're tied to that type of
24 product to continue to update our water plant with.

25 So in situations like that, where

1 decisions have been made in the past that may affect
2 what we're going to do now, we can sole source some of
3 those types of things.

4 MS. KATE MCGRANN: Okay. I think
5 you've given me some information about your
6 understanding of when sole sourcing is appropriate.
7 I'm going to ask you a couple more questions about
8 that in just one (1) minute.

9 My question for you right now is: Did
10 you receive any training on the sole-source provisions
11 of the bylaw, any explanation as to when sole sourcing
12 would be appropriate?

13 MS. MARJORY LEONARD: I -- I believe
14 we did in 2006, but that's a long time ago now, so.

15 MS. KATE MCGRANN: I understand that
16 it was a long time ago.

17 Do you remember anything about the
18 training that you received on the sole-source
19 provisions of the bylaw?

20 MS. MARJORY LEONARD: I'd have to say
21 no.

22 MS. KATE MCGRANN: You've explained to
23 us that you understood in 2012 that Mr. McNalty in his
24 role of Manager of Fleet Facilities and Purchasing was
25 responsible for the administration of the purchasing

1 bylaw.

2 Did you understand that you had any
3 role with respect to the administration of the
4 purchasing bylaw?

5 MS. MARJORY LEONARD: It -- it would
6 have been in -- in the evaluation of it, finding -- if
7 there were any areas that needed to be tightened up,
8 those types of things, and to the extent that I could
9 monitor the activities of the departments in terms of
10 the purchasing, that was also my responsibility, and
11 the vast majority -- virtually all of the monitoring
12 occurred when I was signing cheques, because I -- it
13 was after the fact always.

14 MS. KATE MCGRANN: Okay. When you say
15 that you would monitor where possible and that your
16 monitoring was -- generally involved signing cheques,
17 can you explain to me what you -- what you mean by
18 "monitoring"?

19 MS. MARJORY LEONARD: In terms of --
20 when I would be signing the cheques I would find
21 instances where, for instance, a department head would
22 want to code half a tractor to this account because it
23 had budget and the other half of it to this account
24 because it had budget, which was a total step around
25 the intent of the purchasing bylaw itself. There were

1 other instances where -- actually there was a
2 discussion at department heads where we had uncovered
3 an -- an unforeseen expense. I think at that time it
4 was roughly thirty-two thousand dollars (\$32,000) and
5 I said, you mean I have to bring that back to Council,
6 because it was more than the twenty-five (25)? Those
7 types of things in terms of monitoring.

8 MS. KATE MCGRANN: Is it the case that
9 department heads were required to bring purchases to
10 you before a commitment to make the purchase had been
11 made?

12 MS. MARJORY LEONARD: No.

13 MS. KATE MCGRANN: Were there any
14 instances in which department heads were required to
15 bring purchases to you before the commitment to
16 purchase had been made?

17 MS. MARJORY LEONARD: No.

18 MS. KATE MCGRANN: With that
19 understanding then, it's unclear to me what monitoring
20 you could do other than ensuring that the accounting
21 for commitment to purchase had already been made were
22 -- were taken care of properly.

23 MS. MARJORY LEONARD: It -- it was
24 very difficult to monitor a situation where the person
25 that was in charge of the process didn't report to me.

1 In terms of the monitoring, as I say, I
2 will -- I -- I could only deal with it after the fact.
3 I couldn't be -- unless I knew about it, I couldn't be
4 proactive.

5 THE HONOURABLE FRANK MARROCCO: I -- I
6 take it you would have articulated this to people as -
7 - as time went on?

8 MS. MARJORY LEONARD: I -- I probably
9 most likely did, Your Honour. Maybe not --

10 THE HONOURABLE FRANK MARROCCO:
11 "Probably most likely did" sounds to me like you did
12 repeatedly.

13 MS. MARJORY LEONARD: Yes.

14 THE HONOURABLE FRANK MARROCCO: Thank
15 you.

16

17 CONTINUED BY MS. KATE MCGRANN

18 MS. KATE MCGRANN: Did you receive
19 responses to the concerns that you raised that
20 addressed your concerns?

21 MS. MARJORY LEONARD: I do remember
22 one (1) time I was invited to a meeting to discuss the
23 south servicing reservoir project. I hadn't been here
24 very long and one (1) of the provisions in the
25 contract that they wanted to sign had the third

1 parties that were front-ending the agreement having
2 final say over the construction and who was awarded
3 the tender. And I voiced at that meeting that that
4 was in contradiction of the bylaw itself and I never
5 got invited back.

6 MS. KATE MCGRANN: You said that
7 meeting took place shortly after you joined, so we're
8 looking shortly after 2005 or 2006?

9 MS. MARJORY LEONARD: Yes, I believe
10 it was -- it was shortly after this bylaw was passed,
11 so it would have been late 2006 or early 2007 when
12 they were getting ready to construct the reservoir for
13 South Servicing.

14 MS. KATE MCGRANN: Do you recall
15 raising any concerns about your ability to monitor, or
16 your lack of ability to monitor in the period between
17 2010 and August 2012?

18 MS. MARJORY LEONARD: For a great deal
19 of that time I was off sick for the better part of
20 sixteen (16) months, so the opportunity really did not
21 arise.

22 MS. KATE MCGRANN: I have a couple
23 more questions for you about people's roles with
24 respect to the administration of the -- the purchasing
25 bylaw.

1 And so I'd like to turn next to your
2 job description, which is at TOC600352.

3 This document is undated, but it has
4 been produced to the Inquiry as the job description
5 for the treasurer that was in effect in 2012. I'll
6 give you an opportunity to -- to scroll through this,
7 but my first question is: Had you seen this document
8 in 2012?

9 MS. MARJORY LEONARD: I -- I saw this
10 document when I was first hired in 2005 and we didn't
11 revise job descriptions until we went through the pay
12 equity, job equity, and compensation review, which
13 was, I believe, 2013.

14 So I did see it when I first started,
15 yes.

16 MS. KATE MCGRANN: Was this the kind
17 of document that was brought to your attention on a
18 regular basis as part of performance reviews or
19 otherwise?

20 MS. MARJORY LEONARD: No.

21 MS. KATE MCGRANN: If you go to page
22 2, I just want to bring your attention to paragraph 9.
23 This paragraph states that one of the responsibilities
24 of the treasurer is:

25 "To oversee the development and the

1 administration of the corporate
2 purchasing function, including
3 recommendation of purchasing
4 procedures and tendering processes,
5 evaluation and revision of same as
6 appropriate and monitoring the
7 implementation and administration of
8 purchasing policies."

9 What was your understanding of how this
10 aspect of your job description applied to you as in
11 2012?

12 MS. MARJORY LEONARD: Initially the --
13 the -- oversee the development and administration of
14 the corporate purchasing function, that part of it was
15 technically out of my hands because I didn't -- the
16 purchasing function didn't report to me.

17 In terms of what was produced when we
18 first approved the bylaw, the lawyer provided us with
19 a template, RFP, real property acquisition guideline,
20 unsolicited proposals guideline, and a large portion,
21 if not all, of the tendering procedures and other
22 guidelines were actually contained in that bylaw
23 itself at that time.

24 Evaluation and revision of those
25 processes, if I found them, and we actually -- there

1 was one (1) area that would have been updated. The
2 bylaw should have been looked at every five (5) years,
3 and -- and again I was not there.

4 But there was one (1) spot in that
5 bylaw that says it's -- it was talking about getting
6 quotes if available. And I can't remember if the
7 number was two (2) or three (3), but there is one (1)
8 part in there, and that was one (1) area that needed
9 to be revised.

10 In terms of monitoring the
11 implementation and administration of the purchasing
12 policies, again, the only type of monitoring that I
13 could do was when I was looking at the payments that
14 were going out and trying to -- to determine -- the
15 bylaw itself also said that you had to do purchase
16 orders.

17 That was something that was only really
18 followed by one (1) person in the organization. I
19 couldn't -- we provided them at that point in time it
20 was the old printed numbered purchase orders and
21 nobody would fill -- nobody would provide them back.

22 So in terms of did you get three (3)
23 quotes, I couldn't -- I couldn't tell. I could ask
24 and the answer would be "yes" or it would be "no," and
25 that was basically all I could really do.

1 THE HONOURABLE FRANK MARROCCO: But
2 that'd be -- you'd be asking after they'd made some
3 sort of commitment to the supplier. You really
4 wouldn't have much choice, except to pay the -- to pay
5 the bill even in the example you gave, the thirty-two
6 thousand dollars (\$32,000,) it -- Council doesn't
7 really have much choice, legally, the -- the liability
8 has been incurred by somebody who is capable of
9 incurring it. You've got to pay it.

10 MS. MARJORY LEONARD: Your Honour,
11 that's correct.

12

13 CONTINUED BY MS. KATE MCGRANN:

14 MS. KATE MCGRANN: Other than the
15 example that you gave us of the meeting that you
16 attended in 2000 -- late 2006, early 2007, where you
17 raised concerns about the purchasing bylaw and as a
18 result you felt you were not invited back to any other
19 meetings, can you tell us did you attempt to -- to
20 address the limitations you saw and your ability to
21 oversee the purchasing bylaw at any point before 2012?

22 MS. MARJORY LEONARD: I don't believe
23 so.

24 MS. KATE MCGRANN: Mr. McNalty came
25 and gave evidence before the Inquiry and his evidence

1 was that he understood that the treasurer and the CAO
2 were responsible for compliance with the purchasing
3 bylaw.

4 When Mr. McNalty was brought on in that
5 role of manager, fleet facilities and purchasing,
6 first of all it's my understanding that he was the
7 first person to -- to fill that role, that was a new
8 role that was introduced when he was hired.

9 Is that right?

10 MS. MARJORY LEONARD: That's correct.

11 MS. KATE MCGRANN: Were any steps
12 taken to introduce that role to staff, introduce
13 staff's functions as they interacted with that role
14 they had, can you tell us what -- what was done in
15 that respect to help people understand what he was to
16 do and how staff was to work with him?

17 MS. MARJORY LEONARD: I don't recall
18 if any of that was done. I don't recall.

19 MS. KATE MCGRANN: What is your
20 reaction to his evidence that he understood that the -
21 - the treasurer and the CAO were responsible for
22 compliance with the purchasing bylaw?

23 MS. MARJORY LEONARD: I again refer to
24 the -- the definition of the purchasing manager in
25 that bylaw. And I would say that he -- the purchasing

1 manager owned the process.

2 MS. KATE MCGRANN: I'm not going to
3 take you to the provision and ask you to interpret it.

4 To your knowledge, was anyone ever told
5 that Mr. McNalty was the purchasing manager as defined
6 in the bylaw?

7 MS. MARJORY LEONARD: I don't recall.

8 MS. KATE MCGRANN: I'll turn now from
9 general questions about the purchasing bylaw to a few
10 more questions about sole source procurements.

11 Prior to the recreation facilities,
12 what experience did you have with sole source
13 procurements?

14 You've already talked about the water
15 treatment plant and the -- the patent that applied to
16 purchases made there. More generally, what was your
17 understanding about when sole source procuring was --
18 was permissible?

19 MS. MARJORY LEONARD: My general
20 understanding was that, if it was the only product out
21 there known to -- to fulfill the need, if it was an
22 integral component of something that we already owned
23 and it might have, you know, did the warranty,
24 undermine the warranty that we would have had on other
25 parts of that facility item, whatever, that there was

1 a timed sensitive nature to it, for instance, the --
2 the ZeeWeed membranes.

3 We would have to keep the water plant
4 up and running. And I think that sums up.

5 MS. KATE MCGRANN: With respect to the
6 notion that if there was a time sensitive aspect to
7 the -- to the purchase, you mentioned the ZeeWeed
8 membrane; that's for water purification for the Town.

9 That suggests to me as sort of an
10 emergency situation. We need to provide the Town with
11 clean drinking water. When you talk about time
12 sensitivity coming into play and looking at a sole
13 source procurement, what do you mean by, "time
14 sensitivity?"

15 MS. MARJORY LEONARD: It would be
16 something -- just, for instance, a part to the HVAC
17 system that we had here that, again, you -- you could
18 last a couple of days without heat, but, you know,
19 it'd be nice to have the heat in the winter, those
20 types of things.

21 MS. KATE MCGRANN: Prior to the Town's
22 decision to proceed with the Sprung structures in
23 August of 2012, had you been consulted on whether the
24 Town could proceed by way of sole source for a
25 purchase?

1 MS. MARJORY LEONARD: No.

2

3 (BRIEF PAUSE)

4

5 MS. KATE MCGRANN: Do you have any --
6 did you have any experience with construction projects
7 in 2012?

8 MS. MARJORY LEONARD: No.

9 MS. KATE MCGRANN: Did you have any
10 involvement in construction projects undertaken by the
11 Town in your role as treasurer?

12 MS. MARJORY LEONARD: No.

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: I'm going to ask
17 you some specific questions and take you to a series
18 of documents and things like that that speak to your
19 involvement in drafting the staff report for the
20 August 27th Council meeting.

21 Just generally, can you recall when you
22 got involved in working on the question of what the
23 Town would build in terms of recreation facilities?

24 MS. MARJORY LEONARD: It -- it was --
25 it was basically the direction from the CAO at one (1)

1 of our, well, EMC meetings to -- to write the staff
2 report.

3 MS. KATE MCGRANN: Okay. So, we're
4 looking at the -- generally, sort of the -- the summer
5 of 2012?

6 MS. MARJORY LEONARD: Yes.

7 MS. KATE MCGRANN: When did you first
8 learn that Green Leaf Distribution was involved in
9 conversations with the Town about the Town's
10 recreation facilities?

11 MS. MARJORY LEONARD: When I read the
12 Foundation Documents.

13 MS. KATE MCGRANN: You were aware of
14 Green Leaf Distribution as a company in 2012?

15 MS. MARJORY LEONARD: No, I was not.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: I'm going to turn
20 now to some questions about Ms. Wingrove and, in
21 particular, her termination in April 2012, and then
22 the subsequent formation of the executive management
23 committee.

24

25 THE HONOURABLE FRANK MARROCCO: Just

1 before you do that, were you given a reason why you --
2 you were tasked with this staff report?

3 MS. MARJORY LEONARD: The reason it --
4 it was -- like, Ed told me that Marta was too close to
5 the Central Park steering committee and that she was
6 going to be on vacation for a lot of the time, and it
7 was just another duty as assigned.

8 THE HONOURABLE FRANK MARROCCO: Okay.

9

10 CONTINUED BY MS. KATE MCGRANN:

11 MS. KATE MCGRANN: What did you
12 understand Mr. Houghton to mean when he told you that
13 Ms. Proctor was "too close"?

14 MS. MARJORY LEONARD: I -- I just took
15 it to mean that she was very involved with the
16 steering committee and -- and carrying on with their
17 vision.

18 MS. KATE MCGRANN: Why did you
19 understand that would mean that she wouldn't be able
20 to write the staff report?

21 MS. MARJORY LEONARD: That, and the
22 fact that she was going to be on vacation for a good
23 portion of the length of time that we actually did
24 have. The -- the -- to me, when he -- he said that
25 she was too close to the steering committee meant that

1 she may not be able to switch her focus to an
2 alternative.

3 MS. KATE MCGRANN: Did you have any
4 conversations with Mr. Houghton about what he meant by
5 that statement at that time or afterwards?

6 MS. MARJORY LEONARD: No.

7 MS. KATE MCGRANN: Did you have any
8 discussions with Ms. Proctor about Mr. Houghton's
9 expressed view that she was too close to the steering
10 committee?

11 MS. MARJORY LEONARD: I believe I
12 mentioned it to her.

13 MS. KATE MCGRANN: Can you tell us
14 what you remember about that conversation?

15 MS. MARJORY LEONARD: I -- I believe
16 it was just basically that he told me that she was too
17 close to it and it was, you know, assigned to me.

18 MS. KATE MCGRANN: Did it make sense
19 to you that you were assigned to write that staff
20 report at the time?

21 MS. MARJORY LEONARD: No.

22 MS. KATE MCGRANN: Did you have any
23 conversations with anyone about that?

24 MS. MARJORY LEONARD: No.

25 MS. KATE MCGRANN: Why not?

1 MS. MARJORY LEONARD: It was an --
2 just another task assigned and other duties as
3 assigned, so I accepted the task and attempted to
4 write the staff report.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: Can we look at
9 paragraph 89 of the Foundation Document?

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: So, I just bring
14 you to this paragraph to establish ourselves in space
15 in time here. This paragraph says that:

16 "On April 2nd, 2012, Council moved
17 into closed session and considered a
18 CAO performance review. CAO
19 Wingrove was given notice of
20 termination the next day."

21 Ms. Almas has appeared before the
22 Inquiry and given evidence that she was concerned for
23 her job after CAO Wingrove's termination. Ms. Proctor
24 has also given evidence to the Inquiry that she and
25 people around her were worried about their jobs after

1 this termination.

2 Did this termination affect how you
3 went about the work that you were doing for the Town?

4 MS. MARJORY LEONARD: I performed my
5 duties as I always would. However, it was always in
6 the back of my mind that it could happen to any one
7 (1) of us.

8 MS. KATE MCGRANN: When you say it was
9 always in the back of your mind, do you mean that
10 that's a thought that you had had since you joined the
11 Town as treasurer in 2005, or is that a thought that
12 entered your mind at a later time?

13 MS. MARJORY LEONARD: It entered it at
14 a later time.

15 MS. KATE MCGRANN: Okay. When did you
16 start having that thought in the back of your mind?

17 MS. MARJORY LEONARD: When they --
18 they did dismiss the CAO at the time.

19 MS. KATE MCGRANN: I understand that
20 you said that you went about your -- your duties as
21 always, but this was something that was in the back of
22 your mind.

23 Did you -- did you hold back from
24 raising concerns or comments at any point in time as a
25 result of the fact that this thought was in your mind?

1 MS. MARJORY LEONARD: I may have.

2 Yes.

3 MS. KATE MCGRANN: Speaking generally,
4 can you think of any other ways that -- I mean, this
5 concern effected the way that you went about doing
6 your job?

7 MS. MARJORY LEONARD: No.

8 MS. KATE MCGRANN: In terms of -- in
9 terms of you maybe not voicing concerns or comments
10 that you would have otherwise voiced, are there any
11 comments or concerns that you would have voiced in
12 respect of the Town's decision to proceed with Sprung
13 Structures, but for your concern?

14 MS. MARJORY LEONARD: I -- I would
15 have requested more time to deal with the information
16 that was being collected.

17 I could not see the urgency to get this
18 done in -- in a month, five (5) weeks. There was a
19 lot of information there. I didn't have the time to
20 vet the numbers that I did receive when I -- when I
21 received them. So I would have, you know, the time
22 constraint was just un -- unbelievable.

23 MS. KATE MCGRANN: Other than voicing
24 concerns about the time constraints and asking for
25 more time, anything else that you would have raised

1 otherwise, had this concern not been in your mind?

2 MS. MARJORY LEONARD: I -- I don't
3 know. I can't recall right at the moment for that,
4 but --

5 MS. KATE MCGRANN: You said that you
6 didn't understand the urgency with respect to the --
7 the staff report and the timeline that you'd been
8 given.

9 Did you understand that there was an
10 urgency there though?

11 MS. MARJORY LEONARD: With the -- the
12 pressure to get it done, yes.

13 MS. KATE MCGRANN: Where was the
14 pressure to get it done coming from?

15 MS. MARJORY LEONARD: Mostly from the
16 CAO.

17 MS. KATE MCGRANN: How was that
18 pressure communicated to you?

19 MS. MARJORY LEONARD: Virtually at
20 every executive management committee meeting we would
21 discuss something of that, and it would be -- you
22 know, it -- do you have a draft ready yet or that type
23 of thing.

24 MS. KATE MCGRANN: Other than the
25 communications at the EMC meetings, was the pressure

1 communicated to you in any other way?

2 MS. MARJORY LEONARD: When -- when I
3 was asked to send a copy of the staff report to the
4 deputy mayor, yes, then it was a little pressure then
5 because it was just a very rough draft that I had
6 provided to Ed at that point in time. So, the
7 pressure was on for that.

8 MS. KATE MCGRANN: Okay. And we'll
9 have some questions about the draft version and the
10 request that you -- that you pass it on to the deputy
11 mayor and things like that in a bit.

12 For now I just want to understand, at a
13 high level, where you felt the pressure coming from
14 other than the EMC meetings, the request that you send
15 your early draft to the deputy mayor, any other ways
16 that you recall feeling pressure communicated to you
17 with respect to the staff report from the CAO?

18 MS. MARJORY LEONARD: That the dead --
19 the deadline date was we had to have it ready for --
20 for distribution to Council for the 23rd, I believe,
21 the agendas went out on the Thursday. And also, I was
22 getting ready to start the budget process at that
23 point in time, so there was pressure coming from all
24 sides at that time.

25 MS. KATE MCGRANN: Okay, so your --

1 your other job responsibilities were --

2 MS. MARJORY LEONARD: Trying to
3 interfere, yes.

4 MS. KATE MCGRANN: Other than from the
5 CAO, did you feel pressure coming from anybody else
6 with respect to the staff report?

7 MS. MARJORY LEONARD: Not that I can
8 recall.

9 MS. KATE MCGRANN: I want to ask you
10 some questions about the Executive Management
11 Committee, which is referred to in the Foundation
12 Document as the EMC.

13 First of all, what was your reaction to
14 the appointment of Mr. Houghton as acting CAO for the
15 Town?

16 MS. MARJORY LEONARD: I -- I was a
17 little surprised. He had -- he was the CEO of the
18 hydro company, the water company, and the executive
19 director of public works. It would have seemed a
20 little stretched to make him the -- to make him CAO as
21 well.

22 MS. KATE MCGRANN: Other than being
23 surprised because of his already heavy workload, any
24 other reaction to his appointment as acting CAO?

25 MS. MARJORY LEONARD: Not that I can

1 recall.

2 MS. KATE MCGRANN: Were staff given
3 any information about how long Mr. Houghton was
4 expected to serve in the role of acting CAO when he
5 was appointed?

6 MS. MARJORY LEONARD: I don't recall
7 any.

8 MS. KATE MCGRANN: We see that in and
9 around the time that Mr. Houghton is appointed as
10 acting CAO, the Executive Management Committee is
11 formed. How did you come to be a member of that
12 committee?

13 MS. MARJORY LEONARD: Mr. Houghton
14 asked me.

15 MS. KATE MCGRANN: Did he explain to
16 you what your role in the committee would be when he
17 asked you to join?

18 MS. MARJORY LEONARD: As an advisory -
19 - member of an advisory team to the CAO.

20 MS. KATE MCGRANN: Did you understand
21 that you had a specific role or specific
22 responsibilities on the EMC?

23 MS. MARJORY LEONARD: Just to assist
24 Mr. Houghton in carrying out those duties. When we
25 look at it, Ms. Almas and I were the two (2) signing

1 officers for the corporation, so it kind of made sense
2 that perhaps we should sit at that committee level.

3 THE HONOURABLE FRANK MARROCCO: This
4 was an advisory role though, not a decision-making
5 role, as far as you understood?

6 MS. MARJORY LEONARD: That's correct,
7 Your Honour.

8

9 CONTINUED BY MS. KATE MCGRANN:

10 MS. KATE MCGRANN: Can you explain to
11 us how the EMC functioned? How did it go about
12 performing its advisory role?

13 MS. MARJORY LEONARD: We would have
14 meetings, in the beginning it wasn't too often, but
15 then it became more formalized and definitely on a
16 weekly basis, and that items would be discussed and we
17 would have a -- a consensus on the outcome of the
18 direction.

19 MS. KATE MCGRANN: Who identified the
20 items for discussion at the EMC meetings?

21 MS. MARJORY LEONARD: It could have
22 been any one (1) of us, if something that came up.
23 For instance, our HR manager, in -- in terms of I
24 mentioned the compensation review, pay equity review,
25 and job equity review. She brought those to me, I

1 raised them at the EMC and we were able to follow
2 through on -- on those items.

3 MS. KATE MCGRANN: So the EMC was
4 implemented as a -- a group to -- to act as an
5 advisory committee to the CAO.

6 In practice, did your role involve more
7 than simply providing advice or you taking on
8 additional tasks? Were you acting as an interface
9 between the CAO and staff, for example?

10 MS. MARJORY LEONARD: In -- in certain
11 instances, yes.

12 In terms of taking on other tasks, with
13 -- with the termination of CAO Wingrove, she had
14 several items that were open and on the go that we
15 would pick up and -- and see through to the end.

16 MS. KATE MCGRANN: How was
17 responsibility for those items assigned?

18 MS. MARJORY LEONARD: It would be
19 raised at the committee and -- in terms of the ones
20 that -- that I got because I remember them, it would
21 be, you know, yeah, I'll take -- I'll clean that one
22 (1) up or I'll finish that one (1) or -- or that type
23 of thing.

24 MS. KATE MCGRANN: Okay, so members of
25 the committee would volunteer to take on certain

1 responsibilities that needed to be addressed?

2 MS. MARJORY LEONARD: Yes.

3 MS. KATE MCGRANN: You mentioned that
4 the EMC operated, on a consensus basis, what do you
5 mean by that?

6 MS. MARJORY LEONARD: That all four
7 (4) of us would -- would agree, you were free to voice
8 your opposition and if the rationale was there, you
9 could change your mind or that type of thing.

10 But it was a -- normally a -- a
11 consensus agreement. However, the CAO did have -- did
12 hold the -- the cards in the game. He had the right
13 to veto or assign tasks in any way.

14 MS. KATE MCGRANN: Okay. In the
15 group, how would you know when consensus had been
16 reached?

17 MS. MARJORY LEONARD: It was usually
18 the CAO that would restate what had been said around
19 the table and everybody would agree.

20 MS. KATE MCGRANN: Okay. Ms. Almas,
21 when she appeared before the Inquiry, gave evidence
22 that the EMC operated on a no-objection basis. Is
23 that --

24 MS. MARJORY LEONARD: Yeah, on -- no
25 objection. I tended to -- I tended to be a little

1 more outspoken, but if the rationale was there, I
2 could be -- not persuaded, but I could have my mind
3 changed, I could change my mind if I saw the rationale
4 from the other members of the committee.

5 MS. KATE MCGRANN: Okay. In your --
6 in your experience on the EMC, were you also capable
7 of changing the minds of the other members?

8 MS. MARJORY LEONARD: I -- I can't
9 think of an instance when that happened, but I'm sure
10 that I -- if the opportunity was there, if the
11 rationale could be provided to persuade or change the
12 direction of the action.

13 MS. KATE MCGRANN: I'm going to turn
14 now to --

15 THE HONOURABLE FRANK MARROCCO: Just
16 before you do that. I'm just a little bit -- I'd like
17 a little bit of a clarification.

18 The consensus was -- was it a consensus
19 around the advice that you were giving the CAO, or was
20 it a -- a decision to do something?

21 MS. MARJORY LEONARD: It was -- it --
22 technically it was both. There was certain instances
23 where that -- the advice to the CAO was what we all
24 agreed on and in terms of his -- as I mentioned, about
25 the HR manager's request, that was a decision that we

1 all came to that we -- we all agreed that, yes, we
2 need to get on with this.

3 THE HONOURABLE FRANK MARROCCO: And
4 the -- the difficulty I'm having is it's very easy to
5 go from this consensus arrangement to a -- an
6 arrangement where you were actually making a decision
7 and -- which has the force and effect of a decision
8 that was being made by the CAO, in which case the
9 responsibilities of the CAO have been divested upon or
10 distributed to the committee versus a situation where
11 you're saying, look, our advice is that you should do
12 this. So to my mind they're different.

13 MS. MARJORY LEONARD: To -- to you,
14 Your Honour.

15 I agree with you in that case, in --
16 and I'm just -- it -- it was I guess in terms of the
17 HR manager, that was my advice to him, is that we
18 should go ahead with this, and the decision ultimately
19 would have been his, "yes" or "no."

20 But the other two (2) members of the
21 committee we all agreed on it, so I -- I don't know if
22 I've answered you, sir.

23 THE HONOURABLE FRANK MARROCCO: Well
24 enough.

25

1 CONTINUED BY MS. KATE MCGRANN:

2 MS. KATE MCGRANN: You had indicated a
3 little bit earlier this morning that any member of the
4 EMC could -- could bring up an issue for the EMC to
5 deal with.

6 You're there as an advisory committee.
7 Is it the case that Mr. Houghton came to you with
8 questions upon which he was seeking advice?

9 MS. MARJORY LEONARD: I -- I would say
10 yes. But at that -- at that time there were several
11 things that we were looking at, like the items that
12 had to be cleared up after Ms. Wingrove's departure.

13 Again, I'm getting ready for the budget
14 and there are other things that were going on, the
15 lottery, Ontario Lottery and Gaming and in general
16 those types of things.

17 So he would come and -- and present
18 issues or -- or items that he wanted us to look at or
19 discuss.

20 And again, we -- if there was something
21 that -- because of the diversity of his whole
22 portfolio, there were things that would come to Sara
23 or myself or -- or Larry that would be brought up at
24 the meeting, as well.

25 MS. KATE MCGRANN: Can we turn up

1 paragraph 129 of the Foundation Document?

2

3

(BRIEF PAUSE)

4

5

MS. KATE MCGRANN: I'm going to turn
6 to some more specific questions about your involvement
7 in things leading towards the staff report August
8 27th, 2012.

9

This paragraph describes an email that
10 Mr. Houghton sent to Council and department heads
11 about a strategic planning session that was scheduled
12 for June 11th, 2012.

13

If we could scroll down. In his email,
14 Mr. Houghton writes that he would start the scu --
15 session by -- scroll up a little bit -- explaining the
16 workshops, goals, and objectives, Ms. Proctor would
17 provide a detailed summary of the work completed to
18 date and that you would provide a very brief look at
19 funding options which will include money already
20 identified, the money from the Collus PowerStream
21 partnership, funding opportunities, and debenture
22 costs.

23

So, turn to that paragraph for context.
24 Do you remember this strategic planning session taking
25 place?

1 MS. MARJORY LEONARD: I don't have a
2 clear memory of the planning session itself.

3 MS. KATE MCGRANN: Stepping back then
4 for a second. At this point in time, the Collus share
5 sale has not yet been -- has not closed yet, but
6 information about that share sale is available.

7 What did you understand your role was
8 going to be regarding the administration of the Collus
9 share sale proceeds?

10 MS. MARJORY LEONARD: Council had
11 pledged or promised or directed that there be a public
12 consultation in terms of where these funds would be
13 spent or utilized.

14 That's what my -- my understanding was,
15 that we would be having either a survey or several,
16 you know, roundtable public meetings in order for the
17 -- the public to get their ideas on the table.

18 MS. KATE MCGRANN: Do you remember if
19 at this point in time, so June of 2012, if you had
20 been consulted about how the funds should be used?

21 MS. MARJORY LEONARD: No.

22 MS. KATE MCGRANN: We see that you are
23 going to provide a brief look at funding options,
24 including money from Collus PowerStream.

25 Do you recall whose idea it was that

1 information about the Collus PowerStream funds be
2 included in an information session or a strategic
3 planning session about the recreation facilities?

4 MS. MARJORY LEONARD: No.

5 MS. KATE MCGRANN: Do you remember
6 whether it was your idea?

7 MS. MARJORY LEONARD: No, I do not.

8

9 (BRIEF PAUSE)

10

11 MS. KATE MCGRANN: Were you ever asked
12 before Council made a decision about how it was going
13 to use the funds to provide advice or opinions or
14 recommendations about the best use of those funds for
15 the Town?

16 MS. MARJORY LEONARD: In terms of the
17 best use of those funds for the Town, no. I was asked
18 to review the -- the survey results that we did do,
19 place those in front of Council and do an analysis of
20 some of the options that we had initially put out
21 there.

22 And I -- as a staff person, I would not
23 recommend to Council what the use of those funds would
24 be. It would be up to Council to determine which of
25 the options they -- they wanted.

1 MS. KATE MCGRANN: We saw in part 1 of
2 the Inquiry which looked at the process leading to the
3 sale of the Town's shares in Collus that Council voted
4 to enter into a strategic partnership that
5 contemplated joint growth through the acquisition of
6 interests in other LDC companies.

7 Were you ever asked to consider the
8 financial implications of participating in that growth
9 for the Town?

10 MS. MARJORY LEONARD: No, I was not.

11 MS. KATE MCGRANN: If we turn back to
12 the -- the email on the screen, come back to the --
13 the June 11th strategic planning session, Mr.
14 Houghton's email indicated that you would provide:

15 "...a brief look at funding options,
16 including funding opportunities and
17 debenture costs."

18 Do you remember doing any work in
19 advance of the June 11th strategic planning meeting to
20 identify potential funding opportunities for the
21 Town's recreation facilities?

22 MS. MARJORY LEONARD: I do recall
23 doing some debenture costing and calculations for Ms.
24 Proctor when we were dealing with the steering
25 committee's report.

1 At that time, I don't believe there
2 were any funding opportunities for MURFs out there, so
3 it would mostly have been the debenture costing.

4 MS. KATE MCGRANN: Okay. And just for
5 context, this is a strategic planning session in which
6 Council are asked to voice ideas other than a multi-
7 use recreational facility for the Town.

8 Do you recall if you or anybody else
9 looked at potential funding opportunities for
10 recreation facilities more generally in advance of
11 this session?

12 MS. MARJORY LEONARD: I did not.

13 MS. KATE MCGRANN: Were you -- to your
14 knowledge, did anybody else?

15 MS. MARJORY LEONARD: Not to my
16 knowledge. But I would assume that Ms. Proctor had
17 looked at the funding options since she had been
18 involved in that -- the steering committee. And if
19 there were any out there, they would have -- if it was
20 recreation facilities, would have been applicable to
21 the ones that Council alternatively might want to
22 build.

23 MS. KATE MCGRANN: And do you recall
24 having any discussions with Ms. Proctor before this
25 session or at all before August 27th about potential

1 funding opportunities for the Town's recreation
2 facilities?

3 MS. MARJORY LEONARD: No, I do not.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: Do you recall
8 attending the strategic planning session?

9 MS. MARJORY LEONARD: No, I don't.

10 MS. KATE MCGRANN: If we could look at
11 paragraph 142 of the Foundation Document.

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: This paragraph
16 reproduces a portion of the minutes from the strategic
17 planning session. And if you look at the second
18 sentence, it says that...

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: Scroll down to 143
23 for a second. There we go. Sorry about that, Ms.
24 Leonard. This paragraph reproduces a portion of the
25 minutes from the June 11th strategic planning session.

1 And, in particular, I would like to
2 look at the last paragraph in the block quote there.
3 Scroll down, please.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: You'll see it says:
8 "Acting CAO, Ed Houghton, provided a
9 brief summary and discussion on next
10 steps. Staff will prepare options
11 based on the discussion for a
12 consideration at a future Council
13 meeting."

14 Did you have any roll in preparing
15 options arising out of the discussion of the strategic
16 planning session?

17

18 (BRIEF PAUSE)

19

20 MS. MARJORY LEONARD: Not -- not until
21 I -- I was tasked with the staff report.

22 MS. KATE MCGRANN: We see the -- the
23 notion that staff will bring a report back to Council,
24 come up at the July 16th, 2012 Council meeting. And
25 I'll get to some questions about that shortly.

1 Did you have any involvement in -- in
2 ta -- in moving from the strategic planning session to
3 what was presented to Council at the July 16th, 2012,
4 Council meeting?

5 MS. MARJORY LEONARD: I don't recall,
6 but I -- I would assume that I had some input into it.
7 I just don't recall.

8

9 (BRIEF PAUSE)

10

11 MS. KATE MCGRANN: Do you recall who
12 was responsible for overseeing the work that staff was
13 going to do coming out of the strategic planning
14 session?

15 MS. MARJORY LEONARD: I believed it
16 was the CAO.

17 MS. KATE MCGRANN: What was the basis
18 for that belief?

19 MS. MARJORY LEONARD: The strategic
20 planning sessions that I had -- we had had in the past
21 were led by the CAO, so I -- assumed the same
22 procedure would be here.

23

24 (BRIEF PAUSE)

25

1 MS. KATE MCGRANN: If we could look at
2 paragraph 204, the Foundation document. Scroll up to
3 paragraph 203, please. This paragraph describes that:

4 "Sprung provided a tac -- package to
5 the Town of Collingwood which
6 included a letter from Dave MacNeil
7 dated July 10th, 2012."

8 I'll pull up the document for you to
9 review if it would be of assistance. Do you recall
10 seeing this package? It's at TOC512701.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: And if you could
15 scroll down. I'll give you a second to -- to take a
16 look at that letter.

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: You can let us know
21 when you ready for it to be scrolled down. Have you
22 seen this letter before?

23 MS. MARJORY LEONARD: Yes, I have.

24 MS. KATE MCGRANN: Okay. Do you
25 remember if you saw it in the summer of 2012?

1 MS. MARJORY LEONARD: I believe I did
2 see it in the summer of 2012. And I believe it's in a
3 package of information that Dave McNalty provided to
4 me. And I don't recall if it was prior to or
5 subsequent to the staff report.

6 MS. KATE MCGRANN: Okay. So, that --
7 that was going to be my next question. If we can
8 scroll down, I think that there's an index below this
9 letter.

10 The index lists what is included in the
11 package. My question is: Do you remember if this
12 package was available to you when you were drafting
13 the staff report?

14 MS. MARJORY LEONARD: Not the whole
15 package, I don't believe. There were certain
16 components that I did have access to. If you were to
17 look at the Kearns pool project, for one, I had those
18 pictures, the Edge School, those pictures.

19 I did have a copy, or I remember seeing
20 anyway the -- the letter from Hockey Canada. And I
21 believe we did actually have a smaller version or a
22 unbound version of the presentation.

23 MS. KATE MCGRANN: Scroll down,
24 please. With respect to the Kearns pool project, you
25 said you had pictures.

1 Do you remember receiving any other
2 information about that project before finalizing the
3 staff report?

4 MS. MARJORY LEONARD: Not that I
5 recall.

6 MS. KATE MCGRANN: And with respect to
7 the Edge School, you said that you had pictures of
8 that facility.

9 Did you have any other information
10 about that facility before drafting the staff report,
11 or finalizing it, I should say?

12 MS. MARJORY LEONARD: Not that can
13 recall.

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: If we could turn to
18 page 7 of this document. You mentioned that you had a
19 copy of a presentation. I just want to flip through
20 this and ask if this is the presentation that you had
21 a copy of.

22 MS. MARJORY LEONARD: Yes, it is.

23 MS. KATE MCGRANN: Okay. And just for
24 the sake of the record, I think you answered this
25 already, but did you have a copy of this presentation

1 before you finalized the staff report?

2 MS. MARJORY LEONARD: Yes.

3 MS. KATE MCGRANN: If we could turn to
4 paragraph 159 of the Foundation Document, please.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: This is a paragraph
9 that describes an email that Deputy Mayor Rick Lloyd
10 sent to Mr. Houghton with a copy to Council, Ms.
11 Proctor, and the members of the EMC. Email's dated
12 June 14th, 2012.

13 And in his email, Deputy Mayor Lloyd
14 wrote:

15 "I would like to request if at all
16 possible to have a price for a
17 building that would enclose the
18 complete Centennial pool."

19 He says he would be interested in the
20 building produced by Sprung Building products. And
21 further on in his email he says:

22 "As well, I recommend to get a price
23 as well for one (1) of their
24 structures to cover the outdoor
25 rink."

1 Do you remember receiving this email?

2 MS. MARJORY LEONARD: Yes, I do.

3 MS. KATE MCGRANN: What was your
4 reaction to receiving this email?

5

6 (BRIEF PAUSE)

7

8 MS. MARJORY LEONARD: It was just a --
9 another thing that we'd have to do, put it that way.

10 I knew it -- it would just be an
11 alternative as to what the cen -- Central Park
12 Steering Committee had developed. Other than that, I
13 don't recall having a specific reaction.

14 MS. KATE MCGRANN: For the sake of
15 context, because this was a while ago, at this point
16 in time Council has had a strategic planning meeting
17 on June 11th, in which Council members voiced a
18 variety of ideas about different options for the
19 Town's recreation facilities.

20 The CAO has said at that meeting,
21 according to the minutes, that staff would go away and
22 bring back a series of options for Council to look at
23 and make a decision on.

24 A couple of days later, the Deputy
25 Mayor sends an email, directing that staff start

1 looking at an option right away. Council has not yet
2 made a decision.

3 Do you remember having any concern over
4 the transparency of the process that was being
5 followed here?

6 MS. MARJORY LEONARD: I don't recall.

7 MS. KATE MCGRANN: Stepping back more
8 generally, was it unusual in your experience for one
9 (1) member of Council to be sending directions to
10 staff outside of Council as a whole like this?

11 MS. MARJORY LEONARD: Could you repeat
12 that, please?

13 MS. KATE MCGRANN: Yes. Was it
14 unusual at this point in time for staff to be
15 receiving directions from a single member of Council,
16 as opposed to being directed by Council as a whole?

17 MS. MARJORY LEONARD: No.

18 THE HONOURABLE FRANK MARROCCO: Had --
19 had you ever received a request like this from the
20 Deputy Mayor in respect of other matters?

21 MS. MARJORY LEONARD: I had -- I had
22 received requests from the Deputy Mayor and other
23 members of Council.

24 THE HONOURABLE FRANK MARROCCO: To do
25 things -- to -- in this -- in this vein?

1 MS. MARJORY LEONARD: Similar.

2

3 CONTINUED BY MS. KATE MCGRANN:

4 MS. KATE MCGRANN: What was your
5 understanding about the ability of individual Council
6 members to provide direction to staff at this point in
7 time?

8 MS. MARJORY LEONARD: They couldn't.

9 MS. KATE MCGRANN: Why do you say
10 that?

11 MS. MARJORY LEONARD: Because it -- it
12 is Council as a whole that makes a decision and
13 provides direction to staff to accomplish their goals.

14 MS. KATE MCGRANN: At this point in
15 time, and by that I mean during the 2010 to 2014
16 Council period, how did you respond to individual
17 Council members providing you direction, given that
18 you know that they couldn't do that?

19 MS. MARJORY LEONARD: It -- in terms
20 of -- okay, maybe let's -- let's -- in terms of
21 direction or in terms of answering questions, at that
22 point in time if a Council member asked me to get a
23 price on the debenturing or -- or those types of
24 things, I would answer that particular Council member
25 back.

1 Now our procedure is if any question
2 comes in from Council, the answer goes back to all of
3 Council. So it -- it's more transparent in that -- in
4 that way of doing things. But at that time, these
5 types of questions would -- would come in.

6 MS. KATE MCGRANN: Okay, and when you
7 received questions or directions from individual
8 Council members, how would you respond?

9 MS. MARJORY LEONARD: I personally
10 wouldn't jump to do it first. I would carry on with
11 my other duties first and then look at what they had
12 asked and determine if I could get it easily or
13 quickly. And even -- and provide it to them.

14 MS. KATE MCGRANN: Would you take any
15 steps to bring the fact that you had been asked to do
16 something by an individual Council member to anybody
17 else's attention, the CAO for example, or Council as a
18 whole?

19 MS. MARJORY LEONARD: The -- the CAO
20 and department heads, usually we would discuss it
21 there.

22 MS. KATE MCGRANN: And what sort of
23 information were you getting when you took
24 instructions like this to the CAO and department
25 heads?

1 MS. MARJORY LEONARD: At department
2 heads, somebody else would say I've got one too and
3 those types of things.

4 With -- with the CAO it was, you know,
5 like let's look at it or sometimes he would take it
6 and contact the -- the Deputy Mayor, Council member or
7 the Mayor himself and leave it. He -- he would do it
8 instead of the staff member that received it.

9 MS. KATE MCGRANN: Okay. And just so
10 I understand your answer there, you said "he", who are
11 you referring to?

12 MS. MARJORY LEONARD: At that point in
13 time Ed, or even prior to that if it was Ms. Wingrove
14 they would sometimes, or -- in a lot of cases take it
15 over as their own and deal with it that way.

16 MS. KATE MCGRANN: Do you remember any
17 discussions at department heads or amongst the EMC
18 about this request from Deputy Mayor Lloyd?

19 MS. MARJORY LEONARD: I know there
20 were some, but in terms of remembering in detail, no,
21 I don't.

22 MS. KATE MCGRANN: Can you tell us
23 anything about what you remember about those
24 discussions?

25 MS. MARJORY LEONARD: No.

1 MS. KATE MCGRANN: In this email
2 Deputy Mayor Lloyd asks for a price for a building
3 that would enclose the Centennial Pool.

4 Do you remember any discussions about
5 putting a building over that outdoor pool prior to
6 this email?

7 MS. MARJORY LEONARD: No.

8 MS. KATE MCGRANN: Did you have any
9 discussions with the Deputy Mayor about this request?

10 MS. MARJORY LEONARD: I don't believe
11 so.

12 MS. KATE MCGRANN: Did you have any
13 involvement in responding to the Deputy Mayor's
14 request to look into prices for a building to cover
15 the pool, a building to cover the arena?

16 MS. MARJORY LEONARD: No.

17 MS. KATE MCGRANN: If we could look at
18 paragraph 216 of the Foundation Document.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: And let's go to
23 paragraph 219. This paragraph describes that Sprung
24 sent the Deputy Mayor, along with Mayor Cooper, Mr.
25 McNalty, and Mr. Houghton copies of budgets for three

1 (3) Sprung turnkey structures at about four o'clock in
2 the afternoon on July 16th, 2012.

3 Do you remember becoming aware that the
4 Town had received these budgets on that day?

5 MS. MARJORY LEONARD: I don't -- I
6 don't recall. I --

7 MS. KATE MCGRANN: Did you become
8 aware that the Town had copies of these budgets before
9 you finalized the staff report for the August 27th
10 Council meeting?

11 MS. MARJORY LEONARD: I don't believe
12 so.

13 MS. KATE MCGRANN: Okay. And if we
14 could look at paragraph 250 of the Foundation
15 Document. And if we could scroll down, please.

16 This is an excerpt from the minutes, it
17 outlines the vote the Council took to direct staff to
18 pursue constructing a single pad arena, and enclosing
19 the outdoor pool with a fabric building, develop a
20 project timeline and detailed estimates and bring the
21 report back to Council no later than August 27th.

22 What did you understand staff was being
23 asked by Council to do at the end of this Council
24 meeting?

25 MS. MARJORY LEONARD: My understanding

1 was that we would dig up the information in -- and
2 prepare the options for Council to provide us
3 directions as to which way we should go from there.

4 MS. KATE MCGRANN: And if we could
5 look at paragraph 240 of the Foundation Document.

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: This paragraph sets
10 out an excerpt from the transcript of the Council
11 meeting, in particular, some comments that Deputy
12 Mayor Rick Lloyd made. If we could scroll to the
13 bottom of the pool quote there.

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: At this meeting,
18 Deputy Mayor Lloyd said:

19

20

21

22

23

24

25

"As chair of finance, I would really
like to work with staff and our CAO
to come up with an alternative. I
would like to see a report back for
our next Council meeting, which is
July 30th, again to look at covering
our Centennial pool and a new ice

1 pad at Central Park."

2 My first question for you is: What was
3 your understanding of the chair of finance position
4 that Deputy Mayor Lloyd references there?

5 MS. MARJORY LEONARD: My understanding
6 was that, in -- in terms of the budget that we have
7 here, the Deputy Mayor was always the chair of the --
8 the budget committee.

9 And when the 2006 Council came in, that
10 was not the case. We actually formed a budget
11 committee. But at the 2006/2010 Council, we ended up
12 dissolving that committee because the other Council
13 members wanted to be involved in the full discussions
14 in -- in terms of budget.

15 When the 2010 Council came back in,
16 that position of the deputy mayor as the chair of the
17 budget committee was reinstated. So, it was just that
18 the -- the budget directions would be -- the -- excuse
19 me, the budget deliberations would be led by the
20 deputy mayor and that he would be a proponent for the
21 budget at deliberations.

22 MS. KATE MCGRANN: You say the -- the
23 position of chair of the budget committee was
24 reinstated. Was the budget committee reinstated?

25 MS. MARJORY LEONARD: Not specifically

1 the committee itself. It just became -- it was -- it
2 was committee of the whole, but the deputy mayor led
3 that committee.

4 MS. KATE MCGRANN: Outside of the --
5 the budget discussions that Council engaged in, did
6 the role of chair of finance have any other
7 responsibilities or obligations associated with it to
8 your knowledge?

9 MS. MARJORY LEONARD: No.

10 MS. KATE MCGRANN: When Mr. Lloyd
11 appeared to give evidence, he said that he made this
12 statement and that, when no one objected to this
13 comment, he understood that he had the nod to go ahead
14 and -- and get involved with the work that staff was
15 doing on the staff report.

16 First of all, do you remember him
17 making this comment at -- at the July 16th Council
18 meeting?

19 MS. MARJORY LEONARD: No, I do not.

20 MS. KATE MCGRANN: During the 2010 to
21 2014 Council period, do you recall any other instances
22 in which a Council member would -- would put forward
23 the suggestion that they were going to get involved in
24 -- in staff's work and proceed in this fashion?

25 MS. MARJORY LEONARD: No, I don't.

1 MS. KATE MCGRANN: Did you generally
2 have an understanding that, if you didn't respond in a
3 Council meeting to a suggestion made by a councillor
4 like this, that your lack of -- of comment would be
5 seen as approval from you?

6

7 (BRIEF PAUSE)

8

9 MS. MARJORY LEONARD: Could you just
10 repeat that one again, please?

11 MS. KATE MCGRANN: Yeah. I might
12 rephrase it a little bit. Did you have an
13 understanding during the 2010 to 2014 Council period
14 that, if a Council -- Council member suggested they
15 were going to get involved in staff work at a public
16 meeting, they made that suggestion at a public
17 meeting, and you didn't object at the meeting, your
18 lack of objection would be seen as -- as consent on
19 your part?

20 MS. MARJORY LEONARD: I believe that
21 it would have been the CAO's position to object to
22 that since the CAO is actually the head of the
23 administration and the only employee of Council.

24 MS. KATE MCGRANN: So, to understand
25 your answer, was it the case that you didn't feel that

1 you could object to something like this?

2 MS. MARJORY LEONARD: That's correct.

3 MS. KATE MCGRANN: Any reason that you
4 felt that you couldn't object other than your
5 understanding of the CAO's role vis-a-vis Council?

6 MS. MARJORY LEONARD: No. Again, it
7 just -- it would not have been, in my mind, my place
8 to have spoken up to that one (1).

9 MS. KATE MCGRANN: Do you recall
10 forming the understanding at some point in time that
11 the deputy mayor was going to be involved in the work
12 that staff was doing on that staff report?

13 MS. MARJORY LEONARD: I -- I actually
14 didn't recall. I don't have a lot of memory about the
15 meeting. Reading this, I would agree with you that
16 the deputy mayor was going to have some involvement
17 with it. I -- that's all I can say.

18 MS. KATE MCGRANN: Okay. Stepping
19 away from the comment that he made at this meeting and
20 turning to what you remember about the work that you
21 did on the staff report more generally, at some point
22 in time, did you form an understanding that the deputy
23 mayor was going to be invol -- involved in the work
24 that staff was doing on that staff report?

25 MS. MARJORY LEONARD: I received a

1 request from the CAO to send a draft of the staff
2 report to the deputy mayor for review.

3 MS. KATE MCGRANN: Okay.

4 MS. MARJORY LEONARD: So, that would
5 be my understanding.

6 MS. KATE MCGRANN: Before you received
7 that request, did you have any understanding that the
8 deputy mayor was going to be involved in the work that
9 staff was doing on the staff report?

10 MS. MARJORY LEONARD: No.

11 MS. KATE MCGRANN: Your Honour, I'm
12 turning to another section of my questions. This may
13 be an appropriate time for the morning break.

14 THE HONOURABLE FRANK MARROCCO: We'll
15 take ten (10) minutes, Ms. Leonard.

16

17 --- Upon recessing at 11:26 a.m.

18 --- Upon resuming at 11:37 a.m.

19

20 CONTINUED BY MS. KATE MCGRANN:

21 MS. KATE MCGRANN: Ms. Leonard, before
22 the break we had been discussing the July 16th --

23 MR. GEORGE MARRON: Excuse me. I
24 wanted to interject just prior to My Friend asking
25 some questions, Your Honour. I'm having a little

1 difficulty hearing Ms. Leonard. Towards the end of
2 some of her answers, she drops her voice or turns from
3 the mic and I'm just wondering if -- if that could be
4 attended to. Thanks.

5 THE HONOURABLE FRANK MARROCCO: Just
6 try to -- please try to speak in the microphone.
7 Everybody has this -- it's not just you. We all have
8 to do it.

9 MR. GEORGE MARRON: Thanks, Your
10 Honour.

11

12 CONTINUED BY MS. KATE MCGRANN:

13 MS. KATE MCGRANN: Before the break we
14 had been talking that the July 16th Council meeting.
15 I'm now going to turn to the department heads meeting
16 that takes place the next day, on July 17th.

17 Could we look at paragraph 3 of Summary
18 Document 2-4, please?

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: So this paragraph
23 describes that in a department heads meeting that took
24 place on July 17th, the minutes reflect that there is
25 a discussion about the July 16th Council meeting,

1 direction to staff to provide a report, including
2 project time lines and detailed estimates for the
3 construction of a single pad arena that could be
4 phased in to enclose the outdoor pool with a fabric
5 building.

6 And then if we could scroll down so we
7 can see the block quote from the minutes. We see that
8 the minutes also stated that -- and I'm looking at the
9 second sentence here that starts on the third line:

10 "Marta, Marjory agreed to talk off-
11 line and invite Marcus and Brian to
12 assist with those discussions as
13 they need to determine whether
14 Council's desire is to the abandon
15 the original concept or whether the
16 project is being modified and staged
17 for future expansion."

18 First of all, do you remember a
19 discussion like this at the department head meeting on
20 July 17th?

21 MS. MARJORY LEONARD: No, I don't.

22 MS. KATE MCGRANN: Stepping away from
23 the date for a second, do you remember a discussion
24 about needing clarity from Council about the direction
25 it wants to go more generally?

1 MS. MARJORY LEONARD: No.

2 MS. KATE MCGRANN: Do you recall if
3 there was any confusion amongst staff as to the
4 direction that had been provided at the July 16th
5 Council meeting?

6 MS. MARJORY LEONARD: I -- I would --
7 no, I don't really recall that, but I would assume
8 that the one (1) that had the most confusion would
9 have been Ms. Proctor.

10 MS. KATE MCGRANN: And why do you say
11 that?

12 MS. MARJORY LEONARD: The direction
13 that we received to enclose the outdoor with a fabric
14 building and look at building a single pad arena that
15 could be phased is fairly clear in my mind.

16 MS. KATE MCGRANN: Do you recall if
17 there were any discussions about the time line that
18 had been set for staff by Council at this meeting?

19 MS. MARJORY LEONARD: I don't recall.

20 MS. KATE MCGRANN: Do you remember
21 being involved in any discussions about the time line
22 more generally with other members of staff or the CAO?

23 MS. MARJORY LEONARD: Yes. I -- I
24 believe it was voiced that it -- it was pretty tight.

25 MS. KATE MCGRANN: What can you tell

1 us about discussions about the time line being pretty
2 tight?

3 MS. MARJORY LEONARD: There were a lot
4 of items that we needed to get costed in order to
5 provide, in my mind, full information for Council to
6 make a decision in terms of which direction they
7 wanted to go, whether it was bricks and mortar or pre-
8 engineered steel or a fabric building in terms of the
9 arena.

10 I felt that those three (3) items would
11 be the harder components to make a comparison for
12 Council to make a decision on the outdoor pool or the
13 fabric building. To me it would have been the more
14 straightforward of the two (2) because the direction
15 was clearly a fabric building. Just provide the
16 specifications and go out for an RFP to meet the
17 fabric building component.

18 MS. KATE MCGRANN: Do you remember
19 being involved in any discussions about the tightness
20 of the time line in light of the concerns that you
21 identified there?

22 MS. MARJORY LEONARD: I believe that
23 Marta and I may have had some discussions about it.
24 She was tasked with -- her and her staff were tasked
25 with the -- determining the interior components that

1 you would need for an arena and the pool, and as well
2 the operating costs for both of those entities.

3 MS. KATE MCGRANN: Okay. What do you
4 remember about the conversations you had with Ms.
5 Proctor about the tightness of the time line?

6 MS. MARJORY LEONARD: Well, the fact
7 that she was going to be on vacation for a good
8 portion of it, which kind of left her -- her staff to
9 -- to gather the information, and then she would come
10 back to take a look at it, and that -- because she was
11 going to be away, that controlling those aspects would
12 be a little difficult.

13 MS. KATE MCGRANN: Did you have any
14 discussions with her about seeking an extension of the
15 time line so that she could have more time outside of
16 her vacation to work on the staff report?

17 MS. MARJORY LEONARD: I don't believe
18 so.

19 MS. KATE MCGRANN: Did you have any
20 discussions with anyone about your own concerns about
21 the tightness of the time line?

22 MS. MARJORY LEONARD: I believe if I
23 spoke to anyone it would have been Ms. Almas because
24 we were in the same building and closer.

25 MS. KATE MCGRANN: Do you remember any

1 discussions with Ms. Almas about concerns about the
2 tightness of the time line?

3 MS. MARJORY LEONARD: I don't recall.

4 MS. KATE MCGRANN: Is there any reason
5 that you didn't take those concerns to the CAO?

6 MS. MARJORY LEONARD: If -- I don't
7 recall actually if I did or did not, and he -- pretend
8 he was -- his philosophy was to meet Council
9 deadlines, you know, put it that way.

10 MS. KATE MCGRANN: How did you come to
11 understand that that was his philosophy?

12 MS. MARJORY LEONARD: Just from his
13 past experience and, you know, push the -- pressure to
14 get this item done and out of the way.

15 MS. KATE MCGRANN: Was it the case
16 that you did not think that he would ask for extra
17 time if you asked for extra time?

18 MS. MARJORY LEONARD: Yes.

19 MS. KATE MCGRANN: Did that play into
20 any discussions that you may or may not have had with
21 him about needing extra time?

22 MS. MARJORY LEONARD: I don't recall.

23 THE HONOURABLE FRANK MARROCCO: But --
24 but it would be pointless to ask him for extra time if
25 you thought that his preoccupation with meeting

1 Council deadlines would override it anyway.

2 Is that what you thought?

3 MS. MARJORY LEONARD: Yes, Your
4 Honour.

5

6 CONTINUED BY MS. KATE MCGRANN:

7 MS. KATE MCGRANN: Who managed and
8 oversaw the work that staff was doing on the staff
9 report?

10 MS. MARJORY LEONARD: The CAO.

11 MS. KATE MCGRANN: How did he come to
12 be the person who was managing that work?

13 MS. MARJORY LEONARD: The departed
14 head -- department head, Marta, would have been off
15 for approximately five (5) of the six (6) or seven (7)
16 weeks that we had, and somebody had to step in. He
17 took that task as his own.

18 MS. KATE MCGRANN: I suppose the other
19 option would have been to -- to ask for an extension
20 to the deadline for the department head, who had taken
21 vacation and could do that job?

22 MS. MARJORY LEONARD: I would agree
23 with that statement.

24 MS. KATE MCGRANN: So Mr. Houghton
25 takes on the management of the staff report.

1 What did that look like? What did he
2 do to manage the staff report?

3 MS. MARJORY LEONARD: Basically I
4 would -- I did write a draft and I provided it to him
5 and other members of the EMC for comment, and I
6 received comments back and made changes and sent out
7 another iteration of the report as to where I could,
8 you know, make changes. There were a lot of holes.
9 It was very difficult to get numbers. I didn't
10 actually get a lot of numbers, and I just wrote words
11 around it, I guess is what I would say.

12 MS. KATE MCGRANN: Okay. Who else was
13 working on the staff report other than you?

14 MS. MARJORY LEONARD: To my knowledge,
15 I was the one (1) that was working on the, quote,
16 "staff report." The other departments or the other
17 staff members were working on gathering the numbers to
18 be plugged into the staff report and doing the
19 research and those types of things.

20 MS. KATE MCGRANN: Okay. Who was
21 involved in gathering the information that you needed
22 in order to draft the staff report?

23 MS. MARJORY LEONARD: Dave McNalty was
24 looking at the external building structures, the
25 various types of those components, and Darin Potts and

1 Dennis Seymour, two (2) of Marta's staff members, were
2 looking at getting the operating costs for those
3 facilities as well as looking at -- well, we did have
4 a report on the condition assessment for the Eddie
5 Bush, so those costs were -- were somewhat known at
6 that time.

7 MS. KATE MCGRANN: Was anybody else
8 involved, to your knowledge, in gathering the
9 information required for you to draft the staff
10 report?

11 MS. MARJORY LEONARD: I think the only
12 person would have been Ed, the CAO himself.

13 MS. KATE MCGRANN: And what did you
14 understand that he was doing to gather information for
15 you to draft the staff report?

16 MS. MARJORY LEONARD: He -- he was the
17 one (1) that was in contact with Sprung.

18 MS. KATE MCGRANN: Who assigned Mr.
19 McNalty to the work that he was doing for the staff
20 report?

21 MS. MARJORY LEONARD: The CAO.

22 MS. KATE MCGRANN: And how did you
23 come to understand what Mr. McNalty had been tasked to
24 do for the staff report?

25 MS. MARJORY LEONARD: I believe that

1 it was to look at -- because he had been involved in
2 part of the Central Park Steering Committee's research
3 in terms of dealing with the architects there and the
4 types of -- the various types of buildings that --
5 that were out there, that it was logical for him to
6 continue on with that in terms of the new direction.

7 MS. KATE MCGRANN: Okay. Who did he
8 report back to on the work that he was doing on the
9 building structures?

10 MS. MARJORY LEONARD: The CAO.

11 MS. KATE MCGRANN: Who assigned Mr.
12 Potts and Mr. Seymour to look at the operating costs?

13 MS. MARJORY LEONARD: I believe that
14 was Marta.

15 MS. KATE MCGRANN: And who did you
16 understand they were reporting back to?

17 MS. MARJORY LEONARD: Marta.

18 MS. KATE MCGRANN: And how was the
19 information that they gathered to be communicated to
20 you?

21 MS. MARJORY LEONARD: It would have
22 come through Marta to me. We would have -- that
23 information we would have -- Marta and I would have
24 discussed to make sure that the assumptions -- that
25 they -- the staff members had used were -- were valid

1 and that those numbers were collected a -- a lot
2 earlier than the building structure numbers that were
3 available.

4 So I know that Marta and I did have
5 time to discuss them.

6 MS. KATE MCGRANN: With respect to
7 operating costs, what are you describing there?

8 MS. MARJORY LEONARD: The costs of,
9 basically the heat, hydro, repairs and maintenance,
10 those types of things. The fixed costs of those
11 buildings and to -- to allow -- because we -- we had -
12 - we had never had an indoor pool, so in order to
13 determine the increase in the operating costs, Marta's
14 staff went out and researched with other
15 municipalities that had at least a full-time indoor
16 pool and hopefully that some of them were roughly the
17 same size as the -- the 25 metre pool that we were
18 going to enclose.

19 So it was just basically the increase
20 in the operating costs from an outdoor pool to an
21 indoor pool. We probably had enough historical
22 information, based on the Eddie Bush, to determine the
23 costings on an arena, regardless of the -- the type of
24 structure. The only thing that would have been
25 different in there is the type of or the quantity of -

1 - of heating and -- and those other types, electricity
2 and -- and those types of utility costs.

3 MS. KATE MCGRANN: Okay, so when you
4 say "operating costs," you're referring to the costs
5 that get the building up and running and keep it in --
6 keep it in serviceable shape so that people can come
7 and use it?

8 MS. MARJORY LEONARD: Correct.

9 MS. KATE MCGRANN: Would that have
10 included the costs of staff needed to run the building
11 as well?

12 MS. MARJORY LEONARD: No. The staff
13 numbers would have been -- excuse me, the --
14 regardless -- well, for the pool, yes, because we only
15 had the part-time staff and they directed that it be a
16 fabric cover over it.

17 In terms of the arena, when you're
18 looking at bricks and mortar or pre-engineering steel
19 or a fabric building, the number of employees would
20 have been the same. I -- I would assume that the --
21 the number of staff members would have been the same.

22 MS. KATE MCGRANN: Do you remember if
23 anyone turned their minds to -- I understand that the
24 staff numbers would be the same number -- what the
25 construction type of the arena is, but presumably

1 there may be a need for additional employees if you
2 open a new arena.

3 Was that something that was taken into
4 consideration?

5 MS. MARJORY LEONARD: I believe that -
6 - let me think for a minute.

7 MS. KATE MCGRANN: Okay.

8 MS. MARJORY LEONARD: The -- I -- the
9 actual increase in -- in the staff were in part-time
10 and casual.

11 The same number of staff at Eddie Bush
12 were rotated and allocated so that the main operating
13 type of employees, the total number stayed the same.
14 But presumably there should have been a -- a doubling
15 or at least an extra three (3) or four (4) people to
16 run those arenas if they'd been 24/7 ice rinks.

17 And at that point in time, Eddie Bush
18 still was a 24/7 ice rink and this new pool would have
19 been -- would have -- or the new pool. The new arena
20 was to become the 24/7 ice rink and Eddie Bush was
21 going to become just a -- a winter rink. So it was
22 kind of difficult somewhat to -- to determine those.

23 But yes, there would have been a -- a
24 small increase in the staff.

25 MS. KATE MCGRANN: Turning back to who

1 was doing what with respect to the work that was being
2 done to get you information that you needed to draft
3 the staff report, so Ms. Proctor is directing Mr.
4 Potts and Mr. Seymour on getting the operating costs,
5 they're reporting back to her.

6 Did she have any other role in
7 collecting the information that you needed or
8 otherwise working towards the -- the staff report?

9 MS. MARJORY LEONARD: I believe that
10 she did have some involvement with Mr. McNalty in
11 determining bricks and mortar and trying to get the
12 numbers, and I believe it was from WGD as well. She
13 had the contact with them for the steering committee.

14 MS. KATE MCGRANN: And we've heard
15 evidence about her vacation from you and others.

16 Do you know who determined the extent
17 of her involvement in the work being done towards the
18 staff report?

19 MS. MARJORY LEONARD: I -- I would
20 assume it was the CAO.

21 MS. KATE MCGRANN: You said that Mr.
22 Houghton was in contact with Sprung. What did you
23 understand the purpose of his contact with Sprung was
24 for the work you were doing on the staff report?

25 MS. MARJORY LEONARD: To just get a --

1 a costing, an estimated costing or a -- a fabric
2 building. Had I known that those numbers had already
3 been supplied, it would have been a different
4 thought.

5 THE HONOURABLE FRANK MARROCCO: What
6 would you have thought if you had known the numbers
7 had already been supplied?

8 MS. MARJORY LEONARD: I would have
9 taken those numbers and put them in the report and
10 said, you know, like you don't -- no more negotiation
11 on this, we go with these numbers and Council can
12 determine which needs more investigation than just the
13 -- put your hands up and vote for it.

14

15 CONTINUED BY MS. KATE MCGRANN:

16 MS. KATE MCGRANN: You said that Mr.
17 McNalty was doing the work to get the costing for the
18 exterior building structures.

19 If he was doing that, why did Mr.
20 Houghton need to speak to a supplier of a building
21 structure to get numbers on top of what Mr. McNalty
22 was doing?

23 MS. MARJORY LEONARD: I -- at one
24 point, and I don't recall which point, the CAO did
25 indicate that he was the -- the sole contact with

1 Sprung, and I believe that also came out in Mr.
2 Dabrus' testimony last week, that basically Ed was the
3 only one that was going to be in contact with Sprung.

4 MS. KATE MCGRANN: Do you remember --
5 how did you learn that -- that Mr. Houghton was to be
6 the only contact with Sprung?

7 MS. MARJORY LEONARD: I don't recall,
8 but I -- in the Foundation Documents I did see the
9 email that he sent to Dave, so I would assume that it
10 was Dave that relayed that.

11 MS. KATE MCGRANN: You don't recall.
12 Is it the case that you do remember knowing that Mr.
13 Houghton was to be the only contact with Sprung at the
14 time?

15 MS. MARJORY LEONARD: Are -- could you
16 repeat that one?

17 MS. KATE MCGRANN: You don't recall
18 how you learned that Mr. Houghton was to be the only
19 contact.

20 Is it the case that that's something
21 that you knew at the time, though, in the time that
22 you were working towards the draft staff report, did
23 you know that Mr. Houghton was to be the only contact
24 person with Sprung?

25 MS. MARJORY LEONARD: Yes.

1 MS. KATE MCGRANN: Do you remember if
2 you had any conversations with him about that?

3 MS. MARJORY LEONARD: No.

4 THE HONOURABLE FRANK MARROCCO: Were
5 you told why that was the case?

6 MS. MARJORY LEONARD: No.

7 THE HONOURABLE FRANK MARROCCO: Was
8 there any question about how Council had come to the
9 decision to cover the pool with a fabric building in
10 the absence of any investigation?

11 MS. MARJORY LEONARD: I don't believe
12 so, Your Honour.

13

14 CONTINUED BY MS. KATE MCGRANN:

15 MS. KATE MCGRANN: Do you recall
16 having any conversations with anyone about the fact
17 that Mr. Houghton had been designated as the only
18 person to contact Sprung?

19 MS. MARJORY LEONARD: I don't recall
20 any.

21 MS. KATE MCGRANN: Before we get into
22 some more detailed questions about the work that you
23 did in drafting the staff report, I just want to put a
24 couple of -- of things that Ms. Proctor said in
25 evidence to you and get your reaction to them.

1 So, we've already talked about the
2 timeline, conversations that you had with her about
3 the timeline. In her evidence, Ms. Proctor said that
4 she spoke to the EMC about her concerns about the
5 timeline for the report, and that it was too short and
6 that she was told that she wasn't being a team player.

7 Do you recall any conversations like
8 that?

9 MS. MARJORY LEONARD: No, I don't
10 recall any conversations like that.

11 MS. KATE MCGRANN: Ms. Proctor also
12 gave evidence that in discussions that she had where
13 she was trying to ensure that the Town's recreation
14 facility decisions were being made transparently, she
15 was told that in response to her suggestions that's
16 not how things are done in Collingwood.

17 Do you recall any conversations like
18 that?

19 MS. MARJORY LEONARD: No, I don't.

20 MS. KATE MCGRANN: Finally, in her
21 evidence Ms. Proctor said that she felt that there
22 were conversations and directions being given about
23 the recreation facilities that didn't come from
24 Council as a whole, that the -- the conversations and
25 directions were happening behind the scenes and they

1 were being funnelled through the EMC to staff.

2 What's your reaction to that evidence?

3 MS. MARJORY LEONARD: Well, I would --

4 I would say that I would agree with the fact that

5 there probably were conversations outside of Marta.

6 I'm not -- I would not agree with the fact that it was

7 at the EMC level and -- and being funnelled back

8 through to staff.

9 MS. KATE MCGRANN: What conversations

10 are you referring to?

11 MS. MARJORY LEONARD: I would -- after

12 having read the Foundation Document in -- in hindsight

13 there were a lot of back and forth with the Deputy

14 Mayor and the CAO.

15 And I believe that the answers were

16 coming out, the direction was coming out through the

17 CAO.

18 MS. KATE MCGRANN: Leaving aside the

19 Foundation Document and what you know today, stepping

20 back to what you were aware of during the time that

21 you were working towards the staff report, did you

22 have an understanding that directions were being

23 provided with respect to the work that staff was doing

24 outside of meetings of Council?

25 MS. MARJORY LEONARD: When I received

1 the email to forward the staff report to the Deputy
2 Mayor, yes.

3 MS. KATE MCGRANN: I'm going to turn
4 now to the request that was made of you to share a
5 draft of the staff report with the Deputy Mayor and --
6 and his involvement more generally.

7 When Mr. Rick Lloyd gave evidence in
8 the Inquiry, he said he was consulted many times on
9 the contents of the staff report.

10 Did you ever seek out his assistance or
11 ask him any questions on your work on the staff
12 report?

13 MS. MARJORY LEONARD: No.

14 MS. KATE MCGRANN: So if you could
15 turn to paragraph 336 of the Foundation Document,
16 paragraph 338 of the Foundation Document.

17 This paragraph describes an email that
18 Mr. Houghton sent to you on August 19th, 2012, in his
19 email he's forwarding a chain, but in his email he
20 writes:

21 "Take a look at this, I'm not --
22 Ms. Leonard, sorry, I'm going to start
23 again. This paragraph describes an email that Mr.
24 Houghton sent to Deputy Mayor Rick Lloyd. He's
25 forwarding an email that you sent to him.

1 In his email to Deputy Mayor Rick
2 Lloyd, Mr. Houghton says:

3 "Take a look at this, I'm not read
4 it, but will. I'm going to ask
5 Marjory to flip it to you as well."

6 If you could scroll down. Take a look
7 at the email, it's at TOC517810. Scroll to the
8 bottom. Scroll up. So we can see that this is an
9 email that you sent to Mr. Houghton, Mr. Irwin, and
10 Ms. Almas, Ms. Proctor, and Mr. McNalty, draft number
11 1, the Centennial Central Park staff report.

12 Do you recall sending around the first
13 draft of the staff report? You sent it at 10:30 on a
14 Saturday.

15 MS. MARJORY LEONARD: Yes.

16 MS. KATE MCGRANN: Okay. Were you
17 aware at the time that you circulated that draft that
18 a copy was going to be provided to the Deputy Mayor?

19 MS. MARJORY LEONARD: No.

20 MS. KATE MCGRANN: I think that you've
21 covered this, but just to be clear, had you had any
22 discussions with the Deputy Mayor about the work you
23 were doing on the staff report prior to circulating
24 this draft?

25 MS. MARJORY LEONARD: No.

1 MS. KATE MCGRANN: Before I ask you a
2 couple of more questions about his involvement, at
3 this point in time, you've completed your first draft.

4 Had you ever been put in charge of
5 drafting a staff report with respect to construction
6 projects that the Town was considering undertaking
7 before?

8 MS. MARJORY LEONARD: No.

9 MS. KATE MCGRANN: At this point in
10 time, did you feel that you had the resources
11 available to you to draft the staff report that you
12 were working on?

13 MS. MARJORY LEONARD: I believed that
14 I could wordsmith the document. In terms of providing
15 the background information and research for it, no, I
16 could not. But once I had that information, I felt
17 that I could lay it out in a way that Council would
18 have all the information and have them make the
19 decision as to which way they wanted to go.

20 MS. KATE MCGRANN: Okay. So, it
21 sounds like you're envisioning that Council's going to
22 be provided with information about the various options
23 that they asked for information about.

24 Did you foresee that staff would be
25 making a recommendation as to which option Council

1 should pursue?

2 MS. MARJORY LEONARD: No.

3 MS. KATE MCGRANN: Did you have any
4 understanding as to why you had been tasked with the
5 drafting of this staff report?

6 MS. MARJORY LEONARD: Again, no, I
7 didn't. It was -- other than the fact that Marta was
8 going to be off on vacation. And I -- I assumed that
9 I'd be getting to do some further analysis on numbers
10 that were provided to give Council the full
11 information they needed.

12 MS. KATE MCGRANN: What kind of
13 analysis did you envision doing on the numbers that
14 were provided?

15 MS. MARJORY LEONARD: I would have
16 provided just a flat -- made -- made sure that they
17 had all of the information regarding to, this is the
18 fabric structure, one (1) type, and this is the
19 potential operating cost for that -- that type. We
20 should go out to RFP. These are the specifications if
21 we go out to RFP, and have the developers or the
22 product manufacturers bring in a proposal in terms of
23 the other three (3), the bricks and mortar, pre-
24 engineered steel, and a fabric over the pool.

25 I would have provided them with the

1 costs and, you know, used those as -- it would have
2 been a little more difficult to -- to do an RFP on
3 them, but I would have provided them with potential
4 funding options and the increases in the operating
5 costs in regard to taxes and those types of things.

6 MS. KATE MCGRANN: Okay. A couple
7 things. First of all, you said with respect to bricks
8 and mortar, pre-eng steel and a fabric building over
9 the pool. Were you referring to the options for the
10 arena?

11 MS. MARJORY LEONARD: Yeah, the arena.
12 Yes, the arena.

13 MS. KATE MCGRANN: You said it would
14 be a little bit more difficult to take that to RFP.
15 What do you mean by that?

16 MS. MARJORY LEONARD: I don't really
17 know how -- how -- we -- we would have had to, I
18 believe, hire a consultant, an architect, an engineer
19 or something able to compare all of those various
20 options.

21 I -- I know nothing about them. I'm
22 sure there are -- positive that there are pros and
23 cons to each type of structure, but I'm not the one to
24 judge those. I -- I don't know.

25 So, I would assume that we would have

1 gone and -- and gotten a consultant to assist with
2 drafting an RFP to even go to market to be able to
3 compare those three (3) different structures.

4 THE HONOURABLE FRANK MARROCCO: And
5 that's essentially what they did with Collus Power,
6 was get KPMG to assist in the RFP. Did you envision
7 something similar to that?

8 MS. MARJORY LEONARD: Yes, Your
9 Honour.

10 THE HONOURABLE FRANK MARROCCO: Do --
11 before you leave this document, 0517810, I just want
12 to take you back. You forward the draft to Mr.
13 Houghton, Mr. Irwin, Ms. Almas, Ms. Proctor, and Mr.
14 McNalty.

15 They're the staff people that are --
16 you're working with to prepare --

17 MS. MARJORY LEONARD: That's right.

18 THE HONOURABLE FRANK MARROCCO: -- the
19 report?

20 MS. MARJORY LEONARD: That's correct,
21 Your Honour.

22 THE HONOURABLE FRANK MARROCCO: And --
23 and you're asking them to review the draft? You want
24 their comments?

25 MS. MARJORY LEONARD: That's correct.

1 THE HONOURABLE FRANK MARROCCO: And
2 would they do that by way of track changes on it, or
3 would they just email you the comments, and then you
4 would incorporate them into the document?

5 MS. MARJORY LEONARD: In -- it could
6 happen either way, sir.

7 THE HONOURABLE FRANK MARROCCO: Okay.
8 But just look at the email above that then on the
9 screen. This is not your email. It's Mr. Houghton
10 and Mr. Lloyd. He's -- he's forwarding a draft to --
11 Mr. Houghton is forwarding a draft to Mr. Lloyd.

12 I understand that. I -- I've seen that
13 before. It's the other part of that I wanted to ask
14 you about. It says:

15 "But I'm going to ask Marjory to
16 flip it to you, as well."

17 If he's already sent it to Mr. Lloyd,
18 why do you have to send it to Mr. Lloyd?

19 MS. MARJORY LEONARD: Your Honour, I
20 believe that when Mr. Houghton requested me to send it
21 to Mr. Lloyd, I told him that I was not really happy,
22 I wasn't fully flushed out (sic). I wanted to make
23 some additional changes to that.

24 And I did kind of put up some
25 resistance. But I said that I would make some more

1 polishing to that report, and then send it to the
2 deputy mayor.

3 THE HONOURABLE FRANK MARROCCO: But --
4 but that's not exactly what -- what I'm asking. I
5 appreciate what you said. I understand it. But he
6 has sent your draft to Mr. Lloyd. And he says:

7 "I'm going to ask Marjory to flip it
8 to you, as well."

9 Why does he need two (2) copies of it
10 if -- do you know?

11 MS. MARJORY LEONARD: No. No, Your
12 Honour, I don't. I don't know.

13 THE HONOURABLE FRANK MARROCCO: I
14 mean, the reason I ask about it is, if you didn't --
15 if you didn't know that Mr. Houghton had sent it to
16 Mr. Lloyd but you've sent it to Mr. Lloyd, then you're
17 the one who sent it --

18 MS. MARJORY LEONARD: Yes, sir.

19 THE HONOURABLE FRANK MARROCCO: --
20 which would explain superficially -- incorrectly, as
21 it turns out, but superficially would explain how he
22 got it because apparently you sent it to him when
23 actually he already had it?

24 MS. MARJORY LEONARD: Correct, Your
25 Honour.

1 THE HONOURABLE FRANK MARROCCO: Did
2 that occur to you at the time?

3 MS. MARJORY LEONARD: I -- I did not
4 see these emails until the Foundation Document, so I--

5 THE HONOURABLE FRANK MARROCCO: I see
6 what you mean, yeah. All right. So, you -- you were
7 just objecting in principle to forwarding your report
8 to the -- to -- to a Council member without -- don't --
9 - don't let me put words in your mouth, but without
10 forwarding it -- first of all, it's not your final
11 report and, secondly, all the other Council members
12 don't have it?

13 MS. MARJORY LEONARD: That's correct,
14 Your Honour.

15

16 CONTINUED BY MS. KATE MCGRANN:

17 MS. KATE MCGRANN: If you scroll up,
18 looking at this email from Mr. Houghton to Mr. Lloyd
19 on August 19th, at 11:19 a.m. Mr. Houghton writes:

20 "I have suggested to Marj to copy
21 you, but I have had some minor
22 resistance. She will send by
23 tomorrow, however."

24 Other than the information that you've
25 already provided, was there any other reason that you

1 resisted the request to share the -- the draft with
2 the deputy mayor?

3 MS. MARJORY LEONARD: It's not a
4 normal procedure to -- to share the draft with a
5 member of Council or -- or, for that matter, to -- to
6 share a staff report with a member of Council without
7 all Council getting it.

8 MS. KATE MCGRANN: And what was your
9 understanding for why you wouldn't normally do that?

10 MS. MARJORY LEONARD: It gave one (1)
11 Council member an advantage over -- over the others.
12 And there could have been potential for that Council
13 member to interfere with any type of -- or to taint,
14 actually, I guess, the process of an RFP in -- in some
15 way or -- or shape or form.

16 MS. KATE MCGRANN: Was that risk that
17 you just described to us something that you were
18 concerned about when you working on the draft of the
19 staff report in August of 2012?

20 MS. MARJORY LEONARD: It -- it would
21 be when I was working on a draft of any staff report.

22 MS. KATE MCGRANN: Okay. Do you
23 remember specifically having that concern with respect
24 to this staff report though?

25 MS. MARJORY LEONARD: No. As I say,

1 in general, I would have -- I would have put up
2 resistance.

3 MS. KATE MCGRANN: Do you remember
4 having any discussions with anyone about concerns
5 about sharing drafts of the staff report with Deputy
6 Mayor Lloyd at the time?

7 MS. MARJORY LEONARD: None other than
8 with the CAO.

9 MS. KATE MCGRANN: Do you remember
10 what the CAO's response was to the concerns that you
11 raised with him about sharing the draft staff report?

12 MS. MARJORY LEONARD: I don't recall
13 exactly, but it seems that he convinced me that I
14 should sent it to him.

15 MS. KATE MCGRANN: Okay. If you look
16 at the -- the email that's --

17 THE HONOURABLE FRANK MARROCCO: Just
18 before you do that, I mean, if he directs you to do
19 it, then I assume you would do it, if you're told to
20 do it?

21 MS. MARJORY LEONARD: Yes, Your
22 Honour.

23 THE HONOURABLE FRANK MARROCCO: Is
24 that what happened?

25 MS. MARJORY LEONARD: I believe so.

1 (BRIEF PAUSE)

2

3 CONTINUED BY MS. KATE MCGRANN:

4 MS. KATE MCGRANN: If you look at the
5 email below the email that we were looking at from Mr.
6 Lloyd to Mr. Houghton on August 19th at 11:17, you see
7 Mr. Lloyd says:

8 "I don't like the phrase 'if Council
9 chooses to proceed'. Take that out
10 as it leaves an impression that
11 maybe we shouldn't proceed."

12 And he says he's still reading it. And
13 if we scroll up to the top, we see that Deputy Mayor
14 Lloyd provides further comments at 11:29 on Sunday
15 morning, including, I see -- he says:

16 "I -- I also see some other areas
17 that need reworded, i.e., no other
18 pools in Ontario of this
19 construction. I would rather
20 indicate that there are many pools
21 in North America with this
22 construction."

23 He says:

24 "I find there's a little negative
25 spin on some of her report."

1 He says:

2 "I don't think it is intentionally
3 done that way, but it needs the Ed
4 Houghton positive spin and a
5 redraft."

6 He says that you were like an
7 accountant. And then he says:

8 "As well, we must be careful not to
9 give too much information."

10 I want to ask you about the last line
11 in this email where it says:

12 "As well, we must be careful not to
13 give too much information."

14 Do you remember having any discussions
15 with anyone about the amount of information that
16 should be included in the staff report?

17 MS. MARJORY LEONARD: No. I initially
18 drafted the staff report the way that I thought the
19 information should be presented to Council. And I --
20 if I've got the information and I believe that Council
21 should have it, then that's the way I would draft my
22 report.

23

24

(BRIEF PAUSE)

25

1 MS. KATE MCGRANN: If we look at
2 paragraph 340 --

3 THE HONOURABLE FRANK MARROCCO: Ju --
4 just before you do that, put that back on the screen,
5 please. The earlier part of that email, the notion of
6 a different spin and so on, is that what -- is that
7 not what -- what you were talking about in terms of
8 what -- why you would not be providing a staff report
9 to -- or a draft staff report to a member of Council?

10 MS. MARJORY LEONARD: That's correct,
11 Your Honour. He's given us direction again through
12 this comment.

13 THE HONOURABLE FRANK MARROCCO: And --
14 and is this the danger that you've -- would for -- you
15 foresaw with sta -- Council members getting draft
16 reports or --

17 MS. MARJORY LEONARD: That's correct,
18 Your Honour.

19 THE HONOURABLE FRANK MARROCCO: --
20 before everybody else gets it?

21 MS. MARJORY LEONARD: Correct, Your
22 Honour.

23

24 CONTINUED BY MS. KATE MCGRANN:

25 MS. KATE MCGRANN: Looking at the

1 comments that are provided in this email from Mr.
2 Lloyd to Mr. Houghton, do you recall receiving any
3 feedback along the lines of what he's set out here
4 with respect to the discussion about the pools?

5 MS. MARJORY LEONARD: I believe it
6 came back through a draft that Dave McNalty had been
7 writing at the same time.

8 MS. KATE MCGRANN: Do you know how it
9 came to be that Mr. McNalty was writing a draft at the
10 same as you were writing a draft?

11 MS. MARJORY LEONARD: No, I do not.

12 MS. KATE MCGRANN: Do you remember
13 what you did with the draft that Mr. McNalty provided
14 to you?

15 MS. MARJORY LEONARD: I would
16 incorporate his comments into the sections of my re --
17 my report.

18 MS. KATE MCGRANN: Did you receive any
19 information from Mr. McNalty about why he was drafting
20 a parallel draft to yours or if anybody had input into
21 the draft that he was working on?

22 MS. MARJORY LEONARD: No, I did not.

23 MS. KATE MCGRANN: If we could look at
24 paragraph 348 of the Foundation Document. This
25 paragraph describes an email that you send to Deputy

1 Mayor Lloyd on August 20th in which you provide him
2 with a copy of the draft pool arena staff report. You
3 write:

4 "I did some polishing on the report,
5 but I still don't have any numbers.
6 Let me know that you think."

7 Is this the email that you were
8 referring to when you described sending a copy of --
9 of the draft staff report to Deputy Mayor Lloyd?

10 MS. KATE MCGRANN: That's correct.

11 MS. MARJORY LEONARD: Do you recall if
12 you had any interactions with him about the draft that
13 you sent him either in person, over the phone, by
14 email, anything?

15

16 (BRIEF PAUSE)

17

18 MS. MARJORY LEONARD: No, I -- I don't
19 recall.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: And I think we've
24 covered this, but just to be clear, do you recall
25 receiving any comments from him whatsoever before the

1 report was finalized?

2 MS. MARJORY LEONARD: I don't believe
3 so.

4 MS. KATE MCGRANN: When Ms. Almas gave
5 evidence, one (1) of the things that she said was that
6 she believed that if the Deputy Mayor had not been
7 involved in reviewing the draft staff report, the
8 report would have been a different report.

9 What's your reaction to that evidence?

10 MS. MARJORY LEONARD: I -- I would
11 agree with that statement. Had I been the one (1) to
12 compile it with enough time, it would have looked
13 different.

14 MS. KATE MCGRANN: I'm going to step
15 back from the staff report for a moment and just ask
16 some questions about the information that was
17 available to you while you were working on drafting
18 the staff report.

19 First of all, with respect to -- to
20 Sprung and BLT, the construction company, do you
21 remember when you first learned about the company BLT
22 Construction Inc.?

23 MS. MARJORY LEONARD: I believe I was
24 at a meeting at 43 Stewart Road, I can't re -- I -- I
25 recall Tom Lloyd being there and I believe Dave Barrow

1 was there, and that's where I found out about BLT.

2 MS. KATE MCGRANN: What do you
3 remember finding out about BLT at that meeting?

4 MS. MARJORY LEONARD: I believe that
5 that's where I -- I found out that they were the
6 preferred installer for Sprung buildings.

7 MS. KATE MCGRANN: What did you
8 understand that to mean?

9 MS. MARJORY LEONARD: That they kind
10 of had the fran -- franchise for installing Sprung
11 buildings in Ontario anyway.

12 MS. KATE MCGRANN: You said they were
13 the preferred installer, did you understand whether
14 anybody else could install Sprung buildings in
15 Ontario?

16 MS. MARJORY LEONARD: I -- I
17 understood that nobody else could install Sprung
18 buildings, that they were the franchisee, if you -- or
19 licensee, if -- if you will, on their construction
20 methods and -- and projects.

21 MS. KATE MCGRANN: Do you remember who
22 you got that information from?

23 MS. MARJORY LEONARD: I don't know if
24 it was -- if it was directly stated in that manner,
25 but for -- for sure that's the impression that I -- I

1 left that meeting with.

2 MS. KATE MCGRANN: Tom Lloyd of Sprung
3 has appeared as a witness at the Inquiry, and one (1)
4 of the things that he said in his evidence was that he
5 told Mr. Houghton that the Town didn't have to use BLT
6 to construct the pool and arena buildings.

7 Were you aware, before Council voted on
8 August 27th, that the Town didn't have to use BLT?

9 MS. MARJORY LEONARD: No, I was not.

10 MS. KATE MCGRANN: Mr. McNalty, I've
11 mentioned to you already, appeared and gave evidence
12 to the Inquiry as well. One (1) of the things that --
13 that he said was that he understood that it was
14 possible to build a Sprung structure without using a
15 design build contract.

16 What did you understand about what the
17 Town's options were as far as building a Sprung
18 structure and what kind of construction contract the
19 Town had to enter into or could enter into?

20 MS. MARJORY LEONARD: I am -- I -- I
21 am not an engineer or an architect or -- or a -- any
22 of those things, so I don't really understand the --
23 the difference between a design build. I -- I didn't
24 back then. I do -- I've gained that knowledge now.

25 So the -- the differences back then

1 just meant nothing to me.

2 MS. KATE MCGRANN: Since you didn't
3 have the background or experience to -- to understand
4 the construction process that was being contemplated,
5 who did you think was thinking about that on behalf of
6 the Town?

7 MS. MARJORY LEONARD: Both Mr. McNalty
8 and the CAO.

9 MS. KATE MCGRANN: If you could turn
10 up paragraph 274 of the Foundation Document, please?
11 Scroll down and look at 275.

12 This paragraph describes that on July
13 26th, 2012, Mr. Houghton sent a meeting invitation
14 titled "Meeting with Sprung" to Mr. McNalty, Mr.
15 Irwin, yourself, and Mr. Tom Lloyd of Sprung. The
16 meeting was scheduled for Friday, July 27th at 10.

17 Do you remember if this is the meeting
18 that you think you attended with -- with
19 representatives of Sprung and BLT?

20 MS. MARJORY LEONARD: Yes, this is the
21 meeting I was thinking of.

22 MS. KATE MCGRANN: What did you
23 understand the purpose of that meeting to be?

24 MS. MARJORY LEONARD: Just to gain
25 more information. I don't -- I don't recall, other

1 than that.

2 MS. KATE MCGRANN: At the time did you
3 understand why the Town would need to gain more
4 information from one (1) supplier of a fabric building
5 to assist in putting together the staff report?

6 MS. MARJORY LEONARD: No, I didn't.

7 MS. KATE MCGRANN: Did you ask anyone
8 any questions about that? Why are we going to this
9 meeting?

10 MS. MARJORY LEONARD: I don't recall.

11 MS. KATE MCGRANN: Did you attend a
12 similar meeting with WGD Architects to get more
13 information about the work that they were doing?

14 MS. MARJORY LEONARD: No. I don't
15 believe I ever attended a meeting with WGD.

16 MS. KATE MCGRANN: You've given us
17 some information about what was discussed at this
18 meeting, but can you just tell us, what do you recall
19 being discussed at this meeting with Sprung and BLT?

20 MS. MARJORY LEONARD: Other than what
21 I -- what I mentioned, I don't recall.

22 MS. KATE MCGRANN: Do you remember if
23 there was any understanding as to what next steps
24 would be, as between the Town, Sprung, and BLT at the
25 end of this meeting?

1 MS. MARJORY LEONARD: No, I don't
2 recall.

3 MS. KATE MCGRANN: Do you remember if
4 there was any discussion about the kind of information
5 that the Town required from Sprung in order to
6 complete the work that it was doing on its staff
7 report at this meeting?

8 MS. MARJORY LEONARD: I don't recall.

9 MS. KATE MCGRANN: Do you remember if
10 there was any discussion about the process that the
11 Town was going to follow to make an ultimate decision
12 about what kind of building it was going to construct
13 at this meeting?

14 MS. MARJORY LEONARD: I don't believe
15 so.

16 MS. KATE MCGRANN: When you attended
17 this meeting, were you aware that representatives of
18 Sprung had already met with the Mayor, the Deputy
19 Mayor, and the CAO?

20 MS. MARJORY LEONARD: No, I wasn't.

21 MS. KATE MCGRANN: Is that the kind of
22 thing that you would have expected to have known about
23 before attending a meeting like this?

24 MS. MARJORY LEONARD: It would have
25 been helpful.

1 MS. KATE MCGRANN: How would it have
2 been helpful?

3 MS. MARJORY LEONARD: The information
4 that they had imparted to the -- to the Mayor, the
5 Deputy Mayor, and the CAO may have been a better
6 introduction or a -- a more of an introduction to --
7 to the Sprung products.

8 I -- I just like to be informed.

9 MS. KATE MCGRANN: Did you become
10 aware that Sprung had met with the Mayor and the
11 Deputy Mayor and the CAO before you finalized this
12 staff report for the August 27th Council meeting?

13 MS. MARJORY LEONARD: No, I think I
14 first became aware of it in the Foundation Document,
15 actually.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: If we could look at
20 paragraph 280 of the Foundation Document. This
21 paragraph describes that Mr. Houghton scheduled a
22 meeting for July 31st at 1:30 p.m. in his office with
23 the EMC, Mr. McNalty, and Mr. Seymour.

24 I recognize that this was quite a while
25 ago, but to you remember attending this meeting?

1 MS. MARJORY LEONARD: Yes, I do.

2 MS. KATE MCGRANN: Do you remember
3 what the purpose of this meeting was?

4 MS. MARJORY LEONARD: I believe that
5 this meeting was to determine some of the
6 specifications required for an arena and a pool in
7 terms of things like dressing rooms and -- and change
8 rooms and those types of things, what -- what you
9 would need to open a pool and arena, the seating, the
10 benches, whatever.

11 MS. KATE MCGRANN: Do you remember
12 what was discussed at this meeting?

13 MS. MARJORY LEONARD: I believe that
14 it -- it was the specifications for the seating and
15 whether we wanted coin operated heaters above the
16 benches in the arena itself. Those types of things.

17 MS. KATE MCGRANN: Did you have any
18 information or experience that would allow you to
19 contribute to the discussions about what kind of
20 things you would need in an arena or pool?

21 MS. MARJORY LEONARD: No, I did not.

22 MS. KATE MCGRANN: Did you understand
23 what the purpose of your attendance at this meeting
24 was?

25 MS. MARJORY LEONARD: No, other than

1 to make sure that we had a -- a list of what we needed
2 and I could figure out how to pay for it.

3 MS. KATE MCGRANN: Did you understand
4 what the purpose of generating the list was? How was
5 that list going to be used?

6 MS. MARJORY LEONARD: In my mind the
7 list was going to be used to perform the
8 specifications for an RFP.

9 MS. KATE MCGRANN: I think I have
10 under -- I think I understood your evidence to be, but
11 I want to make sure that I've got this clear, any work
12 that was going to be done on putting together an RFP
13 for the construction of a pool and arena, did you
14 foresee that work being done before or after the
15 August 27th Council meeting?

16 MS. MARJORY LEONARD: After.

17 MS. KATE MCGRANN: Did you ask any
18 questions about why you were taking steps towards
19 information for an RFP at this point in time, when
20 Council hasn't directed staff to put one together?

21 MS. MARJORY LEONARD: Through --
22 through the research portion of it, like if you're
23 going to have an arena, we needed to know all of the
24 costs, we needed to know all the cost of -- of the
25 pool.

1 I -- again, as I said, I don't know how
2 many change rooms are needed, how many dressing rooms
3 for the hockey or, if there's a referee's whatever.

4 So, to gather information as to what
5 would have been put in to specification was important
6 to me to -- to get that information down, even though
7 Council hadn't given us direction, I believe that it
8 would have been important to have that.

9 MS. KATE MCGRANN: Council had
10 directed staff to come back with estimates for the
11 different building constructions that they had
12 identified.

13 Did you think that the specifications
14 that you put together in this meeting were going to be
15 used to help get those estimates put together?

16 MS. MARJORY LEONARD: Yes, I did.

17 MS. KATE MCGRANN: With respect to the
18 pool enclosure, who did you understand was working on
19 getting information about the pool enclosure?

20 MS. MARJORY LEONARD: It was between
21 the CAO and Dave McNalty, but mostly it would have
22 been Dave McNalty.

23 MS. KATE MCGRANN: To your knowledge,
24 what did Mr. Houghton and Mr. McNalty do to research
25 information about a pool enclosure, a fabric building

1 pool enclosure?

2 MS. MARJORY LEONARD: I know that Mr.
3 McNalty had done some research in terms of -- with the
4 Central Park Steering Committee on fabric structures.
5 But in terms of who else they looked at or where else
6 they went, that I had no knowledge of.

7 MS. KATE MCGRANN: You said that you
8 know that Mr. McNalty had done some work with the
9 Central Park Steering Committee on fabric structures?

10 MS. MARJORY LEONARD: I believe it was
11 researching one (1) of those types of structures
12 somewhere. It may have been for the outdoor rink, I'm
13 not 100 percent sure on that.

14 MS. KATE MCGRANN: What sort of
15 research work product did Mr. McNalty provide to you
16 with respect to the pool?

17 MS. MARJORY LEONARD: I don't believe
18 that he provided me with anything in terms of the
19 pool. It was -- it was actually through Ed with the
20 pricing on the contract that we eventually received.

21 MS. KATE MCGRANN: Okay, and are you
22 referring to the budget that Sprung provided for --

23 MS. MARJORY LEONARD: That -- that's
24 correct, yes.

25 MS. KATE MCGRANN: -- constructing a

1 building over the pool?

2 Do you know if anyone looked into any
3 other kinds of fabric buildings or suppliers of fabric
4 buildings for the pool building before the August 27th
5 Council meeting?

6 MS. MARJORY LEONARD: I can tell you
7 that, when I heard about the Sprung and the fabric
8 buildings, I did go to the internet and -- basically
9 to determine whether or not there were competitors,
10 and I did turn up two (2) of them.

11 But in terms of what the other members
12 were doing, I don't know if it was just straight to
13 the internet. At that time, I didn't know if it was
14 just straight to the internet or if they had actually
15 contacted people from those other manufacturers that
16 were out there.

17 MS. KATE MCGRANN: So, through your
18 internet research you identified two (2) other
19 suppliers of fabric buildings?

20 MS. MARJORY LEONARD: I believe they
21 were Ye -- Yeadon and Norseman. Those are the two (2)
22 I remember.

23 MS. KATE MCGRANN: Do you remember how
24 much time you spent doing internet research?

25 MS. MARJORY LEONARD: I believe it was

1 a couple of hours anyway because I actually also went
2 out and looked up Sprung and their building code in
3 Ontario, specifications when they got to -- to build
4 in -- in Ontario.

5 MS. KATE MCGRANN: When you found
6 Yeadon and Norseman, what did you do with that
7 information?

8 MS. MARJORY LEONARD: That's when it
9 was put into the staff report that you need to do an
10 RFP.

11 MS. KATE MCGRANN: Did you reach out
12 to either of those companies to speak with anyone?

13 MS. MARJORY LEONARD: No, I did not.
14 I assumed that that would have been done by the --
15 like, Dave McNalty or Ed, the people that knew more
16 about engineering and architecture than me.

17 MS. KATE MCGRANN: Did you have any
18 discussions with anyone on staff who was gathering
19 information for the staff report about what you found
20 through your research?

21 MS. MARJORY LEONARD: I don't recall.

22 MS. KATE MCGRANN: But in light of
23 what you found, you incorporated the need for an RFP
24 into the draft of the staff reports you had --

25 MS. MARJORY LEONARD: Correct.

1 MS. KATE MCGRANN: -- put together?

2 MS. MARJORY LEONARD: Correct.

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: In terms of the
7 work that was being done on the pool, to your
8 knowledge, did anyone on staff consult with any
9 community stakeholders who had an interest in -- in
10 aquatics in -- in the Town?

11 MS. MARJORY LEONARD: Ye -- yes.

12 MS. KATE MCGRANN: Okay. What can you
13 tell me about what you know about that?

14 MS. MARJORY LEONARD: Again, it -- it
15 -- the -- the Clippers swim team in Collingwood had
16 been part of the steering committee, and their request
17 was a 25-metre, six-lane pool.

18 I know that they did come forward and
19 indicate that they thought the idea was actually one
20 (1) that they had had a few years before. They had
21 actually looked into covering the pool with some sort
22 of a fabric building, and I -- I think it might have
23 been Sprung at the time.

24 But they were enthusiastic about if --
25 if that was the direction that Council chose to go,

1 they were enthusiastic.

2 MS. KATE MCGRANN: Did the Clippers
3 come to you with this information?

4 MS. MARJORY LEONARD: No.

5 MS. KATE MCGRANN: Do you know who
6 they went to?

7 MS. MARJORY LEONARD: I believe it was
8 either through the deputy mayor or Marta, or perhaps
9 even the CAO. I don't really know where that came
10 from.

11 MS. KATE MCGRANN: Do you remember
12 when you learned that the Clippers had spoken to
13 someone on staff about their support for covering the
14 pool?

15 MS. MARJORY LEONARD: No, I don't. I
16 don't remember.

17 MS. KATE MCGRANN: Do you remember if
18 you learned of that before Council voted to proceed
19 with Sprung on August 27th?

20 MS. MARJORY LEONARD: I don't -- I
21 don't believe so. I don't believe so.

22 MS. KATE MCGRANN: All right. And
23 that answer may render this question redundant, but do
24 you remember if you received anything that the
25 Clippers had gathered in researching covering the

1 outdoor pool?

2 MS. MARJORY LEONARD: No, I did not.

3 MS. KATE MCGRANN: Other than the
4 Clippers, to your knowledge, did anyone on staff
5 consult any other stakeholders in the community who
6 had an interest in aquatics facilities before Council
7 voted to proceed with Sprung?

8 MS. MARJORY LEONARD: I don't believe
9 so.

10 MS. KATE MCGRANN: Do you know if
11 anyone on staff took any steps to -- to look at
12 whether it was feasible to turn the existing outdoor
13 pool into an indoor pool?

14 MS. MARJORY LEONARD: I don't believe
15 so. However, there was an abandoned project in
16 relation to the -- to the Heritage Park where they --
17 the intent was that we would build a therapeutic pool
18 there and a rehabilitation type centre. There was
19 going to be the wellness centre. And the indoor
20 therapeutic pool and the outdoor pool would share the
21 pumps and -- and all of those types of things.

22 So, in -- in terms of covering the
23 outdoor pool itself, no, it had been another project
24 to go along with that, but it would have provided a
25 therapeutic pool.

1 MS. KATE MCGRANN: Okay. And just to
2 make sure that I understand, the wellness centre
3 concept involved the construction of a therapeutic
4 pool inside that would be able to use some of the
5 machinery that was being used by the outdoor
6 Centennial pool?

7 MS. MARJORY LEONARD: That was my
8 understanding.

9 MS. KATE MCGRANN: Do you know how
10 much, if any, work went into looking at whether that
11 kind of machinery sharing would be possible between an
12 indoor pool and an outdoor pool when the wellness
13 centre was being considered?

14 MS. MARJORY LEONARD: I believe that
15 we spent five hundred and some odd thousand dollars
16 (\$500,000) on engineering to determine whether or not
17 the wellness centre concept could be com -- completed
18 and what the servicing costs would be.

19 MS. KATE MCGRANN: Do you know whether
20 -- the question of whether that existing pool
21 machinery could be utilized continuing the outdoor
22 pool and servicing an indoor therapy pool, was that
23 part of the work the engineers did?

24 MS. MARJORY LEONARD: I -- I don't
25 fully know. But I do know that engineers did work on

1 it, so I -- I can't answer that question.

2 MS. KATE MCGRANN: Do you know if a
3 report was issued by the engineers who did that work?

4 MS. MARJORY LEONARD: That would be
5 during the period of time that I was off work, so I
6 don't know if there was a report.

7 MS. KATE MCGRANN: To your knowledge,
8 did any of the staff members who were working on
9 gathering information for the August 27th staff report
10 go back and look at the information that had been
11 gathered with respect to the wellness centre?

12 MS. MARJORY LEONARD: No.

13 MS. KATE MCGRANN: When Mr. McNalty
14 came and gave evidence to the Inquiry he said he
15 wasn't sure if anyone assessed the feasibility of
16 putting a building over the pool and that the only
17 option considered for the pool was a Sprung structure.

18 Are you aware of anything additional
19 being done by staff with respect to the pool other
20 than the internet research that you've told us you
21 did?

22 MS. MARJORY LEONARD: No.

23

24 (BRIEF PAUSE)

25

1 MS. KATE MCGRANN: Other than the July
2 27th meeting, do you recall any -- attending any other
3 meetings with -- with Sprung?

4 MS. MARJORY LEONARD: Not off the top
5 of my head.

6 MS. KATE MCGRANN: If you look at
7 paragraph 291 of the Foundation Document -- 292,
8 actually, this paragraph describes calendar
9 information that Mr. Houghton sent for a meeting with
10 Sprung to members of the EMC, Mr. McNalty, Mr.
11 Seymour, Deputy Mayor Lloyd, and Tom Lloyd, from
12 Sprung. And the meeting is to take place on August
13 3rd, 2012.

14 Do you recall if you attended this
15 meeting?

16 MS. MARJORY LEONARD: I -- I can't say
17 for sure if I did or not. There were a lot of
18 meetings going on.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: Do you remember
23 being present for a discussion about whether a Sprung
24 shield would be installed in either the arena or the
25 pool before Council made a decision to proceed on

1 August 27th?

2 MS. MARJORY LEONARD: I believe so,
3 yes.

4 MS. KATE MCGRANN: What can you tell
5 us about that discussion?

6 MS. MARJORY LEONARD: When I -- when I
7 left the discussion, I thought that the Sprung shield
8 was going to be installed.

9 MS. KATE MCGRANN: Who was involved in
10 the discussion?

11 MS. MARJORY LEONARD: I can't
12 remember.

13 MS. KATE MCGRANN: Do you remember
14 anybody who was involved in the discussion?

15 MS. MARJORY LEONARD: I believe that
16 Mr. Irwin was there and the CAO, Tom Lloyd I think for
17 sure.

18 MS. KATE MCGRANN: Do you remember
19 anybody else being present?

20 MS. MARJORY LEONARD: Not that I can
21 recall.

22 MS. KATE MCGRANN: Do you remember
23 what was discussed about the Sprung shield?

24 MS. MARJORY LEONARD: That it was
25 about an 8-foot high aluminum -- I don't know what you

1 call it -- panel that would go in the panels, and it
2 would make it a lot -- a lot less easy to break into
3 the -- to the building, or to damage the building.

4 MS. KATE MCGRANN: Do you remember if
5 there was any discussion of the cost associated with
6 installing a Sprung shield in either the arena or the
7 pool?

8 MS. MARJORY LEONARD: I can't recall.

9 MS. KATE MCGRANN: Do you remember
10 anything else about what was discussed about the
11 Sprung shield with these individuals?

12 MS. MARJORY LEONARD: No, I don't.

13 MS. KATE MCGRANN: You said when you
14 left the conversation you thought that the Sprung
15 shield was going to be installed. Why did you have
16 that understanding?

17 MS. MARJORY LEONARD: I -- I can't
18 answer that. I just thought that it -- it would have
19 -- it would have been installed. That's just the
20 impression that I came away from that meeting with. I
21 don't know when the decision to not put it in was
22 actually made.

23 MS. KATE MCGRANN: Okay. Did you
24 understand as a result of that conversation that it
25 was something that the Town had to opt into, like,

1 were choosing to install the Sprung shield?

2 MS. MARJORY LEONARD: Yes.

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: Do you recall if
7 you were asked to weigh in on the decision of whether
8 or not to install the shield?

9

10 (BRIEF PAUSE)

11

12 MS. MARJORY LEONARD: No, I don't
13 recall.

14 MS. KATE MCGRANN: Do you remember if
15 there was a discussion about what kind of parameters
16 or factors would be considered when making the
17 decision to install the Sprung shield?

18 MS. MARJORY LEONARD: I remember that
19 there was a discussion about the amount of vandalism
20 that we have in -- in Town and that it was low levels
21 of vandalism. I -- other than that, I can't recall.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: So, I understand

1 that you can't recall whether or not you attended the
2 August 3rd meeting that we were looking at.

3 Other than the July 27th meeting, do
4 you recall being in any other meetings in which there
5 were representatives of Sprung present?

6 MS. MARJORY LEONARD: Not really, no.

7 MS. KATE MCGRANN: Okay. Do you
8 remember being involved in any other meetings where
9 there were representatives of BLT present?

10

11 (BRIEF PAUSE)

12

13 MS. MARJORY LEONARD: No, I can't. I
14 -- I do know I met Dave Barrow before August the 27th,
15 but I can't recall when.

16 MS. KATE MCGRANN: Leaving aside the
17 meetings, did you have any discussions with anyone
18 from Sprung other than at the -- the one (1) meeting
19 that you have told us about?

20 MS. MARJORY LEONARD: No, I did not.

21 MS. KATE MCGRANN: Did you have any
22 discussions with anyone at BLT other than the one (1)
23 time that you met Mr. Barrow?

24 MS. MARJORY LEONARD: No, I did not.

25 MS. KATE MCGRANN: In terms of the

1 August 3rd meeting, Tom Lloyd, from Sprung, gave
2 evidence that that meeting was held because there
3 wasn't enough design information available from the
4 Town for Sprung to give the Town the information that
5 it was asking for.

6 Do you recall -- does that help jog
7 your memory as to the August 3rd meeting at all?

8 MS. MARJORY LEONARD: No, it doesn't.

9 MS. KATE MCGRANN: Do you remember
10 more generally the notion of there being a need to
11 give Sprung more information so that the Town could
12 get budgets or estimates from Sprung?

13 MS. MARJORY LEONARD: I can't recall.

14 MS. KATE MCGRANN: Mr. Lloyd also said
15 -- Mr. Tom Lloyd also said that it was around this
16 time, so August 3rd, that the Town decided that it
17 didn't need to go to an independent architect to come
18 up with a design for the arena and pool.

19 Do you remember being involved in any
20 discussions like that?

21

22 (BRIEF PAUSE)

23

24 MS. MARJORY LEONARD: No, I don't.

25 MS. KATE MCGRANN: If we could look at

1 paragraph 295 of the --

2 THE HONOURABLE FRANK MARROCCO: Just -
3 - just before you do, when did you become aware of the
4 fact that the shield was not included in the price?

5 MS. MARJORY LEONARD: When they broke
6 into the pool building and put the skyjack in the
7 middle of the tank.

8 THE HONOURABLE FRANK MARROCCO: So it
9 came as a surprise to you at that point?

10 MS. MARJORY LEONARD: Absolutely, Your
11 Honour.

12

13 CONTINUED BY MS. KATE MCGRANN:

14 MS. KATE MCGRANN: If we could turn to
15 paragraph 295 of the Foundation Document. This
16 paragraph -- a couple more questions about August 3rd.

17 This paragraph describes that Mr. Irwin
18 sent Mr. MacNeil of Sprung, along with a copy to Mr.
19 Houghton, Mr. McNalty, and yourself, notes from
20 today's meeting, and that email that he sent attached
21 two (2) documents. They're scope of work documents,
22 which I will pull up so you can take a look at them.

23 My question is going to be: Do you
24 remember seeing this -- this email correspondence?

25 So let's take a look at TOC195145.

1 (BRIEF PAUSE)

2

3 MS. MARJORY LEONARD: Yes.

4 MS. KATE MCGRANN: A couple of
5 background paragraphs. And if you scroll down further
6 you can see a list of design components.

7 So do you remember seeing a document
8 like this?

9 MS. MARJORY LEONARD: Yes.

10 MS. KATE MCGRANN: Do you remember
11 receiving the email from Mr. Irwin, forwarding this
12 around?

13 MS. MARJORY LEONARD: Yes.

14 MS. KATE MCGRANN: Okay. Does seeing
15 this help -- help jog your memory about whether you
16 attended an August 3rd meeting or not?

17 MS. MARJORY LEONARD: No, it doesn't.

18 MS. KATE MCGRANN: Do you recall --
19 why did you receive this email from Mr. Irwin?

20 MS. MARJORY LEONARD: It was -- it was
21 -- oh, it was results of the meeting that we had to
22 discuss the stuff that we needed inside of the pool
23 and the arena, okay, and that's the August 3rd
24 meeting. So he circulated it around to us so we could
25 see what we needed on the -- the inside and outside.

1 MS. KATE MCGRANN: Okay. So, you had
2 told us that a July 30th meeting you attended, Mr.
3 Houghton's suggestion was to put together a list of
4 things that you needed for the inside of the pool and
5 the arena.

6 What we can see from the documents is
7 that on the morning of August 2nd, Mr. McNalty sends
8 around documents substantially similar to this to
9 members of staff. There's an August 3rd meeting and
10 then this -- this email is sent around after the fact.

11 What did you understand was being done
12 with this information?

13 MS. MARJORY LEONARD: In my mind, it
14 would be used to add to an RFP to say this is what we
15 want. We need two hundred and fifty (250) seats and -
16 - to control the inside stuff that was going in it
17 basically.

18 MS. KATE MCGRANN: Did you understand
19 that this information had been or would be provided to
20 Sprung to help it put together estimates?

21 MS. MARJORY LEONARD: I can't -- I
22 don't recollect that one.

23 MS. KATE MCGRANN: Okay. Do you
24 remember if you had an understanding of whether this
25 information had been or would be provided to WGD to

1 assist it in the work that it was doing?

2 MS. MARJORY LEONARD: Again, I don't
3 recollect.

4 MS. KATE MCGRANN: I'm about to move
5 on to a new area. I'm looking at the clock. This
6 might be an appropriate time for lunch.

7 THE HONOURABLE FRANK MARROCCO: We'll
8 break for lunch until two o'clock.

9

10 --- Upon recessing at 12:54 p.m.

11 ---Upon resuming at 2:05 p.m.

12

13 CONTINUED BY MS. KATE MCGRANN:

14 MS. KATE MCGRANN: Good afternoon, Ms.
15 Leonard.

16 THE HONOURABLE FRANK MARROCCO: Just a
17 second. Mr. Bonwick's not here. Does anybody know
18 where he is or --

19 MR. GEORGE MARRON: Can't help you.

20 MR. FREDERICK CHENOWETH: I've had no
21 contact with him, Your Honour.

22 THE HONOURABLE FRANK MARROCCO: All
23 right.

24 MR. FREDERICK CHENOWETH: I couldn't
25 say. Sorry.

1 THE HONOURABLE FRANK MARROCCO: Well,
2 let me -- let me deal with something else first.

3 MR. FREDERICK CHENOWETH: Should I
4 step out for second and see if I can see him?

5 THE HONOURABLE FRANK MARROCCO: Well,
6 let me deal with this first and then we'll see. Maybe
7 he'll show up.

8 Oh, there he is. The Inquiry is over,
9 Mr. Bonwick. We -- we haven't taken any further
10 evidence since this morning. I was just about to deal
11 with the -- Mr. Scott.

12 I -- I just want to say, Mr. Chenoweth,
13 I think the way we'll take his evidence is, lead his
14 qualifications and lead whatever it is he wants to
15 say. People can cross-examine on his qualifications
16 and cross-examine on his testimony and then make
17 whatever arguments they want, either as to his qualifi
18 -- his ability -- his qualification to say what he's
19 saying or the substance of -- of what he's saying.

20 MR. FREDERICK CHENOWETH: As I
21 understand what you're suggesting, Your Honour, is
22 that I'm to deal with qualifications and then his
23 evidence and then we'll turn it over for cross-
24 examination.

25 THE HONOURABLE FRANK MARROCCO: Right,

1 and then --

2 MR. FREDERICK CHENOWETH: Thank you,
3 sir.

4 THE HONOURABLE FRANK MARROCCO: Thank
5 you. Now we're ready to go.

6

7 CONTINUED BY MS. KATE MCGRANN:

8 MS. KATE MCGRANN: Good afternoon, Ms.
9 Leonard. Could we turn up TOC548961?

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: These are the
14 minutes from a department head meeting on August 7th,
15 2012. Under the members, we can see that Mr. Houghton
16 is chairing this meeting. You're present, along with
17 others.

18 If we could scroll down to page 2.
19 Under heading number 3, "Staff Reports and Other
20 Business," if you look at the second -- third bullet
21 point, "Centennial Pool/Central Park," the minutes
22 state that:

23 "The Chair showed a cutaway of one
24 of the hoop-type supports
25 (column/beam provided by Sprung).

1 The Chair noted that in order to
2 compare competing quotes and
3 technologies, the amenities' square
4 footage and physical layout needed
5 to be included. It is expected that
6 the struc -- structure to cover the
7 Centennial Pool would be
8 approximately 120 feet x 140. The
9 Chair also described the ice pad
10 buildings, as well as amenities that
11 will be included in those and how
12 they could be situated to preserve
13 the two better ball diamonds.
14 Sprung buildings can attain
15 equivalent to LEED silver standard
16 certification, but will not be
17 certified as the process and
18 attributed costs cannot be
19 justified. Even with the inclusion
20 of skylights, the R-value of the
21 roof portion remains at 22. In
22 response to Bill's concern, the
23 Chair confirmed that it is the
24 responsibility of the local
25 contractor's engineer to certify the

1 building. The Tedlar membrane is
2 virtually indestructible and any
3 repairs are virtually undetectable
4 within one (1) week of repair."

5 First of all, do you remember being at
6 this department heads' meeting?

7 MS. MARJORY LEONARD: I would have to
8 say no, I really don't remember it, but I was there.

9 MS. KATE MCGRANN: Do you remember,
10 more generally, Mr. Houghton providing information
11 along these lines to the department heads before
12 Council made its decision to proceed with Sprung on
13 August 27th?

14 MS. MARJORY LEONARD: Yes.

15 MS. KATE MCGRANN: Do you know why Mr.
16 Houghton provided the department heads with this
17 information about the Sprung buildings before Council
18 voted to proceed with those buildings?

19 MS. MARJORY LEONARD: No.

20 MS. KATE MCGRANN: We're not aware of
21 any records that indicate that department heads were
22 provided with similar kind of information about the
23 other construction types that staff was looking into
24 for the arena.

25 Do you know if Mr. Houghton or anyone

1 provided information of this level of detail to the
2 department heads about the other construction types
3 that staff was examining?

4 MS. MARJORY LEONARD: I would have to
5 say no.

6 MS. KATE MCGRANN: Did you have any
7 concern at the time that the Town wasn't giving equal
8 consideration to the different construction types that
9 Council had instructed it to look into?

10 MS. MARJORY LEONARD: Yes.

11 MS. KATE MCGRANN: Can you explain to
12 me what you were concerned about?

13 MS. MARJORY LEONARD: In terms of what
14 Council asked us to do in -- with regard to the arena
15 in particular, I didn't -- I didn't have the same
16 level of information regarding the three (3) different
17 types of buildings that they were supposed to look at,
18 and in the end it turned out that we are only looking
19 at two (2) different types of buildings, a pre-
20 engineered structure and a fabric building.

21 The bricks and mortar one seemed to
22 have been dropped earlier on. That would have been my
23 -- my main concern.

24 The direction was actually that it was
25 a fabric building that would go over the pool, so to

1 me it was just a determination of which manufacturer
2 you -- you chose, but we were not giving the same type
3 of information regarding the arena. And even at this
4 point, it -- it -- it was heavily weighted towards
5 Sprung.

6 MS. KATE MCGRANN: You noted that when
7 you did some internet research, you identified two (2)
8 other fabric building suppliers.

9 Do you know if department heads were
10 ever provided with any information about what those
11 companies were offering?

12 MS. MARJORY LEONARD: I don't believe
13 there were.

14 MS. KATE MCGRANN: The concerns that
15 you outlined to us, did you speak to anybody about
16 them before Council voted to proceed with Sprung on
17 August 27th?

18 MS. MARJORY LEONARD: I don't believe
19 so.

20 MS. KATE MCGRANN: Any reason why not?

21 MS. MARJORY LEONARD: I believed that
22 this -- the Purchasing Manager and the CAO that were
23 in charge of the process were the ones that were
24 dealing with the way things were going to go, and
25 talking about that, my concerns would have just been

1 wasted air.

2 MS. KATE MCGRANN: You felt that they
3 wouldn't be taken seriously or listened to?

4 MS. MARJORY LEONARD: That's correct.

5 MS. KATE MCGRANN: And is that the
6 reason that you didn't raise them with those two (2)?

7 MS. MARJORY LEONARD: Yes.

8 MS. KATE MCGRANN: Why would you
9 believe that Mr. McNalty wouldn't take your concern
10 seriously?

11 MS. MARJORY LEONARD: Because he was -
12 - he reported directly to the CAO, and due to -- had
13 he taken them even -- let me start over. Even if he
14 had taken them seriously, I believe that they would
15 have been overruled.

16 MS. KATE MCGRANN: I want to ask you
17 some questions about the work that WGD Architects was
18 doing for the Town.

19 Could we turn to paragraph 6 of Summary
20 Document 2-4?

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: This paragraph and
25 -- and the paragraphs that follow describe

1 instructions that Mr. McNalty ultimately provides to
2 WGD in terms of the feasibility study that they were
3 doing on the arena with respect to -- the Town was
4 doing to get ready for the staff report.

5 If we can turn up TOC188041.1.1.

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: This is the
10 feasibility study document that Mr. McNalty provided
11 to WGD at the beginning of the work that it was doing
12 for the Town. And if we could scroll down to page 2,
13 there it lays out Terms of Reference here. If you
14 scroll down to the last paragraph, it says:

15 "The following scenarios are to be
16 considered as a minimum.

17 Alternatives may be provided should
18 they enhance the opportunity for
19 part of the project to go forward."

20 And scroll down to the next page.

21 Scroll a bit so we can see the heading.

22 This lists the four (4) things that WGD
23 is being asked to consider at a minimum, and I'm
24 particularly interested in the middle two (2), the
25 initial phase of a single-pad arena and a stand-alone

1 single pad arena with the potential to twin in the
2 future.

3 If you look in the columns underneath
4 those two (2) headings, in both instances WGD is being
5 asked to consider a fabric membrane over a new ice
6 arena, the Sprung or equivalent.

7 Were you aware that WGD had been asked
8 to -- to provide information and estimates with
9 respect to a fabric membrane building over the -- and
10 arena and a fabric membrane building?

11 MS. MARJORY LEONARD: I don't recall
12 if I was aware or not.

13 MS. KATE MCGRANN: In terms of the
14 nature of the work that WGD was doing for the Town, I
15 think you told us that you knew that they were looking
16 at building types for the arena. Have I got that
17 right?

18 MS. MARJORY LEONARD: I -- I believe
19 so, yes.

20 MS. KATE MCGRANN: Do you remember
21 what kinds of building types you thought they were
22 looking at?

23 MS. MARJORY LEONARD: I thought they
24 were looking at the bricks and mortar and a pre-
25 engineered steel structure, and I don't -- I don't

1 recall if the fabric structure was involved or not.

2 But they -- they did do an assessment
3 of the Eddie Bush arena prior to the steering
4 committee job.

5 MS. KATE MCGRANN: Did you think that
6 in the work that WGD was doing for the Town, it was
7 trying to bid for a contract with the Town to
8 construct recreational facilities?

9 MS. MARJORY LEONARD: No, I did not.

10 MS. KATE MCGRANN: What did you think
11 they were doing?

12 MS. MARJORY LEONARD: In a -- in a lot
13 of instances we do hire consultants to do feasibility
14 studies, and as well then to write specifications for
15 RFPs, and I thought that that's where it would be
16 leading.

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: Could we go to --
21 go to paragraph 269 on the Foundation Document,
22 please.

23 This paragraph describes that on July
24 24th, 2012 WGD sent Mr. McNalty architectural
25 drawings, which they described as the current concept

1 for a single pad arena.

2 The drawings included drawing for a
3 pre-eng structure and for a Sprung structure. This is
4 sent to Mr. McNalty. Do you remember if you received
5 drawing for a pre-eng structure and a Sprung structure
6 that WGD had put together?

7 MS. MARJORY LEONARD: I -- I don't
8 recall.

9 MS. KATE MCGRANN: Could we scroll
10 down to paragraph 270 of the Foundation Document?

11 So later in the day, on July 24th, you
12 sent an email to the EMC and Mr. McNalty. In your
13 email you state that you had asked him to continue to
14 work with WGD on a list of items, including redrawing
15 certain parts of the schematics and providing pricing
16 for both a pre-fabricated steel structure and a bricks
17 and mortar building.

18 With respect to Sprung, you stated:

19 "Leave the Sprung building pricing
20 for now until the management team
21 and Dave McNalty can meet with the
22 Sprung people. Once we have the
23 pricing on operating costs for the
24 buildings from WGD, somebody (Ed,
25 Dave, Dave and the management team)

1 will contact Sprung to get pricing
2 to ensure that we are comparing
3 apples to apples."

4 So, do you remember sending this email?

5 MS. MARJORY LEONARD: No, but I
6 apparently did.

7 MS. KATE MCGRANN: My next question
8 was going to be: Do you know what led to you sending
9 this email, why you sent this?

10 MS. MARJORY LEONARD: No, I do not.

11 MS. KATE MCGRANN: More generally, do
12 you remember if you ever turned your mind to asking
13 WGD not to look at a fabric building? That staff will
14 be doing that through Sprung instead?

15 MS. MARJORY LEONARD: I actually did
16 not have direct contact with WGD, so I did not ask
17 them anything.

18 MS. KATE MCGRANN: And this email that
19 you sent to Mr. McNalty, you're providing him with
20 instructions on what he is to do with WGD.

21 One (1) of the things you ask him to
22 have them do is provide pricing for both the pre-
23 fabricated steel structure and a bricks and mortar
24 building.

25 Do you remember if it was your

1 intention or if you were asking Mr. McNalty to have
2 WGD not look at a fabric building?

3 MS. MARJORY LEONARD: I don't believe
4 it was my intention not to have them look at a fabric
5 building, because they are -- they are architects and
6 they did know what had been planned for the Central
7 Park Steering Committee.

8 I would think that the bricks and
9 mortar building and the pre-engineered steel structure
10 would have been more up their line of business.

11 MS. KATE MCGRANN: Are you able to
12 help us understand why somebody, Ed, Dave, Dave, and
13 the management team, would contact Sprung to get
14 prices after the Town had received prices from WGD?

15 MS. MARJORY LEONARD: Other than --
16 well, and obviously it would be before I thought that
17 -- before Ed said that he would be the one (1)
18 negotiating if I had thought that it was going to be
19 the management team or -- or the other members that
20 were working on it.

21 At this point in time I don't remember,
22 I'm sorry.

23 MS. KATE MCGRANN: When you say this
24 was before Ed told you that he would be the one (1)
25 negotiating, what are you referring to?

1 MS. MARJORY LEONARD: With the Sprung
2 contract or Sprung pricing, it must have been before I
3 knew that Ed was going to be the sole contact to
4 Sprung.

5 MS. KATE MCGRANN: Do you remember if
6 you had any understanding at this point in time why
7 anyone from staff would be getting pricing from a
8 specific building manufacturer, where you're just
9 receiving estimates on other construction types for
10 the different buildings the Town is looking at?

11 MS. MARJORY LEONARD: The -- I -- I
12 had assumed wrongly, apparently, that it would be
13 estimates as well that we would be getting, so you
14 could -- Council could have information in order to
15 make a final decision and give us direction.

16 MS. KATE MCGRANN: Do you have any
17 thought about why the Town would go to a specific
18 supplier for estimates of one (1) kind of building and
19 have a consulting architect provide estimates for two
20 (2) different construction types of buildings.

21 MS. MARJORY LEONARD: No, I don't.

22 MS. KATE MCGRANN: At the time did you
23 think about that at all?

24 MS. MARJORY LEONARD: I don't believe
25 I did think about it at the time.

1 MS. KATE MCGRANN: If we could go to
2 paragraph 45 of summary document 2-4.

3 This paragraph describes that WGD set
4 what we understand is its final report to Ms. Proctor
5 at 4:23 p.m. on August 17th, 2012. And Ms. Proctor
6 forwards this information to Mr. Houghton, yourself,
7 and Ms. Almas shortly after that, and around 5:00 p.m.
8 writing:

9 "Please find attached a revised
10 package with the information
11 compiled into one report. I believe
12 the only piece we are now awaiting
13 is the estimated operating costs."

14 Do you remember receiving the WGD
15 report before you circulated your first draft of the
16 staff report?

17 MS. MARJORY LEONARD: No, I don't
18 remember receiving it before.

19 MS. KATE MCGRANN: Do you remember if
20 you reviewed it at any point before the staff report
21 was finalized?

22 MS. MARJORY LEONARD: I may have
23 looked at it, but I relied on Dave McNalty and the
24 people that knew the engineering and that to provide
25 the information to me.

1 I could look at the numbers and say
2 yeah, there's four hundred thousand dollars (\$400,000)
3 difference. What does that translate into in
4 operating costs? At this point I don't have the
5 information to figure that out.

6 I mean, you know, in -- in terms of the
7 quality of the building or the -- you know,
8 engineering architecture structure, that's not my
9 forte.

10 MS. KATE MCGRANN: You said you -- you
11 relied on Dave McNalty and others to look at the
12 report for you.

13 Who else did you rely on to look at
14 this report for you?

15 MS. MARJORY LEONARD: Actually, the
16 CAO, Ed. He had a lot more experience in construction
17 contracts in -- in terms of, for instance, he oversaw
18 the building, the water treatment plant construction
19 and -- and selections there.

20 So he definitely knew more about
21 buildings than me.

22 MS. KATE MCGRANN: Other than Mr.
23 McNalty and Mr. Houghton, did you rely on anybody else
24 to review the WGD report and provide you with
25 information about its contents?

1 MS. MARJORY LEONARD: No.

2 MS. KATE MCGRANN: You said that you
3 could look at the numbers. Do you re -- recall if you
4 did look at the numbers before the staff report was
5 finalized?

6

7 (BRIEF PAUSE)

8

9 MS. MARJORY LEONARD: I -- I must
10 have, but I can't -- I can't specifically cral --
11 recall when I actually did.

12 MS. KATE MCGRANN: You had mentioned
13 earlier that there was -- originally, staff were
14 investigating through WGD a bricks and mortar
15 building, and that dropped off.

16 How did that construction type come to
17 drop off the list of options that staff was looking
18 into?

19 MS. MARJORY LEONARD: I don't recall
20 how it fell off the -- the table.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Do you recall
25 realizing at some point in time that that was an

1 option that you weren't getting infor -- any
2 information about?

3 MS. MARJORY LEONARD: Sometime between
4 the first and third draft of my staff report --

5 MS. KATE MCGRANN: You realized that
6 you weren't --

7 MS. MARJORY LEONARD: -- that I
8 wasn't.

9 MS. KATE MCGRANN: -- getting
10 information about bricks and mortar?

11 MS. MARJORY LEONARD: Yes.

12 MS. KATE MCGRANN: Did you take any
13 steps to follow up on that information?

14 MS. MARJORY LEONARD: I can't recall,
15 but I would have asked the question as to what
16 happened to the bricks and mortar. And I would have
17 received an answer, but, again, I can't -- I can't
18 recall that.

19 MS. KATE MCGRANN: Do you recall
20 learning at any point in time that WGD had provided an
21 estimate for a fabric building?

22 MS. MARJORY LEONARD: I remember
23 seeing the -- the emails back and forth, but I don't
24 know if that was via the Foundation Document. But
25 there were emails where Ed had asked Dave to supply

1 WGD with more information in terms of looking at the
2 Sprung building because of the insulation.

3 And I believe Dave sent information off
4 to them saying that, you know, it wasn't -- it wasn't
5 just your cover-the-sandpile-worth of fabric
6 structure, it was actually a more stable structure
7 than that.

8 MS. KATE MCGRANN: Just so that I am
9 clear, are you recounting for us now things that you
10 remember receiving in the Foundation Document or
11 correspondence that you remember seeing at the time?

12 MS. MARJORY LEONARD: I can't
13 specifically recall the difference any more between
14 that and -- at the time and -- and reading it in the
15 Foundation Document, I'm sorry.

16 MS. KATE MCGRANN: And it may be that
17 you are not able to answer this because of what you do
18 recall at the time, but the question I have is: If WGD
19 provided the Town with an estimate for a pre-
20 engineered building and a fabric building, why did the
21 Town need to go anywhere else to get estimates for a
22 fabric building?

23 MS. MARJORY LEONARD: I can't answer
24 that, but it would definitely be a good question.

25 MS. KATE MCGRANN: Do you remember

1 hearing anything about staff having concerns about
2 errors in the WGD report or the contents of the report
3 before Council voted to proceed with Sprung on August
4 27th?

5 MS. MARJORY LEONARD: I don't recall
6 that. I don't recall that.

7 MS. KATE MCGRANN: Do you recall any
8 discussions about going back to WGD to asking the --
9 to ask them to provide an estimate for what it would
10 cost to include a second floor in the arena that they
11 had looked at?

12 MS. MARJORY LEONARD: Again, I don't
13 recall, I'm sorry.

14 MS. KATE MCGRANN: Can we look at
15 paragraph 71 of summary document 2-4, please?

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: I'm going to give
20 you some background for this paragraph. After Council
21 made its decision to proceed with Sprung, Mr. Houghton
22 sends Mr. McNalty a portion of the WGD report and
23 asked him to provide comments on the errors that WGD
24 made.

25 The resulting memo is circulated by Mr.

1 Houghton to the mayor, members of the EMC, and Ron
2 Martin. And Mr. Houghton provided an explanation
3 which is set out below there.

4 If you look at the third sentence in,
5 Mr. Houghton has written:

6 "The report is being misread mainly
7 because the report originally was
8 not comparing the proper structures
9 and was revised partially by staff -
10 - or sorry -- by WGD."

11 Scroll down further.

12 "Town staff were aware of what was
13 and was not revised, but without
14 this knowledge, one can see how this
15 could be misleading."

16 Do you remember having any information
17 before Council voted on August 27th about what was and
18 what was not revised in the WGD report?

19 MS. MARJORY LEONARD: No, I -- I can't
20 say as I do remember that.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Can we go back to
25 paragraph 48 of this document, please?

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: This is the same
4 day that you receive a final copy of the WGD report.
5 Mr. McNalty forwards the report to you and says:

6 "Once I digest the various pieces of
7 information that we receive today, I
8 will try to lay out a synopsis for
9 you."

10 Do you recall if Mr. McNalty did
11 provide you with a synopsis of what was in the WGD
12 report?

13 MS. MARJORY LEONARD: I believe he did
14 with the numbers that he provided for me to include in
15 -- in my -- in the draft of the staff report.

16 MS. KATE MCGRANN: We've -- we've seen
17 a chart that compares numbers.

18 MS. MARJORY LEONARD: Correct.

19 MS. KATE MCGRANN: Did he provide you
20 with a synopsis of the text of the report, what WGD
21 reported in terms of their comparison of the two (2)
22 different building types, things like that?

23 MS. MARJORY LEONARD: That part I
24 can't remember; numbers, I usually can.

25 MS. KATE MCGRANN: One (1) more

1 question to round that off. Do you remember any
2 discussion among staff about going back to WGD with
3 any questions at all about that report?

4 MS. MARJORY LEONARD: No, I don't.

5 MS. KATE MCGRANN: All right. I'm
6 going to turn to questions about the drafting of the
7 staff report itself. We can see from the documents
8 that the Inquiry's received that you circulated drafts
9 of the staff report on August 18th, 19th, 20th, 21,
10 and 23.

11 Is that consistent with what you
12 remember?

13 MS. MARJORY LEONARD: Pretty much,
14 yeah.

15 MS. KATE MCGRANN: Okay. If we could
16 look at paragraph 340 of the Foundation Document.

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: Three forty-two,
21 sorry.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: This paragraph

1 describes an email that Mr. McNalty sends to Mr.
2 Houghton on August 19th, so the day after you've
3 circulated your first draft of the staff report.

4 Mr. McNalty sent Mr. Houghton his
5 comments on the draft pool arena staff report and a
6 chart comparing the cost of a twin ice pad and
7 community centre, pre-engineered steel building, and
8 an insulated fabric membrane structure.

9 And in his email, Mr. McNalty wrote:

10 "There are two (2) attachments, 1) a
11 working spreadsheet that summarizes
12 the options and budget information
13 we have so far."

14 And he gives some information about
15 that. And then down to paragraph 2:

16 "My edits to Marjory's draft staff
17 report so far. Look in the body of
18 the report. And please let me know
19 if this is the direction -- if this
20 direction is what you intend before
21 I get further along."

22 And he says:

23 "I have not distributed this
24 elsewhere at this point, pending
25 your approval and suggestions."

1 Were you aware while you were working
2 on the draft of the staff report that Mr. McNalty was
3 speaking directly to Mr. Houghton about comments that
4 would be provided to the staff report?

5 MS. MARJORY LEONARD: No, I was not.

6 MS. KATE MCGRANN: Understanding that
7 you didn't know that, did you have any concerns at the
8 time that decisions were being made about the contents
9 of the staff report without your involvement?

10 MS. MARJORY LEONARD: Yes.

11 MS. KATE MCGRANN: What can you tell
12 me about those concerns?

13 MS. MARJORY LEONARD: My -- my
14 concerns were that it -- it was -- it would change my
15 train of thought in how I felt that the staff report
16 should have been presented to Council, and to the
17 public, for that matter.

18 I'm usually kind of -- I really like to
19 -- if I'm going to do something, I like to do it and
20 do it well and own it. People making changes to it
21 without my knowledge or discussion kind of take the
22 ownership part of it away, so that would be my main
23 concern.

24 MS. KATE MCGRANN: And did you have
25 any concern that that was actually happening at the

1 time? Were you concerned that decisions were being
2 made without your involvement on this report at the
3 time that you were working on it?

4 MS. MARJORY LEONARD: I -- I did. But
5 it was assigned to me, so I continued to work on it as
6 I could.

7 MS. KATE MCGRANN: What was the basis
8 for those concerns?

9 MS. MARJORY LEONARD: Again, as I
10 said, it -- if -- I'd like to take ownership in it and
11 I don't mind adding in comments and making changes or
12 definite corrections, but if I'm going to present
13 something and -- and I -- I need to own it. People
14 making changes without my knowledge take away that
15 part of ownership.

16 MS. KATE MCGRANN: And my fault, bad
17 question. What I really meant to say was why did you
18 think that was something that might be happening at
19 that time?

20 Like, what led you to -- to believe
21 that people may be making decisions that you weren't
22 involved in about the staff report?

23 MS. MARJORY LEONARD: When I received
24 back some of the comments that were in the changes in
25 -- in direction in some of the areas that I saw,

1 that's what I felt.

2 MS. KATE MCGRANN: Are you able to
3 identify for us, do you recall what comments or
4 changes led to you having that feeling?

5 MS. MARJORY LEONARD: I -- with --
6 without looking at the staff reports, no, I -- I
7 couldn't.

8 THE HONOURABLE FRANK MARROCCO: But --
9 but is it -- if I understand you correctly, the -- the
10 concern is that the changes alter the report, but then
11 your name is still ascribed to the report as one (1)
12 of -- or as the author or as the person who drafted it
13 or -- in that fashion.

14 MS. MARJORY LEONARD: Correct, Your
15 Honour.

16 THE HONOURABLE FRANK MARROCCO: Puts
17 you in the position then of having to disavow the
18 whole thing or go along with it.

19 MS. MARJORY LEONARD: Correct.

20

21 CONTINUED BY MS. KATE MCGRANN:

22 MS. KATE MCGRANN: Okay. You've given
23 us some information already about the work that staff
24 did, to your knowledge, to look into fabric buildings.
25 I have a couple more questions about that, just to try

1 to round out my understanding.

2 First of all, what were your sources of
3 information about the products that Sprung was
4 offering to the Town?

5 MS. MARJORY LEONARD: It -- it was the
6 Sprung information package, the small presentation
7 that they -- they gave, plus we did have the bigger
8 listing or binder that you showed earlier today of all
9 the information that Sprung had.

10 MS. KATE MCGRANN: Did you consult
11 their website at all?

12 MS. MARJORY LEONARD: I -- yes, I did.
13 I did go to their -- their website to see what was --
14 what was out there.

15 MS. KATE MCGRANN: I understand that
16 at some point during the process of drafting the staff
17 report, you understood that Mr. Houghton was to be the
18 only contact with Sprung.

19 Did you send any questions to Sprung
20 through Mr. Houghton about their products?

21 MS. MARJORY LEONARD: No, I did not.

22 MS. KATE MCGRANN: Who else on staff
23 was researching fabric buildings?

24 MS. MARJORY LEONARD: I -- I would
25 imagine that we all went out and took a look at fabric

1 buildings. I'm not -- the closest fabric building
2 that I knew about was the tennis dome at Blue Mountain
3 Village and it was an air supported structure instead
4 of a structural building.

5 There was one (1) at Pretty River
6 Academy, but again, I also -- it was an air supported
7 structure, so I went out to -- I just keyed in "fabric
8 building" and came up with three (3) or four (4) of
9 them and I'm certain that other members on staff did
10 the same thing.

11 MS. KATE MCGRANN: Who was tasked with
12 researching other fabric buildings?

13 MS. MARJORY LEONARD: Dave. Dave
14 would have been.

15 MS. KATE MCGRANN: Did he report back
16 to you with the findings of his research?

17 MS. MARJORY LEONARD: No.

18 MS. KATE MCGRANN: Did you follow up
19 with him to find out what information he had been able
20 to obtain about fabric buildings?

21 MS. MARJORY LEONARD: No, I didn't.

22 MS. KATE MCGRANN: How did staff
23 fulfill Council's direction to look into fabric
24 buildings?

25 MS. MARJORY LEONARD: As I said, that

1 would have been a -- part of Dave's assignment on the
2 -- it -- working in the -- the staff report.

3 I could have looked at the fabric
4 building, but I couldn't tell you what -- what the
5 difference was. I'm not an engineer again, or I'm not
6 an architect. It's -- you know, I can tell the
7 difference between a Quonset hut and a fabric
8 building, but I have trouble otherwise determining
9 what's what.

10 MS. KATE MCGRANN: Okay, so staff has
11 asked Council to go out, look into a fabric building
12 to cover the pool, an arena building. You're writing
13 the staff report.

14 I understand that you don't have
15 construction experience, but what information did you
16 get from staff to allow you to write the report that
17 looked into a fabric building?

18 MS. MARJORY LEONARD: The information
19 that I did get was based on the information that we
20 actually received from Sprung.

21 Their -- because at some point in time
22 during the writing of that staff report, it changed
23 from a fabric building to an insulated architectural
24 membrane building. I can't remember at which time it
25 -- it changed.

1 So all the information that we received
2 came from Sprung and it talked about an insulated
3 architectural membrane building. Does that answer the
4 question?

5 MS. KATE MCGRANN: Yes, but I have a
6 couple more questions about that.

7 The information that you received from
8 Sprung, that you relied on to draft the staff report,
9 was that information only about the Sprung product or
10 did it purport to be information about fabric
11 buildings generally that were available on the market?

12 MS. MARJORY LEONARD: It was Sprung.

13 MS. KATE MCGRANN: Did you think that
14 looking at information from one (1) supplier was
15 enough to draft the staff report?

16 MS. MARJORY LEONARD: No, I didn't.
17 But at that point in time it -- it was the information
18 I had and again, as I say, I -- I don't know if there
19 would have been a lot of difference -- differentiation
20 between one (1) supplier to another.

21 When I went out to -- to do the
22 research on the internet, I -- in the documentation,
23 the Foundation Document, there were nine (9) different
24 suppliers but I only found two (2).

25 So if my search parameters weren't

1 correct, I wouldn't have known a whole lot of -- maybe
2 I wouldn't have known a whole lot of difference
3 between Sprung and whoever else was up there in that
4 area.

5 MS. KATE MCGRANN: You said it was the
6 information that you had. Did you take any steps to
7 speak to the other people who are working on the staff
8 report to say we only have information from one (1)
9 company here, we need more than this?

10 MS. MARJORY LEONARD: No.

11 MS. KATE MCGRANN: Why not?

12 MS. MARJORY LEONARD: Because of the
13 time constraints, there was no way it would have been
14 available.

15 I mean, I don't know -- had I known the
16 names of the other suppliers that were out there, that
17 are being compared in here, I would most definitely
18 have looked at their websites. And you know, if there
19 had of been something that tweaked my interest, I may
20 have contacted them, but I didn't have time or -- or
21 in-depth knowledge of engineering or architecture to
22 make a distinction between any of those things.

23 MS. KATE MCGRANN: Was it the case
24 that you thought the staff would have the opportunity
25 to look at available suppliers in the marketplace if

1 and when Council directed staff to proceed with fabric
2 buildings for either the arena or the pool?

3 MS. MARJORY LEONARD: Yes, there's
4 that aspect too, because I did have every intention of
5 running it out to the open market for -- for an RFP at
6 -- because I knew that there were two (2) competitors,
7 I didn't know how competitive they were.

8 But yes, through an RFP process we
9 would most definitely have determined whether or not
10 there was something more than Sprung. But that was a
11 -- a basis to go ahead on.

12 THE HONOURABLE FRANK MARROCCO: So in
13 your mind there's at least two (2) competitors of one
14 form or another and it costs more than fifty thousand
15 dollars (\$50,000), so there's going to be an RFP?

16 MS. MARJORY LEONARD: That's correct,
17 Your Honour.

18 THE HONOURABLE FRANK MARROCCO: I
19 assume, and correct me if I'm wrong though, but I
20 assume that the merits of the different suppliers
21 would come out in the RFP process in your mind?

22 MS. MARJORY LEONARD: That's correct,
23 Your Honour.

24

25 CONTINUED BY MS. KATE MCGRANN:

1 MS. KATE MCGRANN: Turning to some
2 questions about changes that were made about the pool
3 in the staff report.

4 In the first draft that you circulated
5 of the staff report, so the August 8th draft, you
6 noted that staff cannot find any other pools of this
7 construction in Ontario and that staff did not
8 experience operating a year-round pool of this nature.

9 In your second draft, on August 20th,
10 you noted that while staff could find no other pools
11 of construction -- of this construction in Ontario,
12 there were many in the US and other areas of the
13 world.

14 Do you know where you got that
15 information from?

16 MS. MARJORY LEONARD: I -- I believe
17 it was one (1) of the comments that Dave McNalty might
18 have given me in his -- one of -- in his version.

19 MS. KATE MCGRANN: Do you know if
20 anyone on staff took any steps to verify those
21 statements that there are many other pools like this
22 in the US and other areas of the world?

23 MS. MARJORY LEONARD: I -- I do know
24 that from the information that Sprung did provide us.
25 They -- they did have several pools, basketball

1 courts, arenas, and I'm -- I'm sure that -- I think,
2 actually I think their literature said they were
3 twelve thousand (12,000) buildings in ninety-some odd
4 countries or something.

5 I can't quite remember the whole
6 numbers, but -- so that's where it -- the revision to
7 my report was that it probably came from Dave or a
8 suggestion from Ed. I can't recall where it came
9 from.

10 MS. KATE MCGRANN: Do you know if
11 anyone on staff took any steps to verify the statement
12 that there are many pools like this in the US and
13 other areas of the world?

14 MS. MARJORY LEONARD: No.

15 MS. KATE MCGRANN: To your knowledge
16 did anyone on staff call anyone at -- at the pools of
17 this construction type in the US or elsewhere to ask
18 about their experience with their aquatic facilities?

19 MS. MARJORY LEONARD: I have no
20 knowledge of that, if they did.

21 MS. KATE MCGRANN: Your August 20th
22 draft also included some language describing the
23 benefits of being an early adopter for new concepts
24 and technologies.

25 So I'm going to ask you a -- a question

1 about this. It's at TOC516081.

2

3 (BRIEF PAUSE)

4

5 MS. KATE MCGRANN: TOC517081.

6 And could you go to page 3 of this
7 document, please? Scroll down.

8 So looking at the paragraph under
9 "Other considerations", starting with the third
10 sentence, you write:

11 "That being said, there are many
12 advantages to becoming an early
13 adopter or trendsetter for new
14 concepts and technologies."

15 You're saying that following you
16 couldn't find any pools in this construction in
17 Ontario.

18 You say the relationship with customer
19 and vendor is synergistic. Where did you get this
20 information from?

21 MS. MARJORY LEONARD: I took a
22 marketing course in university and these are the types
23 of points that came along under early adopter and the
24 -- the trendsetter and technically it is kind of true,
25 the early adopter does go through all of the -- the

1 problems, but in the end if the vendor wants to carry
2 on, he needs to babysit that first customer and keep
3 him happy.

4 MS. KATE MCGRANN: Other than the
5 marketing course that you took, were you relying on
6 any experiences the Town had had in being an early
7 adopter or trendsetter?

8 MS. MARJORY LEONARD: If we look back
9 to the ZeeWeed water treatment plant, we were the
10 first in North America to adopt that technology, and
11 it has treated us very well over the years.

12 MS. KATE MCGRANN: What kind of
13 information was available to you about that technology
14 before you adopted it, do you know?

15 MS. MARJORY LEONARD: The ZeeWeed
16 technology? No, I don't know.

17 MS. KATE MCGRANN: Were you involved
18 in -- in researching what type of technology would be
19 used for the wastewater treatment plant?

20 MS. MARJORY LEONARD: It was -- the
21 water treatment plant -- and, no, that happened in the
22 late '90s after we had a cryptosporidium kind of
23 after-flood disaster. And this was the technology
24 that our water department sourced out, put in.

25 MS. KATE MCGRANN: Did you have any

1 knowledge as to whether the Town was the recipient of
2 benefits as a result of being an early adopter of that
3 technology other than the fact that the technology
4 worked?

5 MS. MARJORY LEONARD: Actually, yes,
6 we -- we have a training centre at our water treatment
7 plant for people to come and learn how to use and --
8 and the benefits of the ZeeWeed technology.

9 One (1) of our main operators was --
10 when he retired from the water department, became a
11 travelling trainer for that technology, as well.

12 MS. KATE MCGRANN: You write here:
13 "The customer is exposed to the
14 problems, risks, and annoyances of
15 being first."

16 Did you think that that was important
17 information for Council to have as it considered being
18 a trendsetter, an early adapter of a fabric aquatic
19 facility?

20 MS. MARJORY LEONARD: Most definitely,
21 because we -- we had no experience with that type of
22 technology, so. And usually, with any new building
23 there's always a few quirks that come along.

24 MS. KATE MCGRANN: This language stays
25 in all of the drafts that you circulate, but it's

1 removed from the draft that Mr. McNalty circulates the
2 night of the 23rd and it doesn't appear in any
3 subsequent drafts.

4 Were you involved in any discussions
5 about removing this information from the staff report?

6 MS. MARJORY LEONARD: No. No, I was
7 not.

8 MS. KATE MCGRANN: You said that you
9 thought that this information was important for
10 Council to have. Did you raise the prospect of
11 bringing that information back into the staff report?

12 MS. MARJORY LEONARD: When I saw the
13 version on the morning of the -- the 24th, no, I did
14 not. I was kind of stunned with what had taken place,
15 so, no.

16 MS. KATE MCGRANN: How did being
17 stunned affect what you were willing to raise in terms
18 of the contents of the staff report?

19 MS. MARJORY LEONARD: Because there
20 were a number of what I felt were -- were significant
21 changes to it, I'm sitting a table with four (4) other
22 people, three (3) of them on the executive management
23 committee, the advisory committee, and I'm thinking
24 that I may, in fact, be the only one (1) that has a
25 contrary opinion.

1 And I realize the consensus is the way
2 that the decisions were made. When Ed started
3 bringing forward the rationale, I still didn't -- I --
4 I felt again still that I was odd man out, so.

5 And as he started bringing the
6 information forward, it did make a little more sense
7 so that I could come to consensus with that.

8 MS. KATE MCGRANN: Even if you were
9 the odd man out, someone who speaks their mind.
10 You're someone who takes their work seriously, why not
11 raise the concern and at least have a discussion with
12 your colleagues about it?

13 MS. MARJORY LEONARD: In hindsight, I
14 should have, but I didn't.

15 MS. KATE MCGRANN: Was there anything
16 that stopped you?

17 MS. MARJORY LEONARD: Other than the
18 fact that I was stunned and still trying to digest
19 what -- what was going on, I -- no, there wouldn't
20 have been.

21 MS. KATE MCGRANN: The next topic
22 that's addressed in the staff reports that I want to
23 walk through with you are the estimates for the
24 arenas. So, we've already looked at the fact WGD
25 provided an estimate for a prefabricated arena

1 building and a -- or a prefabricated steel building
2 and a fabric building on August 17th, 2012.

3 You've already explained that you don't
4 have any recollection as to how the bricks and mortar
5 concept was dropped from the staff reports.

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: Part of the way
10 through your drafting process, so after you'd
11 circulated a couple of drafts, the concept of a second
12 floor in the arena moves from the optional category to
13 the basic design components.

14 Do you recall who made that decision?

15 MS. MARJORY LEONARD: No, I don't
16 recall.

17 MS. KATE MCGRANN: Do you have any
18 information about why that decision was made?

19 MS. MARJORY LEONARD: I don't -- I
20 don't believe I do. However, in most arenas, you do
21 have a second floor viewing area to look out over the
22 ice, so. And it did provide a community room and a
23 large sort of, like, almost a banquet space, if you
24 may.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: Okay. The first
4 draft that you produce with -- with numbers for
5 estimates in it is your August 21st draft. Both of
6 your August 21st and August 23rd drafts included a 5
7 percent contingency for the fabric membrane buildings.

8 Did you have any discussions with
9 anyone about whether contingencies should be included
10 for the buildings that staff was looking at for the
11 Town and, if so, how much?

12 MS. MARJORY LEONARD: No. It was just
13 a number.

14 MS. KATE MCGRANN: Were you the source
15 of that number?

16 MS. MARJORY LEONARD: I -- are we
17 talking about the -- the two hundred (200) and the
18 seven hundred (700) for the site works?

19 MS. KATE MCGRANN: No. Those are --
20 that's information --

21 MS. MARJORY LEONARD: Okay.

22 MS. KATE MCGRANN: -- about the cost
23 of the site works.

24 MS. MARJORY LEONARD: Okay. So, the -
25 - the 5 percent contingency, I believe I just picked a

1 number and put it on there because the -- somewhere
2 along the line, I was told that these buildings didn't
3 need a contingency.

4 MS. KATE MCGRANN: I'm going to show
5 you a copy of what I'm looking at --

6 MS. MARJORY LEONARD: Okay.

7 MS. KATE MCGRANN: -- just to help you
8 out. And then I'll ask you some questions about what
9 you said. Can we look at paragraph 398 of the
10 Foundation Document?

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: And if we could
15 scroll -- scroll down. A reproduction of a chart that
16 was in the August 23rd draft that you sent around.

17 And if you look at the very last line
18 above, "Subtotal," and, "Total," on the bottom, for
19 the pre-engineered steel building there's a 10 percent
20 contingency there.

21 If you look over the insulated fabric
22 membrane structure, there's a 5 percent contingency
23 there. Those are the -- those are the contingency
24 numbers I'm talking about.

25 Do you remember having any discussions

1 with anyone about what contingencies should be
2 included in the estimates for the two (2) different
3 types of arena buildings?

4 MS. MARJORY LEONARD: The -- this --
5 actually, this chart is one (1) that Dave McNalty had
6 prepared and sent to me and I just included in the
7 body of the staff report.

8 But I was under the impression that the
9 contingency -- these fabric buildings didn't need a
10 contingency.

11 MS. KATE MCGRANN: Where did you get
12 that information from?

13 MS. MARJORY LEONARD: I don't recall.
14 But I -- I remember it, I just don't recall where or
15 when.

16 MS. KATE MCGRANN: So, the notion that
17 the fabric buildings didn't require a contingency,
18 just to be clear, is that a dec -- is that a
19 conclusion that you came to on your own or was that
20 based on information you got from somebody else?

21 MS. MARJORY LEONARD: I believe it was
22 based on information that I got from somebody else.

23

24

(BRIEF PAUSE)

25

1 MS. KATE MCGRANN: And you don't
2 remember discussing the inclusion of a contingency
3 with anybody on staff before the report was finalized?

4 MS. MARJORY LEONARD: No. No, I
5 don't. But I will tell you that I didn't receive
6 these numbers in enough time to really vet them
7 correctly.

8 MS. KATE MCGRANN: What would vetting
9 them correctly have involved?

10 MS. MARJORY LEONARD: Discussing where
11 these -- where the backup numbers actually came from
12 and what it was being based on. I -- I didn't receive
13 them in time to do that.

14 MS. KATE MCGRANN: Who would you have
15 asked those questions of?

16 MS. MARJORY LEONARD: Dave McNalty.

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: Did you have any
21 involvement in calculating any of the estimates that
22 were included in the staff report?

23 MS. MARJORY LEONARD: No.

24 MS. KATE MCGRANN: Were you involved
25 in any discussions about how those estimates would be

1 calculated?

2 MS. MARJORY LEONARD: I -- I can't
3 recall for certain. I don't recall.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: Can we turn to
8 paragraph 373 of the Foundation Document, please?

9

10 (BRIEF PAUSE)

11

12 MS. KATE MCGRANN: This paragraph
13 describes an email that Mr. Houghton sent to the
14 executive management committee at 4:41 on August 21st,
15 2012. In this email he writes:

16 "I just got off the line with Sprung
17 BLT and was talking to them about
18 their pricing. They finally have
19 all of the prices. And I wanted to
20 let you know what form I've asked
21 them to provide to us."

22 And he goes on to say:

23 "I've asked for a price for the two
24 (2) buildings, which would include
25 the mezzanine in the arena, but an

1 option price for one (1) in the
2 pool.

3 I have asked for a price for non-
4 building items that are the same for
5 all applications, such as zamboni,
6 drop-down scoreboard, big screen
7 TVs, et cetera.

8 I have then asked for a total
9 turnkey price for both buildings and
10 the non-building items."

11 Do you remember receiving this email?

12 MS. MARJORY LEONARD: Yes, I do.

13 MS. KATE MCGRANN: He goes on to say:

14 "I have no clue what the price is
15 because I didn't want them to tell
16 me until it is in the form that we
17 want."

18 He says:

19 "Finally, I've asked them to prepare
20 a presentation for Monday night that
21 will take place after the other
22 delegations are complete."

23 At this point in time, what did you
24 understand the Town was going to be receiving from
25 Sprung and BLT?

1 MS. MARJORY LEONARD: I -- I assumed
2 it would just be three (3) or four (4) numbers on a --
3 on a page, you know, base price, mezzanine option,
4 zamboni, the other turnkey items that we wanted. And
5 that's basically, to me, a one (1) column set of
6 numbers, maybe eight (8) or ten (10) lines.

7 MS. KATE MCGRANN: At this point in
8 time, you've circulated a couple of drafts of the
9 staff report, all of which contemplate going to RFP
10 both for the pool building and the arena.

11 Did you turn your mind to why the Town
12 was receiving prices from a potential bidder on those
13 RFPs and whether that was appropriate at this point in
14 time?

15 MS. MARJORY LEONARD: At this point in
16 time, after having had drafts of the staff report
17 issued, it -- it would not be appropriate to ask for
18 pricing.

19 The -- there is a stage where you can
20 do market research which should have finished
21 significantly before this time. At that -- when
22 you're doing your market research, you could ask for
23 an estimated cost of doing something, but, at this
24 point in time, this was a little more than it should
25 have been.

1 MS. KATE MCGRANN: Did you have any
2 discussions with anyone about the fact that --

3 MS. MARJORY LEONARD: No.

4 MS. KATE MCGRANN: -- staff reports
5 reporting to have an RFP. No? Why not?

6 MS. MARJORY LEONARD: What -- could
7 you repeat the question?

8 MS. KATE MCGRANN: Yeah. You've just
9 identified for us that, I think I've got this right,
10 if the Town was involved in a market research phase
11 for this project, it would have passed. You've
12 circulated drafts of a staff report that contemplated
13 an RFP.

14 Now, three (3) days before this report
15 is finalized you're receiving complete budgets from a
16 potential bidder. The first question was: Did you
17 think that was appropriate at the time? I understood
18 your answer to be, no, and you gave some explanation
19 as to why.

20 Have I got that right?

21 MS. MARJORY LEONARD: Yes.

22 MS. KATE MCGRANN: Did you raise with
23 anybody on staff that the Town shouldn't be getting
24 prices from a potential bidder for -- at this point in
25 time in the process?

1 MS. MARJORY LEONARD: No.

2 MS. KATE MCGRANN: Why -- why not?

3 MS. MARJORY LEONARD: I think the
4 reason was that I didn't have any other numbers, not
5 knowing that we had had numbers before. And the --
6 the time line was coming down. And it -- to me, it
7 was up to somebody else to supply me with the numbers.

8 I -- I don't think I thought about it
9 as being that close to the end of the road.

10 MS. KATE MCGRANN: Now, at this point
11 in time it seems that the deadline is something that
12 is looming largely in your mind and you need to get
13 this report out, you don't have the information that
14 you need. Is that fair?

15 MS. MARJORY LEONARD: Yes.

16 MS. KATE MCGRANN: Why at this point
17 in time did you not have a discussion about extending
18 the deadline so you could get the information you
19 needed to draft the staff report you wanted to draft?

20 MS. MARJORY LEONARD: Because I don't
21 believe it would have -- it would have done any -- any
22 good.

23 MS. KATE MCGRANN: Is that one (1) of
24 the things that you explained to us earlier today?

25 MS. MARJORY LEONARD: Yes.

1 MR. FREDERICK CHENOWETH: Sorry, I
2 didn't hear your question or the answer there.

3 MS. MARJORY LEONARD: I said I didn't
4 think it would do any good.

5 MS. KATE MCGRANN: And I said for the
6 same reasons that you explained to us earlier today,
7 and the witness said "yes."

8

9 CONTINUED BY MS. KATE MCGRANN:

10 MS. KATE MCGRANN: Do you remember
11 thinking at this point in time that receiving this
12 information from Sprung may actually prejudice their
13 ability to compete for the Town's business?

14 MS. MARJORY LEONARD: I didn't think
15 about it at the time, sorry.

16 MS. KATE MCGRANN: At this point in
17 time, what was your understanding about what BLT's
18 rule in the process would be if the Town chose to
19 construct Sprung buildings?

20 MS. MARJORY LEONARD: They would be
21 the -- the constructor buying their materials from
22 Sprung, they would be the -- the people that we were
23 dealing with on a daily basis.

24 MS. KATE MCGRANN: In the final staff
25 report, the report says that the Town is making a

1 direct purchase of the facilities from the supplier.

2 Who did you think the Town was buying
3 the Sprung building envelope from?

4 MS. MARJORY LEONARD: I -- I thought
5 we would have been buying it from Sprung themselves,
6 but we were buying it through their franchisee or
7 licensee.

8 MS. KATE MCGRANN: So is it the case
9 that you understood at the time that the Town was
10 buying from BLT and BLT was buying from Sprung,
11 basically?

12 MS. MARJORY LEONARD: Yes.

13 MS. KATE MCGRANN: Were you aware of
14 the fact that the final report said that the Town was
15 making a direct purchase from the supplier?

16 MS. MARJORY LEONARD: At the time I
17 probably was, but today I can't remember it.

18 MS. KATE MCGRANN: When Tom Lloyd
19 appeared, one (1) of the things that he said was that
20 he told Mr. Houghton that the Town could purchase the
21 building envelope directly from Sprung and avoid
22 markup from BLT as the intermediary.

23 Were you aware that that option was
24 made available to the Town?

25 MS. MARJORY LEONARD: I don't believe

1 so.

2 MS. KATE MCGRANN: The staff report,
3 in its final form, and the drafts that lead to it,
4 none of them make any mention of BLT at all.

5 Were you involved in any discussions
6 about whether the staff reports should mention BLT in
7 its role in the construction of a Sprung building?

8 MS. MARJORY LEONARD: No, because in
9 my -- in my versions of the report, I still thought
10 we'd be going out to RFP, not knowing who would be the
11 final constructor.

12 MS. KATE MCGRANN: Okay. And I'm
13 going to have some questions for you about the changes
14 that were made to results in the staff report that
15 talked about a sole source procurement, but skipping
16 ahead, once you get to that version of the staff
17 report, were there any discussions at that point in
18 time about whether BLT should be mentioned and their
19 role should be explained to Council?

20 MS. MARJORY LEONARD: No.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Could we go to
25 paragraph 395 of the Foundation Document? This

1 paragraph described an email that Mr. McNalty sent to
2 you at 9:30 a.m. on August 23rd with the subject line
3 "arena and pool," including a spreadsheet titled "ice
4 and water cost comparisons."

5 And in his email, Mr. McNalty says to
6 you that he would call to discuss the attached. And
7 you write back "Ready any time."

8 I'm going to show you a copy of the
9 attachment, it's at TOC203364.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: If we could make it
14 a bit smaller just to see a bit more of the document.

15 So this document includes twin ice pad
16 and community centre budget, pre-engineered steel
17 budget, and an insulated fabric membrane structure
18 budget estimates.

19 Do you remember if Mr. McNalty did get
20 in touch with you to -- to talk through this document?

21 MS. MARJORY LEONARD: I -- I believe
22 he did. And again, this is the document he was giving
23 on August 23rd that there really was no true time to
24 vet any of the numbers or the -- follow the backup
25 through on it.

1 MS. KATE MCGRANN: Did he have any
2 discussions with you about any of the adjustments that
3 he had made to information provided by WGD, for
4 example?

5 MS. MARJORY LEONARD: I -- I can't
6 recall spe -- specifically.

7 MS. KATE MCGRANN: Do you recall if
8 you provided him with any instructions or directions
9 or suggestions about adjustments that he should make
10 to the information that he had available to him?

11 MS. MARJORY LEONARD: I -- I can't
12 recall, sorry.

13 MS. KATE MCGRANN: Backing away from
14 this phone call, more generally, were you involved in
15 discussions or decisions about adjustments that should
16 be made to the estimate information that the Town had
17 in its possession when it was working on the staff
18 report?

19 MS. MARJORY LEONARD: No.

20 MR. FREDERICK CHENOWETH: I wonder if
21 -- if we could just scroll up ever so slightly so I
22 could see the entire chart. I can't see the bottom
23 numbers. Thank you.

24 MS. KATE MCGRANN: Mr. Chenoweth, my
25 colleague, has scrolled down one (1) row, are you

1 satisfied or did you want to see the rest of the
2 document?

3 MR. FREDERICK CHENOWETH: I've seen
4 the whole thing. I'm content.

5 MS. KATE MCGRANN: Just for the sake
6 of clarity, this isn't the whole document. There's --

7 MR. FREDERICK CHENOWETH: I know it's
8 not the whole document. But the -- the areas I was
9 interested in looking at, I've had an opportunity to
10 see as a result of it being scrolled up. Thank you.

11

12 CONTINUED BY MS. KATE MCGRANN:

13 MS. KATE MCGRANN: Turning back to the
14 questions that I have for you, Ms. Leonard.

15 Did you have the opportunity to compare
16 the information that Mr. McNalty provided to you on
17 the morning of August 23rd to the information that the
18 Town had received from either BLT or WGD at this point
19 in time?

20 MS. MARJORY LEONARD: I believe when I
21 received this spreadsheet that no, I -- I didn't have
22 the time to compare those -- those numbers.

23 MS. KATE MCGRANN: At any point in
24 time before the staff report was finalized, did you
25 have the opportunity to compare the numbers in the

1 staff report to the information that the Town had
2 received from either BLT or WGD?

3 MS. MARJORY LEONARD: For certain from
4 BLT, yes.

5 MS. KATE MCGRANN: You did compare it
6 to the information received from BLT?

7 MS. MARJORY LEONARD: What was in
8 there and what they had in the staff report, in the
9 final version, yes. But in terms of the WGD numbers,
10 no, because I hadn't had enough time to, as I say,
11 really vet the background information and the
12 assumptions that were used.

13 MS. KATE MCGRANN: Part of why I'm
14 pausing is because the WGD numbers had been available
15 to the Town since August 17th. The BLT numbers, I
16 believe you received on August 22nd.

17 How is it the case that you had time to
18 compare the BLT numbers, which you only had for less
19 than a day, but you didn't have time to compare the
20 WGD numbers, which you had for quite a bit longer?

21 MS. MARJORY LEONARD: The BLT numbers
22 came in with blank breakdowns, they came in as a
23 number, 7 million and 3 million, whereas these numbers
24 were generated through us and through WGD so there was
25 more work to -- to fill the background information in

1 to -- to bring it up to where I could follow it
2 through. And I -- I was working on other things at
3 the same time.

4 MS. KATE MCGRANN: To your
5 understanding had anyone reviewed the work that the
6 Town had done to the WGD numbers?

7 MS. MARJORY LEONARD: It was -- the
8 numbers that are here are the ones that Dave created,
9 so I can't -- I can't answer that question.

10 I personally didn't.

11 MS. KATE MCGRANN: What was your
12 understanding as to why Dave created numbers using the
13 information he received from WGD?

14 MS. MARJORY LEONARD: I believe that
15 it had to do with the second floor mezzanine in the
16 arena.

17 MS. KATE MCGRANN: To your knowledge
18 did he do anything else to the WGD numbers, other than
19 to do with the second floor mezzanine?

20 MS. MARJORY LEONARD: Not -- not that
21 I'm aware of. Not that I can remember anyway.

22 THE HONOURABLE FRANK MARROCCO: Was --
23 was there a reason why Town wouldn't go back to WGD
24 and ask WGD to indicate what the cost would be of a
25 second floor mezzanine?

1 MS. MARJORY LEONARD: From my
2 perspective, Your Honour, there would have been no
3 reason not to go back to WGD and have them do that
4 calculation.

5 THE HONOURABLE FRANK MARROCCO: It
6 just seems it might have been better than doctoring --
7 and I don't mean this in a pejorative way, but
8 doctoring up their numbers to come up with your own
9 number.

10 MS. MARJORY LEONARD: I would agree,
11 Your Honour.

12 MS. KATE MCGRANN: I'm about to move
13 on to another section, I'm wondering if now is an
14 appropriate time for the afternoon break?

15 THE HONOURABLE FRANK MARROCCO: We'll
16 take ten (10) minutes or so.

17

18 --- Upon recessing at 3:17 p.m.

19 --- Upon resuming at 3:28 p.m.

20

21 CONTINUED BY MS. KATE MCGRANN:

22 MS. KATE MCGRANN: I'm going to take
23 you to your August 23rd draft of the staff report,
24 which is at TOC203551. Now I'm going to ask you some
25 questions about decisions about proceeding with an RFP

1 versus proceeding by sole source and the
2 recommendations that are made in the staff report.

3 This is your final draft, and the
4 drafts that you had done prior to this, they all
5 contemplated proceeding by way of an RFP.

6 If we go to page 2. And scroll down.
7 I'm looking at the last paragraph there where it says:

8 "Council should be aware that there
9 are a limited number of suppliers
10 for this type of constructed
11 building that would allow for year
12 round use."

13 You've given us information about the
14 internet research that you did and the companies that
15 you located.

16 What was the basis for the statement in
17 this staff report:

18 "Council should be aware that there
19 are a limited number of suppliers
20 for this type of constructed
21 building"?

22 MS. MARJORY LEONARD: Just to inform
23 Council that there's -- there -- there may not be a
24 hundred respondents to an RFP, there may be two (2) or
25 three (3) or five (5) or ten (10), however many

1 actually were out there, but that it was a limited
2 type of product.

3 MS. KATE MCGRANN: And the limited
4 number of suppliers that you're referring to there,
5 did that include the suppliers you found from your own
6 internet research?

7 MS. MARJORY LEONARD: Those were the
8 only ones that I really was kind of aware of, were the
9 ones that I had found in my own research.

10 MS. KATE MCGRANN: And I understand
11 that none of the other staff members who were working
12 on this with you brought you any information about --
13 about suppliers?

14 MS. MARJORY LEONARD: No.

15 MS. KATE MCGRANN: And there wasn't
16 any discussion about whether further research should
17 be done?

18 MS. MARJORY LEONARD: No.

19 MS. KATE MCGRANN: We've heard
20 evidence from Dave Barrow from BLT and Abby Stec from
21 Green Leaf about the possibility of a sole-source
22 procurement for the Town's recreation facilities was
23 first discussed as amongst them on July 26th, 2012.

24 When do you recall the concept of a
25 sole-source procurement for the Town's recreation

1 facilities first coming out?

2 MS. MARJORY LEONARD: When I saw the
3 version of the staff report on August the 24th.

4 MS. KATE MCGRANN: You don't recall
5 being involved in any discussions about whether sole-
6 source procurement was available --

7 MS. MARJORY LEONARD: No, I do not.

8 MS. KATE MCGRANN: -- prior to the
9 August 24th draft?

10 Turn up TOC517069.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: This is an email
15 from you to Mr. McNalty and the other members of the
16 EMC sent at 8:27 p.m. on August 23rd. The subject
17 line is "Procurement Process."

18 In this email you write:

19 "Dave, I think we have done our due
20 diligence for procurement purposes
21 already. We supplied our wish list
22 to BLT/Sprung and they were aware
23 that they were competing against two
24 (2) other forms of construction.

25 Nobody possesses the Tedlar

1 technology and nobody else can prove
2 that they have done this type of
3 construction without collapse.
4 Nobody else can provide the LEED
5 components in their basic
6 construction."

7 Do you recall sending this email?

8 MS. MARJORY LEONARD: Yes.

9 MS. KATE MCGRANN: What can you tell
10 us about what led you to sending this email?

11 MS. MARJORY LEONARD: Shortly after
12 eight o'clock, I received a phone call from Ed
13 Houghton and basically stated what -- what I have put
14 into this email, con -- convincing that -- whatever we
15 discussed at that moment in time, it -- it convinced
16 me to put this in an email form and send it to Dave.

17 MS. KATE MCGRANN: So a couple of
18 questions about that.

19 Could you tell us everything that you
20 remember about the call that you received from Mr.
21 Houghton?

22 MS. MARJORY LEONARD: Well, August the
23 23rd is my birthday, so I do recall it fairly well,
24 and normally I wouldn't answer my phone after 4:30,
25 but it just happened to be sitting there on the -- the

1 table, and I saw that it was Ed so I answered it, and
2 he went over the steps that he and Dave had taken in
3 order to determine whether a due diligence had been
4 completed and over the steps -- over the lines of the
5 resolution that Council had -- had prepared, and it
6 resulted in this email.

7 MS. KATE MCGRANN: Did he explain to
8 you why you needed to send this email to everybody?

9 MS. MARJORY LEONARD: No, he did not.

10 MS. KATE MCGRANN: Did you ask him why
11 he was able to call and explain all this to you, he
12 couldn't just put it in an email to everyone that you
13 ended up sending this to?

14 MS. MARJORY LEONARD: No, I did not.

15 MS. KATE MCGRANN: When he made this
16 call to you, did you understand that he was asking you
17 for your opinion or advice on whether the Town could
18 proceed by way of sole-source procurement?

19 MS. MARJORY LEONARD: At that point, I
20 believed that he was convincing me that the
21 procurement process that they were undertaking had
22 been done in -- in a correct manner, and basically I
23 really have no idea why he asked me to send the email
24 when he and the Purchasing Manager were in charge of
25 ensuring that the purchasing bylaw, policies,

1 procedures, and guidelines were in accordance with the
2 Town's direction.

3 MS. KATE MCGRANN: But did you
4 understand him in this conversation to be asking you
5 for your advice as the Treasurer about whether or not
6 the Town could sole sources these buildings?

7 MS. MARJORY LEONARD: I don't believe
8 so, no. I believe that he was -- he was -- the way
9 the conversation went and the way I feel, the
10 impression I had then and the impression I still have
11 now is that I was being told that we had done all this
12 and you should tell people.

13 THE HONOURABLE FRANK MARROCCO: Did --
14 did sort of -- any warning signals kind of go off in -
15 - in your head that the Purchasing Manager, who
16 doesn't report to you, has reached a conclusion --
17 he's not telling everybody what the conclusion is, the
18 person he reports to, the Town Manager, isn't telling
19 anybody the conclusion that they have come to, but
20 you, to whom they don't -- to whom actually neither of
21 them reports, but certainly that Mr. McNalty doesn't
22 report to you for -- Mr. Houghton's the Manager. They
23 aren't -- they don't put their name to it.

24 MS. MARJORY LEONARD: It -- it did,
25 Your Honour. It did.

1 CONTINUED BY MS. KATE MCGRANN:

2 MS. KATE MCGRANN: With respect to the
3 idea that BLT/Sprung is aware that they were competing
4 against two (2) other forms of construction, what did
5 you know about that?

6 MS. MARJORY LEONARD: Just what I was
7 told.

8 MS. KATE MCGRANN: And were you told
9 anything more than what you've written here in this
10 email?

11 MS. MARJORY LEONARD: No. The point
12 about the Tedlar technology, that part I included in -
13 - in the email. It was one (1) thing that I did know
14 that Sprung had.

15 MS. KATE MCGRANN: What is Tedlar
16 technology?

17 MS. MARJORY LEONARD: It's actually
18 the fabric outside of -- the fabric building on the
19 outside. It's product that's patented by Dupont and
20 it's used for airplane seats, so I could -- I can
21 understand. Airplane seats use Tedlar. They don't
22 rip. I've never seen one ripped.

23 MS. KATE MCGRANN: How did you know
24 that nobody else had access to Dupont's patented
25 technar -- Tedlar technology?

1 MS. MARJORY LEONARD: It was the
2 Sprung information packages.

3 MS. KATE MCGRANN: Had you taken any
4 steps to confirm what the Sprung information package
5 said about that?

6 MS. MARJORY LEONARD: Well, I did go
7 out further, I think, and check because some of this
8 technology, the Tedlar stuff they can actually use in
9 solar panels as well, right, so that kind of intrigued
10 me.

11 MS. KATE MCGRANN: Okay. So you knew
12 that Tedlar technology was in solar panels. You had
13 seen Sprung sales information saying that they were
14 the only ones who had it.

15 Did you take any steps to verify that?

16 MS. MARJORY LEONARD: No.

17 MS. KATE MCGRANN: Your email says:
18 "Nobody else can prove that they
19 have done this type of construction
20 without collapse."

21 Where did you get that information
22 from?

23 MS. MARJORY LEONARD: That was
24 information that had been -- we had -- at one (1)
25 meeting it had been discussed, and again it's -- it's

1 part of Sprung's promotional materials, that they
2 haven't, and two (2) companies that I actually had
3 done -- found their names on the internet, both of
4 them had had a -- a collapse, so I could kind of
5 believe that one.

6 MS. KATE MCGRANN: Other than the
7 internet research that you did that identified two (2)
8 other companies, do you know if staff took any other
9 steps to verify the statement that:

10 "Nobody else can prove that they
11 have done this type of construction
12 without collapse"?

13 MS. MARJORY LEONARD: No, I don't.

14 MS. KATE MCGRANN: And you write:

15 "No one else -- nobody else can
16 provide the LEED components in their
17 basic construction."

18 What did you mean by that?

19 MS. MARJORY LEONARD: I -- I -- I
20 understood that only certain components of the fabric
21 structure would qualify for or get us -- gain us
22 points towards the LEED certification. There --
23 there's things like recycled materials and the
24 aluminum structures and -- and those types of
25 components, would get you points toward the LEED

1 certification.

2 MS. KATE MCGRANN: What research had
3 staff done into whether any other suppliers of fabric
4 buildings -- components that would get you LEED points
5 at this point in time?

6 MS. MARJORY LEONARD: I don't know. I
7 -- I had done none. And if I might add, I -- I wasn't
8 overly taken by the LEED components. I just -- I find
9 that our library is a -- a LEED gold standard and --
10 and it's very, very expensive to operate.

11 MS. KATE MCGRANN: Is there any reason
12 why you didn't add a note to this email indicating
13 that you had been asked to share this information by
14 Mr. Houghton?

15 MS. MARJORY LEONARD: I cou -- I
16 couldn't recall if there was or not. I -- I do know
17 that I sat for a few minutes after the phone call
18 ended, before this was composed.

19 MS. KATE MCGRANN: If we could turn up
20 CJI6332?

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: This is a -- a
25 spreadsheet containing information from Mr. Houghton's

1 phone records. I'd like to draw your attention to
2 line 8542.

3 As with the last time that we pulled up
4 phone records, we have confirmed that the numbers
5 belong to the people that we're now going to say they
6 belong to. We've redacted them to avoid sharing that
7 information, and if anybody has any concerns or
8 questions about the underlying information, they can
9 speak to us about it and we'll figure out a way to get
10 you what you need to review this.

11 This phone record, line 8542, indicates
12 that you received a call from Mr. Houghton at 8:12 in
13 the evening, and the phone lasted for six (6) minutes
14 and thirty-five (35) seconds, and this is the phone
15 call you're referring to when you say that Mr.
16 Houghton gave you a call.

17 Is that consistent with what you
18 remember?

19 MS. MARJORY LEONARD: Yes.

20 MS. KATE MCGRANN: Did you receive any
21 other calls from Mr. Houghton that evening?

22 MS. MARJORY LEONARD: No, I did not.

23 MS. KATE MCGRANN: Did you have any
24 other discussions with anyone from staff about the
25 staff report that evening?

1 MS. MARJORY LEONARD: No, I did not.
2 I believe my sister phoned me earlier that evening,
3 but that's about it.

4 MS. KATE MCGRANN: All right. We can
5 take that off the screen.

6 Had you referenced the purchasing bylaw
7 or the sole-source provisions at any point before you
8 sent that email to Mr. McNalty?

9 MS. MARJORY LEONARD: No.

10 MS. KATE MCGRANN: Did you consult the
11 purchasing bylaw or the sole-source provisions at any
12 point before the staff report was finalized and
13 distributed?

14 MS. MARJORY LEONARD: I believe I did
15 on the morning of the 24th.

16 MS. KATE MCGRANN: Okay. And what led
17 you to do that?

18 MS. MARJORY LEONARD: I was -- after
19 the Executive Management meeting, I was requested to
20 draft the lines of the procurement processor bylaw, or
21 whatever, to be included in the staff report.

22 MS. KATE MCGRANN: Okay. You
23 referenced an Executive Management Committee meeting,
24 and I wonder if the best way to do this is to go
25 through it this way.

1 So with respect to the staff report --
2 you don't have to tell us what else you did that
3 evening, but with respect to the staff report after
4 you sent that email to Mr. McNalty, what is the next
5 thing that you did?

6 MS. MARJORY LEONARD: It was my
7 birthday, so I poured another drink.

8 MS. KATE MCGRANN: With respect to the
9 staff report?

10 MS. MARJORY LEONARD: Nothing. I did
11 nothing more with that.

12 MS. KATE MCGRANN: We see that Mr.
13 McNalty sent a draft around at quarter to 12:00 that
14 evening. Do you know if you reviewed that draft at
15 any point in time?

16 MS. MARJORY LEONARD: I never reviewed
17 that draft.

18 MS. KATE MCGRANN: We see that Mr.
19 Houghton sends around a subsequent draft, around 7:30
20 the following morning, the morning of the 24th.

21 Did you review that draft?

22

23 MS. MARJORY LEONARD: I reviewed that
24 draft very quickly before we had the -- the meeting
25 itself, the EMC.

1 MS. KATE MCGRANN: Can you walk me
2 through what your morning looked like from the time
3 that you arrived at work up until the EMC meeting?

4 MS. MARJORY LEONARD: When I got to
5 work, I was shocked or surprised to see that Sara was
6 there because she was supposed to be on holidays. And
7 I came in the -- the back door, so I walked past her
8 office because my office is on the second floor here.

9 So, I stopped into her office. And she
10 said to me, well, pleasantries, I thought you were on
11 holidays, so on and so forth. And she said, Would you
12 be upset if your staff report was totally changed.

13 And at that point, I said that I was
14 one (1) of four (4) people in a committee and, you
15 know, if I was the -- convinced otherwise, I -- I
16 basically said, you know, yeah, I would be a little
17 upset, but I'd have to see what the changes were.

18 So, I came upstairs and printed a copy
19 of the report, and then went back down for the
20 meeting.

21 MS. KATE MCGRANN: Do you remember at
22 what point the meeting was called? Like, when did you
23 receive an invitation to that meeting?

24 MS. MARJORY LEONARD: No, I don't
25 recall.

1 MS. KATE MCGRANN: In the discussion
2 you had with Ms. Almas when you first advi -- arrived
3 at work, did she tell you what about your staff report
4 had changed?

5 MS. MARJORY LEONARD: No.

6 MS. KATE MCGRANN: Do you remember
7 what time the meeting -- the EMC meeting was set for?

8 MS. MARJORY LEONARD: I believe it was
9 -- it was early. I'm -- I'm usually her -- or here
10 early anyway. And I believe it was for 8:30, maybe
11 9:00.

12 MS. KATE MCGRANN: Did you have an
13 opportunity to review the most recent draft of the
14 staff report before you went into the EMC meeting?

15 MS. MARJORY LEONARD: Yes, the one (1)
16 that Ed had provided.

17 MS. KATE MCGRANN: What was your
18 reaction to Mr. Houghton's draft?

19 MS. MARJORY LEONARD: As I said, I was
20 -- I was stunned. Regardless of what wording or what
21 had gone into it, we -- the portions about an RFP had
22 -- had been removed and it had become sole sourced.

23 And it -- that's really what shocked
24 me. Not only sole sourced, but we -- we weren't even
25 -- I mean, the pool was a fabric building for certain,

1 but then the arena was now totally a fabric building
2 as opposed to having Council decide what they wanted
3 in terms of pre-engineered or bricks and mortar or a
4 fabric structure there, as well.

5 MS. KATE MCGRANN: What was discussed
6 at the EMC meeting?

7 MS. MARJORY LEONARD: Ed -- Ed
8 discussed the rationale for choosing the option that
9 he did for -- for going in this route, the sole
10 source, again, repeating the fact that we had done the
11 due diligence and persuading the -- I assume the other
12 members were being persuaded at the same time.

13 I had no idea what -- what Sara and
14 Larry had thought of, the changes to the staff report,
15 but, basically, that was it, determ -- pro --
16 providing us with the rationale of why these changes
17 were made and the direction that it was going to take
18 when I went to Council on Monday night.

19 MS. KATE MCGRANN: What did he explain
20 the rationale was?

21 MS. MARJORY LEONARD: I can't remember
22 detail, like, word-for-word but it was on the basis of
23 the fact that the original \$35 million was an
24 unacceptable amount. These two (2) facilities would
25 answer the water and ice needs of the community for

1 years to come, they were affordable, and items along
2 those -- along those lines.

3

4

(BRIEF PAUSE)

5

6 MS. KATE MCGRANN: Can we pull up
7 CJI6146, please? This is the final staff report.

8

THE HONOURABLE FRANK MARROCCO:

9 Actually, while they're pulling that up, let me...
10 The \$35 million multi-use facility, if you -- you did
11 debenture costing?

12 MS. MARJORY LEONARD: Ye -- yes, Your
13 Honour.

14 THE HONOURABLE FRANK MARROCCO: Can
15 you just sort of help refre -- help me with what --
16 what are we talking about? If you -- if you tried to
17 finance it, I mean, can you -- can you just sort of
18 put -- just sort of tell me what that is?

19 MS. MARJORY LEONARD: We could have --
20 in particular, we could have financed that at that
21 point in time over a forty (40) year period because
22 these buildings would have had a forty (40) year
23 lifetime. And --

24 THE HONOURABLE FRANK MARROCCO: I
25 think the Eddie Bush is probably even older than that,

1 isn't it?

2 MS. MARJORY LEONARD: It was -- 1949
3 it was built, yeah, so.

4 THE HONOURABLE FRANK MARROCCO: Yeah.
5 I -- I can remember. I have a vague memory of a young
6 person who played hockey in that arena. But in any
7 event, that's -- that's for another -- another time
8 and place.

9 MS. MARJORY LEONARD: So -- but at --
10 at the rates that the -- Infrastructure Ontario is our
11 lender of choice. We could have done a de --
12 debenture for anywhere between about 2.3 and 3 percent
13 for the -- for -- for twenty (20) years to have --
14 have paid for that.

15 It would have been -- it would have
16 been, I believe, about 1 1/2 million a year, plus
17 interest. And, again, at that point in time, if we
18 were paying between 2.3 and -- and 3 percent on a
19 loan, it means we were getting about .5 percent on our
20 bank account interest, so.

21 THE HONOURABLE FRANK MARROCCO: So, if
22 -- how do I -- how do I bring that down to something
23 an ordinary person understands? How do -- how do I
24 get from those numbers to something I could
25 understand?

1 MS. MARJORY LEONARD: Okay.

2 THE HONOURABLE FRANK MARROCCO: Well,
3 actually, I think I do understand you. But I'm trying
4 to simplify the -- the cost.

5 MS. MARJORY LEONARD: In those days,
6 at that rate, a million dollars would roughly cost us,
7 principle and interest, about ninety-five thousand
8 (95,000) a year. So, if we could borrow a million
9 dollars and we could pay it back, about ninety-five
10 dollars (\$95,000) a year.

11 THE HONOURABLE FRANK MARROCCO: Okay.

12 So --

13 MS. MARJORY LEONARD: So, that's
14 basically -- it would have been, depending on where we
15 would have ended up going with those funds. We did
16 have a small amount of other money.

17 In terms of the 35 million, we would
18 most definitely have had to get a P3 partner somewhere
19 along the line.

20 THE HONOURABLE FRANK MARROCCO: But as
21 between, say, a \$7.1 million prefabricated membrane
22 and a \$7.6 million pre-engineered steel building, it's
23 not much -- it's -- it's virtually nothing?

24 MS. MARJORY LEONARD: That -- that
25 would be correct, Your Honour.

1 THE HONOURABLE FRANK MARROCCO: So, in
2 fact, it's about the same cost?

3 MS. MARJORY LEONARD: That would be
4 correct, sir.

5

6 CONTINUED BY MS. KATE MCGRANN:

7 MS. KATE MCGRANN: If we could turn to
8 CJI6146. Scroll to the bottom of page 2. We had
9 looked at the statement that was in your last draft of
10 the staff report that you circulated on August 23rd
11 about suppliers of fabric buildings.

12 You had said there was a limited number
13 of suppliers. This staff report says:

14 "We are only aware of one (1)
15 supplier of the type of insulated
16 architectural membrane structure
17 that would allow for satisfactory
18 year-round swimming pool use."

19 Can you help me understand how the
20 decision was made to move from the statement that you
21 had in your staff report to this statement?

22 MS. MARJORY LEONARD: It's the change
23 from fabric structure to insulated architectural
24 membrane structure. I believe that that's what Sprung
25 was advertised as, is an insulated architectural

1 membrane as opposed to a fabric structure.

2 MS. KATE MCGRANN: Did you have an
3 understanding as to what an insulated architectural
4 membrane was?

5 MS. MARJORY LEONARD: Not -- I
6 shouldn't say "not." He -- Ed did have a section of
7 what this building would look like between the inside,
8 the insulation, and the outside building.

9 But otherwise, architectural membrane,
10 fabric building, I didn't see the -- I don't see the
11 distinction between it, but they advertise as
12 insulated architectural membrane.

13 MS. KATE MCGRANN: Do you know how
14 staff determined that an insulated architectural
15 membrane is what the Town needed?

16

17 (BRIEF PAUSE)

18

19 MS. MARJORY LEONARD: Not entirely.
20 But I do believe that -- well, I shouldn't say I
21 believe that -- that it -- it answered the needs at a
22 lower cost than the \$35 million or the pre-engineered
23 steel structure.

24 MS. KATE MCGRANN: At this point in
25 time, Council had directed staff to go and pursue

1 investigating a single-pad arena and a fabric building
2 to cover the pool.

3 At any point after July 16th did
4 Council ask staff to report back on what the lowest
5 cost building was?

6 MS. MARJORY LEONARD: No.

7 MS. KATE MCGRANN: At any point after
8 July 16th did Council provide staff with a list of
9 factors or parameters for staff to use in determining
10 what Council should pursue as far as a recreational
11 building went?

12 MS. MARJORY LEONARD: No, I don't
13 believe so.

14 MS. KATE MCGRANN: To your knowledge,
15 what work had staff done to verify the statement that
16 they're only aware of one (1) supplier of the type of
17 insulated architectural membrane structure that would
18 allow for satisfactory year-round swimming pool use?

19 MS. MARJORY LEONARD: I would assume,
20 and it would definitely only be an assumption, that it
21 was keyed into the internet to see who else popped up
22 with that type of structure.

23 MS. KATE MCGRANN: Do you know who
24 directed the change of language, from fabric building
25 to insulated architectural membrane structure in the

1 staff report?

2 MS. MARJORY LEONARD: I -- I believe
3 that Dave made a change from fabric perhaps to
4 membrane structure. And I -- I believe that Ed had
5 some input into the insulated and architectural.

6 MS. KATE MCGRANN: What's the basis
7 for your belief that Mr. Houghton had input into that?

8 MS. MARJORY LEONARD: My basis is just
9 -- just a gut feel.

10 MS. KATE MCGRANN: Based on anything
11 that anyone told you or -- or discussions that you
12 had?

13 MS. MARJORY LEONARD: It might come
14 from discussions that we had at the EMC that morning.
15 I'm not -- I can't verify that.

16 MS. KATE MCGRANN: If we could look at
17 paragraph 413 of the Foundation Document. Actually,
18 as that's coming up, you had been describing
19 discussions that took place at the EMC meeting on the
20 morning of August 24th.

21 You said that Mr. Houghton discussed
22 the rationale. Did you have discussions about why an
23 RFP process would not be something that staff was
24 recommending to Council?

25 MS. MARJORY LEONARD: I -- I can't

1 recall if I -- if I brought it up or not. In my mind,
2 it would have still been possible to have done RFPs
3 for -- for both and still met Council's guidelines to
4 provide water and ice for the community in the next
5 year, but I -- I don't recall if we did or not.

6 MS. KATE MCGRANN: "In the next year,"
7 what do you mean by that?

8 MS. MARJORY LEONARD: The -- in -- in
9 my mind, an RFP for a fabric structure would not have
10 taken much longer than perhaps a couple of months to
11 get it out there and get it going because there are a
12 limited number of people that could do it.

13 And if you specified that you wanted an
14 insulated architectural membrane and there's only one
15 (1) supplier of it, then you -- you would shrink the
16 field significantly.

17 And the pool could have still been
18 started prior to the winter and come through that
19 winter and -- and be completed in the same length of
20 time that it did take, I -- I would think.

21 The arena would have been a longer
22 process because you have to determine between the
23 three (3) different types of structure and which one
24 (1) you wanted to go ahead with, so it may not have
25 been ready for the next hockey season, but it would

1 have been ready for part way through the year, I would
2 think.

3 MS. KATE MCGRANN: Do you recall if
4 anyone raised any concerns about the sole-source
5 procurement approach that was being recommended for
6 the arena and the pool at the August 24th EMC meeting?

7 MS. MARJORY LEONARD: No.

8 MS. KATE MCGRANN: At that point in
9 time, did you have any understanding that your
10 colleagues were looking to you as the authority on
11 whether or not the purchasing bylaw permitted the Town
12 to proceed by way of sole-source procurement for these
13 structures?

14 MS. MARJORY LEONARD: No.

15

16 (BRIEF PAUSE)

17

18 MS. KATE MCGRANN: So if we could look
19 at paragraph 413 in the Foundation Document. This
20 paragraph sets out an email that you sent to Mr.
21 McNalty and the EMC, the subject line "Procurement
22 Section," at 10:46 that morning.

23 And you write:

24 "In terms of our procurement
25 process, staff have exercised due

1 diligence in the research of
2 potential forms of construction and
3 feel there would be no additional
4 advantage to be gained from a
5 further tender process for the
6 following reasons."

7 I'm going to stop right there. Did you
8 feel at that point in time that there would be no
9 additional advantage to the Town to be gained from a
10 tender process?

11 MS. MARJORY LEONARD: I -- at that
12 point in time, I -- I -- well, even to this day I -- I
13 don't know if there would have been an advantage. I -
14 - I can't really answer that. Without having gone
15 through the process, I can't answer whether or not it
16 would have been of an advantage for us to do it. It
17 would have provided some comparative numbers for
18 certain and comparative solutions, but I don't know if
19 there would have been an advantage.

20 MS. KATE MCGRANN: Let's step back for
21 a second and assume that what went to tender for the
22 pool, for example, was a fabric building to cover the
23 pool, not an insulated architectural membrane to cover
24 the pool.

25 Does that change your answer at all?

1 MS. MARJORY LEONARD: Yes. There's
2 definitely a potential that we would have had
3 competitors in that area, and they would have been
4 sharpening their pencils to give us the best price
5 they could if they wanted the job.

6 MS. KATE MCGRANN: And just for the
7 sake of clarity, can you -- can you help us understand
8 why staff narrowed its focus from fabric buildings to
9 an insulated architectural membrane? Do you have any
10 understanding as to why that decision was made?

11 MS. MARJORY LEONARD: My answer to
12 that would be that it would lead directly to -- to
13 Sprung, as opposed to another manufacturer out there.

14 MS. KATE MCGRANN: Was there any --
15 was there any reasoning given as to why an insulated
16 architectural membrane would best meet the Town's
17 needs?

18 MS. MARJORY LEONARD: No, other than --
19 -- than a price advantage, but again I don't know how
20 much of a price advantage it was.

21 MS. KATE MCGRANN: In your email you
22 go on to write:

23 "Element of competition was included
24 in the gathering of estimates."

25 You say:

1 "The manufacturers of the
2 architectural membrane structure
3 knew that they were in competition
4 with the more traditional forms of
5 construction."

6 What did you know about what had been
7 communicated to Sprung about the competition they were
8 in, if any?

9 MS. MARJORY LEONARD: I believe that -
10 - I believe that Sprung knew that we had had the
11 Central Park Steering Committee's report that did
12 point to a -- a bricks and mortar building, and as far
13 as whether or not they knew about the pre-engineered
14 steel building, I -- I can't answer that question, if
15 they did or not, but they knew that we had been
16 looking at a -- the bricks and mortar through the
17 steering committee.

18 MS. KATE MCGRANN: So the 35 million
19 number was -- was out and available to them?

20 MS. MARJORY LEONARD: I -- yes. I
21 believe I read somewhere in the -- in the Foundation
22 Document that Mr. Mills approached one (1) of the
23 Chairs of the steering committee to talk about the
24 Sprung buildings that -- when they were on the -- the
25 steering committee themselves.

1 MS. KATE MCGRANN: Well, and at this
2 point in time, the Central Park Steering Committee's
3 report has been publicly presented back in March.

4 MS. MARJORY LEONARD: Exactly, yes.

5 MS. KATE MCGRANN: Did you have a view
6 of -- of what kind of competition might be generated
7 by knowing that you're up against a \$35 million
8 facility?

9 MS. MARJORY LEONARD: It might have
10 been a unique solution that would have saved the
11 taxpayers a significant amount of money and provided
12 them with the recreational facilities that they wanted
13 at a reasonable price.

14 MS. KATE MCGRANN: There's also quite
15 a bit of wiggle room between a seven and some million
16 facility and a \$35 million facility, if that's your
17 competition, right?

18 MS. MARJORY LEONARD: That's true, but
19 the \$35 million price tag also came with removing the
20 ball diamonds, the lawn bowling club, and building --
21 then building the -- the facilities itself and the
22 coverings for it, and part of the problem was that we
23 didn't have the land to replace the ball diamonds on,
24 so -- or the lawn bowling club, so it would have been
25 a much easier decision if you didn't have to move all

1 of the other things, I believe.

2 MS. KATE MCGRANN: You go on to write
3 that:

4 "WGD Architects knew that they were
5 in competition with the
6 architectural membrane structure
7 when producing estimates."

8 You had told us earlier today that you
9 understood the WGD had been retained to do a
10 feasibility study and that they may be involved in
11 producing specs for an RFP.

12 How did that -- how is that consistent
13 with what you wrote here?

14 MS. MARJORY LEONARD: I would say that
15 "competition" was the wrong word. It really wasn't a
16 competition, but they knew that we were looking at
17 various types of buildings and that we were asking
18 them to -- to produce a -- an estimate and provide us
19 with their professional guidance in terms of what --
20 well, my opinion was, to -- to provide us with their
21 professional opinion as to the pros and cons of each
22 one (1) of the types of structures, but "competition"
23 is not the right word.

24 MS. KATE MCGRANN: This information is
25 included under a heading, "Element of competition

1 included in the gathering of estimates."

2 My reading of this paragraph suggests
3 to me that the thrust of this is explaining why you
4 don't need to go to RFP to get the best deal; you
5 don't need that competitive process, because there's
6 already -- already been competition in the information
7 that the Town got.

8 Did you think there had been
9 competition in what the Town got in terms of
10 information about estimates for the structures?

11 MS. MARJORY LEONARD: No. It wasn't -
12 - it wasn't a competition. It was just a -- a market
13 research, getting some numbers to put into a report
14 that should have had Council make a final decision on
15 it, but no, "competition" is not the right word.

16 MS. KATE MCGRANN: Why did you write
17 this portion of this email?

18 MS. MARJORY LEONARD: This is again
19 one (1) of those things that I was directed to do at
20 the EMC. I had to come up with something to put in
21 there, and those were the points to touch on that Ed
22 had touched on when he was talking to us in -- in his
23 rationale, and I also believe in the phone call that I
24 had the night before.

25 MS. KATE MCGRANN: Did you raise with

1 him that you didn't think that this was accurate?

2 MS. MARJORY LEONARD: No.

3 MS. KATE MCGRANN: Why not?

4 MS. MARJORY LEONARD: My gut feeling
5 is that what I had -- whatever I had -- had written
6 would be changed to reflect something like this.

7 MS. KATE MCGRANN: So am I right in
8 understanding that you thought that it was futile to
9 raise it because it wouldn't ultimately make a
10 difference?

11 MS. MARJORY LEONARD: Yes.

12 MS. KATE MCGRANN: Under the heading,
13 "Cost effectiveness and benefit to the Town," you've
14 written:

15 "Through the investigative process,
16 it has been determined that the
17 architectural membrane structure
18 would provide the most cost-
19 effective and all-inclusive solution
20 to our needs."

21 What did you mean by, "all-inclusive
22 solution"?

23 MS. MARJORY LEONARD: It would provide
24 the water and ice needs of the community for years to
25 come. This point, I -- I truly can't say it was a

1 total cost-effective solution, but out of the ones
2 that we looked at in -- in terms of your pre-
3 engineered steel and all of the others, it -- it would
4 provide the best bang for your buck I guess is the
5 best way to say it because it was -- it was the
6 cheapest that we -- well, that was in the report.

7 MS. KATE MCGRANN: Does the cheapest
8 always mean the best bang for your buck?

9 MS. MARJORY LEONARD: No.

10 MS. KATE MCGRANN: In terms of being
11 able to meet water and ice, there are two (2)
12 different buildings that the Town is considering
13 building, right?

14 So, presumably, the Town had the option
15 to proceed with one (1) construction type for one (1)
16 building and one (1) construction type for the other?

17 MS. MARJORY LEONARD: Correct.

18 MS. KATE MCGRANN: Did you have any
19 understanding that the Town was receiving any sort of
20 deal because it was choosing to build two (2) fabric
21 structures at the same time?

22 MS. MARJORY LEONARD: No.

23 MS. KATE MCGRANN: And could you
24 scroll down? Here you've written:

25 "Through our research, it has been

1 determined that there is only one
2 (1) supplier that can meet the
3 specifications staff developed for
4 the facilities."

5 What specifications are you referring
6 to there?

7 MS. MARJORY LEONARD: Insulated
8 architectural membrane structure, those words, and
9 pretty much those alone.

10 MS. KATE MCGRANN: Who on staff was
11 involved in developing the specification of insulated
12 architectural membrane structure for those two (2)
13 facilities?

14 MS. MARJORY LEONARD: I believe it was
15 Ed, Ms. -- the CAO.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: Turning to the
20 notion that staff is going to make a recommendation to
21 Council to proceed by way of sole source to purchase a
22 specific kind of building, you had given us evidence
23 earlier today that you thought that what staff would
24 be going back to Council with was information on
25 options, looking for a direction from Council as to

1 which options to take the next step on.

2 Your drafts leading up to August 23rd
3 all envision that. What do you know about why a
4 change in that approach was made?

5

6 (BRIEF PAUSE)

7

8 MS. MARJORY LEONARD: I don't really -
9 - I could tell you from hindsight, but, at that time,
10 I don't -- I don't have any memory of why it was -- it
11 was taken out.

12

13 (BRIEF PAUSE)

14

15 THE HONOURABLE FRANK MARROCCO: With
16 the benefit of hindsight, why do you think it was
17 taken out?

18 MS. MARJORY LEONARD: There were a lot
19 of other players in the game that I didn't know about.
20 And perhaps to their benefit, that's may -- in fact
21 why it was taken out, but...

22

23 (BRIEF PAUSE)

24

25 CONTINUED BY MS. KATE MCGRANN:

1 MS. KATE MCGRANN: Turning to the --
2 the idea of whether the buildings would be LEED
3 certified or LEED certifiable, your August 21st draft
4 is the first draft that mentions -- gives information
5 about potential LEED certification for the buildings.

6 Did you do any independent work to
7 determine what would be involved in seeking LEED
8 certification for any of the buildings that staff
9 looked at?

10 MS. MARJORY LEONARD: No, I did not.
11 But we did go through LEED certification on the
12 library, so I was somewhat aware of the -- the things
13 that had to occur.

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: At the time that
18 the staff report was finalized, you've explained to us
19 that you understood that there were elements of the --
20 the Sprung building envelope that would give points
21 towards LEED certification.

22 Have I got that right?

23 MS. MARJORY LEONARD: Yes.

24 MS. KATE MCGRANN: Did you believe
25 that there would be additional work required to bring

1 the arena or pool up to a LEED silver equivalency such
2 that it could seek certification?

3 MS. MARJORY LEONARD: Ye -- yes. And
4 some of the items were not -- would not necessarily
5 have been onerous. For instance, on -- with the
6 library, we had to put in a policy that promoted
7 active transportation and cycling and walking to work
8 as the -- the standard, and that counted for a certain
9 number of points toward that certification.

10 MS. KATE MCGRANN: What was the source
11 of your understanding about the ability of the Sprung
12 building envelopes to attain LEED certification?

13 MS. MARJORY LEONARD: Well, there
14 would have been only certain components that would
15 have qualified for it, and we would have had to go
16 through a commissioning exercise.

17 And if -- if I remember correctly, the
18 cost to commission the -- the library to Gold standard
19 was seven hundred and fifty thousand dollars
20 (\$750,000), which is 10 percent of the cost of the
21 library itself.

22 So, in terms of doing either one of
23 these buildings, it -- it potentially could have been
24 an additional 10 percent on top.

25 MS. KATE MCGRANN: Those additional --

1 the notion of those additional costs are not included
2 in the staff report. Do you know why that information
3 wasn't included in the staff report?

4 MS. MARJORY LEONARD: No, I don't.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: If we could turn up
9 the final version of the staff report, it's CJI6146,
10 and turn to page 4.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: Looking at the
15 second paragraph there, this says:

16 "Each of the arenas proposed would
17 qualify for LEED silver
18 accreditation. In order to receive
19 the accreditation, there would be
20 additional commissioning costs for
21 either building system."

22 Do you understand that to mean that you
23 would have to pay someone to go through the -- the
24 commissioning process and certify the building, or did
25 it involve more than that to you?

1 MS. MARJORY LEONARD: It me -- it --
2 it -- to me, it would have involved more than that.
3 Again, like I -- in -- in terms of our library, one
4 (1) of the biggest point getters that we had there
5 were the -- the thermal heat pumps that are in the
6 building, and I believe there's sixty-eight (68) of
7 them.

8 But at -- at least 10 percent of them
9 are out of commission at -- at any one (1) time, so
10 our repairs and maintenance costs were slightly higher
11 than what would have -- I would have anticipated in a
12 building that was certified to that standard. So,
13 these costs would have been the tip of the iceberg.

14 MS. KATE MCGRANN: The report goes on
15 to say:

16 "A significant difference in the two
17 (2) construction types is that the
18 insulated architectural membrane
19 structure had -- has the LEED
20 requirements built into its basic
21 design, whereas the traditionally
22 pre-industrial, pre-engineered steel
23 building must be modified to meet
24 the requirements, leading to
25 additional engineering costs and

1 custom components."

2 What did you understand that to mean?

3 MS. MARJORY LEONARD: That in -- in
4 terms of the -- the structure, the exterior shell
5 itself, that those components were with the aluminum
6 and the -- the fabric.

7 And I believe that the insulation
8 itself was some sort of a recycled product somewhere
9 along the line, and those would get you points towards
10 your LEED certification and that, with the traditional
11 pre-engineered steel building, I don't know what the -
12 - what the points would be for the -- for the steel
13 because it -- it rusts and I don't know if it would
14 qualify for recycling and those types of things.

15 MS. KATE MCGRANN: Do you know where
16 the information in this paragraph came from?

17 MS. MARJORY LEONARD: It -- partly
18 mine and partly Dave's, I believe.

19 MS. KATE MCGRANN: Do you know where
20 the information in your and Dave's versions came from?
21 Like, where did staff get this information from, the
22 information that's set out in the staff report?

23 MS. MARJORY LEONARD: I don't recall.
24 I -- I can't answer that question, sorry.

25 MS. KATE MCGRANN: If we could turn up

1 TOC230897.

2

3

(BRIEF PAUSE)

4

5

MS. KATE MCGRANN: This is an email
6 that you send on October 16th, 2012. You're
7 responding to questions about how the Town is going to
8 fund the construction of the products.

9

And if you could scroll down.

10

11

(BRIEF PAUSE)

12

13

MS. KATE MCGRANN: If you look -- stop
14 right there. If you look at the second question:

15

"If they do decide to use the Collus
16 money on this project and you only
17 need to come up with a hundred
18 thousand dollars, where do we find
19 it?

20

You provide some information. The last
21 sentence in your response is:

22

"In addition to the sources of
23 funding mentioned, the arena will be
24 commissioned as a LEED silver
25 building which will allow us to

1 apply federal gas tax funds to the
2 commissioning and components cost."

3 Was it your understanding that Council
4 had chosen to build an arena that would be seeking
5 LEED silver commissioning or LEED silver status?

6 MS. MARJORY LEONARD: At that point, I
7 must have been. I don't -- don't recall. But had we
8 gone ahead with it, I do believe that the federal gas
9 tax money would have applied for the commissioning for
10 sure.

11 I can't recall off the top of my head
12 if at that time the component cost would have been
13 included in that.

14 MS. KATE MCGRANN: Do you remember why
15 you believed at this point in time that the Town was
16 building a LEED silver certified arena?

17 MS. MARJORY LEONARD: No, I don't
18 recall.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: In terms of the
23 information that Council was provided in the staff
24 report about funding, how the construction was going
25 to be funded, your drafts don't include any

1 substantive information about the Town's funding
2 options until the August 23rd draft is circulated.

3 I'm going to ask that that be shown.
4 It's at TOC203551.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: And if we could
9 turn to page 10 of this document. So, under 'Effect
10 on Town finances,' you write, "We have the following
11 funds available." You identify a \$1.5 million
12 reserve, \$1.3 million from the county for the purpo --
13 purchase of Poplar side road, \$8 million from Collus,
14 DCs which I understand are development charges.

15 And all of that totals eleven million
16 seven hundred and nine thousand four hundred and
17 eighty-eight dollars (\$11,709,488). You go on to
18 write:

19 "This would leave a minimum of four
20 million five twenty-five (4,525,000)
21 and a maximum of eight million five
22 forty-six (8,546,000) requiring
23 long-term financing."

24 And then you set out debenture payments
25 for the shortfall and the funds available from the

1 Town. Do you see that?

2 MS. MARJORY LEONARD: Yes.

3 MS. KATE MCGRANN: Do you recall why -
4 - why you set out a funding scenario that involved
5 using the Collus funds and no other funding scenario
6 at this point in time?

7 MS. MARJORY LEONARD: The reason I
8 included is because, when I -- I go to look at the
9 funding, I look at the funds that we actually do have
10 on hand.

11 One (1) of the platforms that this
12 Council ran on was to cut the debt or to decrease the
13 debt. And because we had those funds on hand, the
14 interest rates here, I'm looking at a -- on this one,
15 at the 2.2 percent, a million dollars a year for --
16 for five (5) years.

17 It -- it -- I would be saving about
18 1.75 percent if I used the Collus funds because I'd
19 only be earning a half (1/2) a point on my bank
20 account and spending 2.2 in interest, so that's why I
21 would look at them first.

22 MS. KATE MCGRANN: Okay. You
23 understood at this point in time that Council had
24 committed to a public consultation process for those
25 funds?

1 MS. MARJORY LEONARD: That's correct.

2 MS. KATE MCGRANN: Is there any reason
3 why staff at this point in time wasn't considering
4 providing Council with options for funding the
5 recreation facilities, (1) in which the Collus funds
6 are used, (2) in which the Collus funds are not used
7 so that Council understands what the implications of
8 building these facilities are regardless of the
9 outcome of the public consultation for the Collus
10 funds?

11 MS. MARJORY LEONARD: This was a -- a
12 draft -- a first go, waiting for comments back. In
13 the -- in the grand scheme of things, this could be
14 changed to read that. I believe I did have at one
15 time a -- the Collus funds if public approved it or
16 confirmed -- if confirmed by public, but in the end on
17 the final report, it just -- totally took this out,
18 so.

19 MS. KATE MCGRANN: And just for the
20 sake of clarity before we leave this, there's a -- a
21 range set out here, a minimum and a maximum, and I
22 want it to be clear to everybody what is being
23 referred to here. So if you can scroll up to the
24 first page. And scroll down. Keep going.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: Here you set out a
4 -- a range of capital cost requirements based on a
5 minimum and a maximum reflecting estimates that have
6 been provided to you at that point in time, I think.
7 You can let me know if I'm right.

8 MS. MARJORY LEONARD: No, that's
9 correct.

10 MS. KATE MCGRANN: So the range that
11 you were looking to cover was a range in shortfall
12 from Town funds to these minimum and maximum costs.
13 Is that right?

14 MS. MARJORY LEONARD: That's correct.

15 MS. KATE MCGRANN: I note that you've
16 included the cost of the Eddie Bush Memorial Arena
17 work and -- and you're -- the information you're
18 providing to the Town in your draft about the costs.

19 MS. MARJORY LEONARD: Okay.

20 MS. KATE MCGRANN: Okay. If we could
21 turn to the final report, which is at CJI6146.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: Turn to page 6 of

1 this document. If we could scroll down, "Effect on
2 Town Finances." There are a couple of things here
3 that I want to ask you about.

4 First of all, in this version, the only
5 costs that are being considered in the "Effect on Town
6 finances" portion is the cost of the arena and pool.
7 The cost of the Eddie Bush Memorial Arena renovations
8 are discussed in the body of the report but they're
9 not considered in the "Effect on Town Finances"
10 portion.

11 Do you know why the Eddie Bush Memorial
12 Arena costs were not included in this section of your
13 report?

14 MS. MARJORY LEONARD: No.

15 MS. KATE MCGRANN: And if we could
16 scroll down further. In light of the estimates that
17 were included in this version of the report and the
18 fact that the Eddie Bush Memorial costs are not in
19 there, the projected costs come in lower than what's
20 available to the Town.

21 Do you remember that math being done?
22 You got to say "yes" or "no."

23 MS. MARJORY LEONARD: Oh, sorry. Yes.
24 Can't just shake my head.

25 MS. KATE MCGRANN: Do you remember

1 having any concerns that the Town wasn't being
2 provided with a full picture about how these things
3 will be paid for because the Eddie Bush Memorial Arena
4 was not included in -- in this section of your report?

5 MS. MARJORY LEONARD: Yes, I -- I did.
6 Subsequent to this, we did do a -- a large renovation
7 on the Eddie Bush Arena, and thankfully we did have
8 some part-time levy funds that could be used towards
9 that particular project at the time, but we didn't
10 take the full amount of renovations to it. We've done
11 it gradually over the last seven (7) years, so it's
12 been a little bit less onerous to pay for that.

13 MS. KATE MCGRANN: Do you know why the
14 decision was made not to provide information to
15 Council about what it would cost to debenture the cost
16 of -- of these rec facilities if the Collus funds were
17 not used?

18 MS. MARJORY LEONARD: No.

19 MS. KATE MCGRANN: It's my
20 understanding based on the documents that the Inquiry
21 has received that Council doesn't ultimately make a
22 decision to allocate the Collus funds to the
23 recreational facilities until the following June, I
24 believe, and that as far as the Town's accounting
25 records went, the indication was that this would be

1 paid for by debenture, or at least part of it.

2 Have I got that right?

3 MS. MARJORY LEONARD: That's correct.

4 MS. KATE MCGRANN: Just so that I can
5 be sure that I've covered this off, did you raise any
6 concerns with anyone about the changes that were made
7 by Mr. McNalty or Mr. Houghton to the staff report
8 before the staff report was finalized?

9 MS. MARJORY LEONARD: I don't believe
10 so.

11 MS. KATE MCGRANN: When Rick Lloyd was
12 here, he gave evidence that he believed that you would
13 not have changed the staff report if you didn't feel
14 like it was appropriate to do so, and if you thought
15 that changes were being made, you would have spoken up
16 about them.

17 What's your response to his evidence in
18 light of the changes that we've been through today?

19 MS. MARJORY LEONARD: I -- I would
20 have -- I -- I felt that speaking up, I would -- it
21 would, as you said earlier, be futile. I believe that
22 the machinations that were going on outside of my
23 control and outside of everybody's knowledge would
24 have run me over. Put it -- put it that way.

25 MS. KATE MCGRANN: Can we look at

1 paragraph 447 of the staff report?

2 COURT OPERATOR: The Foundation
3 Document?

4 MS. KATE MCGRANN: Yes, thank you.
5 Paragraph 447 of the Foundation Document.

6

7 (BRIEF PAUSE)

8

9 CONTINUED BY MS. KATE MCGRANN:

10 MS. KATE MCGRANN: On August 25th,
11 after the final version of the staff reported had been
12 circulated, Ms. Proctor sent an email to Mr. Houghton
13 and the EMC, writing:

14 "I wonder if you and/or someone from
15 the Executive Management Team would
16 have some time to review the arena
17 and pool report on Monday's agenda.
18 I've reviewed the information and
19 was hoping to clarify some of the
20 numbers, so I am prepared to respond
21 to any questions."

22 Do you remember receiving this email
23 from Ms. Proctor?

24 MS. MARJORY LEONARD: Yes, I believe I
25 do.

1 MS. KATE MCGRANN: Did you have any
2 conversations with her about the staff report before
3 it was presented to Council in response to this email
4 or otherwise?

5 MS. MARJORY LEONARD: No. I don't
6 recall speaking to Marta before the -- the meeting.

7 MS. KATE MCGRANN: When Ms. Proctor
8 was here, she said that she had a call with Mr.
9 Houghton on the weekend about the staff report in
10 which he was aggressive with her and accused her of
11 not being a team player in response to some of her
12 comments about the staff report.

13 Did you hear anything about that
14 conversation?

15 MS. MARJORY LEONARD: I heard it when
16 Marta gave her testimony.

17 MS. KATE MCGRANN: Did you hear
18 anything about it before then?

19 MS. MARJORY LEONARD: No.

20 MS. KATE MCGRANN: You had mentioned
21 operating costs earlier. I have a quick question for
22 you about that.

23 If we could look at paragraph 457 of
24 the Foundation Document.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: This paragraph
4 describes that Mr. Houghton is responding to an email
5 chain, you and the rest of the EMC, forwarding an
6 excerpt from journalist Ian Adam's blog and asking:

7 "Can we do an estimate of the
8 losses?"

9 The excerpt from the blog that he
10 forwarded said:

11 "Does anyone realize that Council
12 has gone ahead" --

13 And it goes on to make some comments
14 about what's happening. And he ends it by saying:

15 "The current operating losses for
16 the municipal pool are \$30,000 for
17 a facility that operates for three
18 (3) months of the year. Operating
19 twelve (12) months, what will the
20 operating costs be then? If the
21 question can't be answered, then
22 Council must defer it to discussion
23 until it can be answered."

24 Do you remember receiving this email
25 from Mr. Houghton and his question:

1 "Can we do an estimate of the
2 operating losses"?

3 MS. MARJORY LEONARD: Yes.

4 MS. KATE MCGRANN: Was this something
5 that staff had considered before Mr. Houghton's email
6 that we're looking at here?

7 MS. MARJORY LEONARD: I believe that
8 as I said earlier that Marta's staff -- Darin and
9 Dennis -- had provided some operating numbers for me.
10 What they were, at this point, I can't remember.

11 MS. KATE MCGRANN: If we scroll down
12 to paragraph 458 which is the next paragraph in the
13 document, you respond with a spreadsheet of Centennial
14 Pool historical data, and you write:

15 "I estimate the operating losses
16 would increase \$333,600."

17 You go on to say:

18 "Two hundred and seventy-five more
19 than we currently experience."

20 You go on to say:

21 "Marta and I did discuss this last
22 Monday, and we both felt that the
23 losses would be increased by around
24 the 275k mark without any real
25 analysis."

1 And you remark that staffing is key.

2 Do you remember those discussions?

3 MS. MARJORY LEONARD: Yes, I do.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: How accurate did
8 you feel these numbers were?

9 MS. MARJORY LEONARD: These were
10 pretty ballpark numbers. We only looked at the --
11 just basically at the fixed costs in terms of where
12 things were going. We didn't know how much the
13 increase in the chemicals would be for an indoor pool
14 and those -- those types of things.

15 Staffing -- we knew that there would be
16 a requirement for more staffing but that the staffing
17 would be offset to a large extent with increased
18 revenues from the fact that it was now a twelve (12)
19 month pool as -- as opposed to a three (3) month pool
20 that didn't operate on the rainy days or the bad days.

21 But -- so they were -- they were a
22 ballpark figure.

23 MS. KATE MCGRANN: Do you recall
24 attending a meeting with the mayor on the morning of
25 August 27th to discuss the Council meeting that was

1 going to take place that evening?

2 MS. MARJORY LEONARD: I don't recall
3 the meeting, but I've seen in the Foundation Document
4 that, yeah, I was there.

5 MS. KATE MCGRANN: Do you recall
6 having any discussions with members of staff about
7 what was going to be presented at the Council meeting
8 the night of August 27th?

9 MS. MARJORY LEONARD: Not that I can
10 recall at the moment.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: Could you turn to
15 paragraph 505 of the staff report. I just have some
16 questions about statements that were made at the
17 Council meeting on August 27th, 2012.

18 This paragraph describes a statement
19 that Mr. Houghton made at the Council meeting. He
20 says:

21 "We did look at a whole bunch of
22 options. We did look at several
23 different options. We looked at a
24 number of different fabric
25 buildings."

1 Do you know what he was talking about
2 when he says, "We looked at a number of different
3 fabric buildings?"

4 MS. MARJORY LEONARD: No. I don't
5 know what he means by "a number of different fabric
6 buildings."

7 MS. KATE MCGRANN: If you could scroll
8 down, there's a slide below at paragraph 506, and if
9 you could keep going, there's another slide. Do you
10 know where this chart came from?

11 MS. MARJORY LEONARD: It came from
12 Sprung.

13 MS. KATE MCGRANN: Do you know if
14 anyone on staff reviewed this chart to see if the
15 contents were accurate?

16 MS. MARJORY LEONARD: No.

17 MS. KATE MCGRANN: Do you know if
18 Council was advised that this chart came from Sprung?

19 MS. MARJORY LEONARD: I don't recall.

20 MS. KATE MCGRANN: Can you see how
21 someone who's looking at this slide presentation may
22 look at this and think it was something that staff put
23 together as a result of the work that staff did?

24 MS. MARJORY LEONARD: Yes.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: You can take that
4 off the screen. In terms of the budgets that the Town
5 received from BLT, what did you believe the Town had
6 done to ensure that it was getting the best price that
7 it could from BLT?

8 MS. MARJORY LEONARD: Again, it would
9 have been based on the negotiations that the CAO had
10 done with Sprung and BLT, trusting that the best
11 interests of the Town would be looked after.

12 MS. KATE MCGRANN: Did Mr. Houghton
13 give you any information about what those negotiations
14 involved?

15 MS. MARJORY LEONARD: No, he did not.

16 MS. KATE MCGRANN: Mr. Barrow from BLT
17 appeared as a witness here, and he gave evidence that
18 the Town did not attempt to negotiate the price or the
19 payment schedule for the two (2) buildings that BLT
20 constructed. What is your reaction to that evidence?

21 MS. MARJORY LEONARD: I'm stunned.

22 MS. KATE MCGRANN: And why is that?

23 MS. MARJORY LEONARD: I would have
24 expected that the department head or the person in
25 charge would have negotiated the best possible price

1 and best possible outcome for the Town, the taxpayers,
2 the -- the community.

3 MS. KATE MCGRANN: What was your
4 involvement in reviewing the construction contract
5 that the Town entered into with BLT?

6 MS. MARJORY LEONARD: My understanding
7 was that the CAO had forwarded it to our lawyer
8 John Mascarin at the time, and it came back as a
9 standard construction contract, and that -- I don't
10 recall if John noted anything in it out of the
11 ordinary or not.

12 MS. KATE MCGRANN: Did anyone sit down
13 with you and explain to you what the contract provided
14 for in terms of what the Town would be receiving from
15 BLT?

16 MS. MARJORY LEONARD: I don't believe
17 so, no.

18 MS. KATE MCGRANN: Did you receive --
19 did you review the contract before you signed it?

20 MS. MARJORY LEONARD: I -- yes, I
21 briefly looked over -- looked it over, yes.

22 MS. KATE MCGRANN: Could we look at
23 paragraph 542 of the Foundation Document?

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: This paragraph sets
2 out the payment schedule that was attached to the
3 contract. Did you review the payment schedule before
4 the contract was signed?

5 MS. MARJORY LEONARD: I did look at
6 the payment schedule, yes.

7 MS. KATE MCGRANN: What was your
8 reaction to seeing the payment schedule when you
9 reviewed it?

10 MS. MARJORY LEONARD: In terms of the
11 25 percent up-front, I knew that BLT had to purchase
12 the structure from -- from Sprung. But in terms of
13 the remaining portion of it, I was a little taken
14 aback. Normally, we would do it on a percentage of
15 completion basis for that type of deal.

16 MS. KATE MCGRANN: Did you speak to
17 anybody about what you saw here versus what you were
18 used to seeing the Town do with respect to a payment
19 schedule for construction?

20 MS. MARJORY LEONARD: No. Again,
21 as -- as I say, it did -- it was sent to our lawyer,
22 and I don't recall John saying that there was anything
23 out of the ordinary with it.

24 MS. KATE MCGRANN: You said that you
25 knew that BLT had to pay for the structure. Where did

1 you get that information from?

2 MS. MARJORY LEONARD: I just -- I
3 guess I inferred it from some of the information that
4 we did have -- that we had received as, in my opinion,
5 BLT being the franchisee for Sprung, it would be
6 normal to buy the product from -- from your franchiser
7 and then sell it off to somebody else.

8 MS. KATE MCGRANN: So basically,
9 you're saying that's an assumption that you made.

10 MS. MARJORY LEONARD: That's an
11 assumption that I made. Yes.

12 MS. KATE MCGRANN: Could we look at
13 paragraph 549 of the Foundation Document?

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: This paragraph
18 describes an email that Mr. Houghton sent to you and
19 Deputy Mayor Rick Lloyd at 10:30 in the morning of
20 August 30th, which is the day that the contract is
21 signed.

22 He writes:

23 "I just got the agreement. And the
24 25 percent up-front draw amounts to
25 three million ninety-nine thousand

1 seven hundred and twenty-five
2 dollars and twenty-four
3 (\$3,099,725.24) cents.

4 The cheque will be made out to BLT
5 Construction Services Limited. I
6 have sent this off to John Mascarin
7 for review, but is off-the-shelf
8 construction agreement.

9 Rick Lloyd will be looking for you
10 around noon."

11 Do you remember receiving this email?

12 MS. MARJORY LEONARD: Yes, I do.

13 MS. KATE MCGRANN: What was your
14 understanding as to why Mr. Lloyd would be looking for
15 you around noon on August 30th?

16 MS. MARJORY LEONARD: I -- I didn't
17 know why Rick would be looking for me, I didn't.

18 MS. KATE MCGRANN: Did you have any
19 ideas?

20 MS. MARJORY LEONARD: No.

21 MS. KATE MCGRANN: Did you ask Mr.
22 Houghton why Mr. Lloyd would be looking for you around
23 noon?

24 MS. MARJORY LEONARD: No.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: Turn now to some
4 questions about the decisions Council made --

5 THE HONOURABLE FRANK MARROCCO: Okay.
6 Just -- just before you do that, did Mr. Lloyd show up
7 around noon? Do you remember?

8 MS. MARJORY LEONARD: I -- Your
9 Honour, no, I don't remember.

10 THE HONOURABLE FRANK MARROCCO: Okay.
11 Thank you.

12

13 (BRIEF PAUSE)

14

15 CONTINUED BY MS. KATE MCGRANN:

16 MS. KATE MCGRANN: I'm going to turn
17 now to some questions about the process Council went
18 through to determine how it would use the Collus funds
19 and what it would use it for.

20 Can we look at paragraph 794 of the
21 Foundation Document?

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: This paragraph

1 describes minutes from a special meeting held December
2 1st, 2012. And it states that the minutes record that
3 you presented options for the use of the Collus funds;
4 pay down debt; establish a legacy fund; invest a
5 portion of the funds in new recreation facilities;
6 allocate the funds to the following major projects.

7 And then it lists a couple of projects
8 there. Do you remember what led to you presenting
9 those options to Council?

10 MS. MARJORY LEONARD: Those -- those
11 options were kind of derived at a department head's
12 meeting whereby we sort of brainstormed a few options
13 that we could put out there to sort of stimulate the
14 public to come with ideas of how we should -- well, to
15 stimulate the public engagement really is why we gave
16 them some -- we threw some out there.

17 MS. KATE MCGRANN: Was it the case
18 that these were intended, effectively, as conversation
19 starters?

20 MS. MARJORY LEONARD: Yes.

21 MS. KATE MCGRANN: They're not a
22 recommendation for what Council should be considering?

23 MS. MARJORY LEONARD: Absolutely not.
24 You're correct. They are just conversation starters.

25 MS. KATE MCGRANN: Do you know if

1 anybody did any work to look at the viability of any
2 of these options before they were presented as
3 conversation starters?

4

5

(BRIEF PAUSE)

6

7 MS. MARJORY LEONARD: No. I believe
8 that they were just -- just thoughts that were there.
9 Again, it's -- it's similar to the process that we've
10 started this time around. I believe we ended up
11 brainstorming eleven (11) different options to
12 stimulate the community to tell us what they really
13 wanted.

14

MS. KATE MCGRANN: And I think that I
15 got your evidence on this earlier, but just to be
16 clear, you were never asked to provide any
17 recommendation as to how Council should use the funds
18 to maximize this interest or that interest or anything
19 like that?

20

MS. MARJORY LEONARD: No.

21

MS. KATE MCGRANN: If we look at
22 paragraph 896 of the Foundation Document...

23

24

(BRIEF PAUSE)

25

1 MS. KATE MCGRANN: This paragraph
2 describes June 10, 2013, meeting. Council votes to
3 allocate the funds from the Collus share sale. And
4 the minutes record that, before getting to that vote,
5 Council votes to waive the notice requirements of the
6 procedural bylaw to consider a motion with respect to
7 the use of the Collus funds. And then the vote is
8 made.

9 Do you know why Council did not follow
10 the normal notice requirements in respect of -- of
11 this vote at this time?

12 MS. MARJORY LEONARD: No, I don't.

13 MS. KATE MCGRANN: If we could turn up
14 CJI11156.

15

16 (BRIEF PAUSE)

17

18 MS. KATE MCGRANN: I understand that
19 this is a document that you put together?

20 MS. MARJORY LEONARD: Yes, it is.

21 MS. KATE MCGRANN: And I understand
22 that this document sets out the sources of funds that
23 were used to pay for the Town's recreation facilities
24 up to the end of December 2013. Have I got that
25 right?

1 MS. MARJORY LEONARD: That's correct.

2 MS. KATE MCGRANN: Do you remember
3 when you put this document together?

4 MS. MARJORY LEONARD: June of 2018.
5 It was in response to a request from our current
6 mayor.

7 MS. KATE MCGRANN: Do you need to make
8 any changes to this document or is it accurate, to the
9 best of your knowledge?

10 MS. MARJORY LEONARD: To the best of
11 my knowledge, it -- it's accurate.

12 MS. KATE MCGRANN: In presentations
13 that you had given to Council in 2012, there was
14 mention of a \$1.3 million amount from the sale of the
15 Poplar side road that could have been allocated to the
16 recreational facility construction.

17 I don't see that amount here. Can you
18 help us understand why that amount was not put towards
19 the cost of the recreational facilities?

20 MS. MARJORY LEONARD: At the time that
21 we prepared the initial estimates I had anticipated
22 that we would receive 1 point -- we could use \$1.3
23 million worth of development charges towards the
24 costing of the Poplar side road, and then wait until
25 2016 when we sold it to the county to retrieve those

1 funds.

2 But in the end, it was -- there was an
3 additional portion to that bypass that was completed,
4 so those funds still went to pay for -- for roads.
5 So, by the time we came to the end of the -- end of
6 the road, so to speak, the funds weren't there.

7 MS. KATE MCGRANN: Okay. It could
8 just be the way that it's laid out, but it looks to me
9 like what you've done is applied the funds that the
10 Town otherwise had available, and then applied the
11 Collus funds to cover the shortfall.

12 Is that the approach that was taken?

13 MS. MARJORY LEONARD: That's correct.
14 That's correct, yes.

15 MS. KATE MCGRANN: The last thing that
16 I want to ask you about is the fee that BLT paid to
17 Green Leaf in connection with the two (2) recreation
18 facilities. If we could turn up paragraph 559,
19 please.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: This paragraph
24 states that the Green Leaf bank account received a
25 wire transfer in the amount of seven hundred and

1 fifty-six thousand seven hundred and twenty-five
2 dollars and forty-two (756,725.42) cents from BLT on
3 August 31st, 2012.

4 When did you learn that Green Leaf had
5 been paid this amount in connection with the Town's
6 recreational facilities?

7 MS. MARJORY LEONARD: When the CBC
8 reported it on -- Dave -- Dave Seglins reported on the
9 CBC News. I -- I don't remember when that was, two
10 (2) years ago.

11 MS. KATE MCGRANN: What was your
12 reaction to learning about this payment?

13 MS. MARJORY LEONARD: Do you really
14 want me to tell you? I was very surprised.

15

16 (BRIEF PAUSE)

17

18 MS. MARJORY LEONARD: I was
19 gobsmacked, actually, if you want to know the truth.
20 It was... I'm astounded, sickened.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Did it cause you
25 any concern --

1 THE HONOURABLE FRANK MARROCCO: Well,
2 I -- I don't think the witness needs to answer that,
3 or she just answered it.

4 MS. KATE MCGRANN: I wasn't quite
5 finished my question.

6 THE HONOURABLE FRANK MARROCCO: Oh,
7 all right.

8 MS. KATE MCGRANN: -- about the
9 involvement you had had in working towards a staff
10 report that recommended that Council proceed with
11 those two (2) buildings?

12 MS. MARJORY LEONARD: Most definitely,
13 yes.

14 MS. KATE MCGRANN: Those are my
15 questions.

16 THE HONOURABLE FRANK MARROCCO: I'm
17 not rushing you. I think we'll start the cross-
18 examination tomorrow at 9:00 a.m.

19 MR. RYAN BREEDON: Your Honour, I -- I
20 have been asked by one (1) of the membership to
21 inquire whether it would be possible to start at 9:30.

22 THE HONOURABLE FRANK MARROCCO: He's
23 not here. Nine -- 9:30's satisfactory.

24 MR. RYAN BREEDON: Thank you.

25 THE HONOURABLE FRANK MARROCCO: Ms.

1 Leonard, don't discuss your evidence with anyone
2 between now and tomorrow. It creates all kinds of
3 problems for us if you do. Thank you.

4

5

(WITNESS RETIRES)

6

7 --- Upon adjourning at 4:55 p.m.

8

9

10 Certified Correct,

11

12

13

14 _____

15 Wendy Woodworth, Ms.

16

17

18

19

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<p> <u> </u> \$ \$1.3 233:12 256:14,22 \$1.5 233:11 \$11,709,488 233:17 \$25,000 14:11 \$3,099,725. 24 251:3 \$30,000 242:16 \$32,000 17:4 23:6 \$333,600 243:16 \$35 206:23 207:10 211:22 219:7,16, 19 \$400,000 147:2 \$50,000 13:11 14:1 164:15 \$500,000 120:16 \$7.1 209:21 \$7.6 209:22 \$750,000 227:20 \$8 233:13 \$95,000 209:10 <hr/> 0 0517810 93:11 <hr/> 1 1 8:20 14:19 </p>	<p> 15:8 18:22,24 22:1,4,7, 8,18 27:25 32:7 38:22 39:22 47:1 55:23 57:9 67:8 71:8 76:15 77:17 89:11 91:18 97:10 104:5,11 106:3,12 108:4 114:11 117:20 126:18,22 135:4 143:21 144:17,24 145:18 153:25 155:10 158:11 160:5 162:14,20 163:8 165:17 169:9 170:24 175:5 178:1 179:5 181:23 183:19 186:25 197:13 198:24 204:14 205:15 208:16 210:14 212:16 214:15,24 218:22 </p>	<p> 220:22 221:19 223:15,16 224:2 229:4,9 234:11 235:5 256:22 259:20 1.75 234:18 1/2 7:13 208:16 234:19 1:30 110:22 10 68:15 107:16 174:19 179:6 190:16 191:25 227:20,24 229:8 233:9 255:2 10:03 5:1 10:30 89:13 250:19 10:46 215:22 100 114:13 10th 52:7 11 254:11 11:17 99:6 11:19 96:19 11:26 68:17 11:29 99:14 11:37 68:18 11th 44:12 47:13,19 49:25 56:17 12 242:19 244:18 12,000 </p>	<p> 166:3 12:00 203:13 12:54 131:10 120 134:8 129 44:1 140 134:8 142 49:11 143 49:22 14th 55:12 15 8:9,14 11:24 159 55:4 15th 1:23 16 19:20 1662 4:3 1663 4:4 1664 4:5 1665 4:6 1666 4:7 1667 4:8 1668 4:9 16th 50:24 51:3 62:2 65:17 68:22 69:14,25 71:4 212:3,8 231:6 17th 69:16,24 70:20 146:5 172:2 188:15 18th 154:9 19 14:22 1949 208:2 1990s 14:23 </p>	<p> 19th 88:18 96:19 99:6 154:9 155:2 1st 253:2 <hr/> 2 <hr/> 2 14:8 20:22 22:7 37:25 42:20 72:14 77:1 95:9 115:10,18 ,21 128:21 133:18 136:19 137:7 138:6 139:12,24 140:4 145:20 153:21 155:10,15 162:24 164:6,13 175:2 177:24 191:6,24 193:24 197:4 199:2,7 206:24 210:8 223:11,20 224:12 229:17 235:6 247:19 257:17 258:10 259:11 2.2 234:15,20 2.3 208:12,18 </p>
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