



“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 21st, 2019

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APPEARANCES

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John Mather) Associate Inquiry
) Counsel
(No Counsel)) For Paul Bonwick
George Marron) For Sandra Cooper
Frederick Chenoweth) For Edwin Houghton
William McDowell) For Town of Collingwood
Ryan Breedon)
Andrea Wheeler (np))
Bill Trudell) For BLT Construction
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1 --- Upon commencing at 10:02 a.m.

2

3 THE HONOURABLE FRANK MARROCCO: And so
4 I should say what I guess everybody knows, which is
5 that there was material produced in -- in -- in
6 response to the production orders. That material has
7 been distributed to everybody, with -- with the
8 exception of one (1) document, which was submitted in
9 a sealed form and in respect of which privilege was
10 claimed.

11 And, Mr. Trudell, this is a document
12 apparently between yourself and Mr. Chenoweth in
13 respect of which --

14 MR. BILL TRUDELL: Yes. I -- I was
15 advised of that and invited Mr. Chenoweth to forward
16 it to you.

17 THE HONOURABLE FRANK MARROCCO: All
18 right. Is there a claim of privilege in respect of
19 that document from your client's perspective, or are -
20 - I mean, you're familiar, I assume, with the
21 document.

22 MR. BILL TRUDELL: It's an email. Yes
23 -- I'm not claiming privilege in relation to that
24 document.

25 THE HONOURABLE FRANK MARROCCO: Thank

1 you very much. I -- I -- I must say that clears up
2 something for me.

3 Mr. Chenoweth, is there still a claim
4 of privilege being maintained in respect of that
5 document despite the fact that Mr. Trudell's not
6 claiming privilege in respect of it, from your
7 perspective?

8 MR. FREDERICK CHENOWETH: Well, I have
9 really no concern with respect to the complete
10 disclosure of the document.

11 My only -- my only concern with it
12 would be that -- that there be no -- I think it's
13 covered by litigation privilege in that it's an
14 exchange between participants' counsels with respect
15 to the report in evidence of a witness. I think
16 there's nothing offensive in the document.

17 THE HONOURABLE FRANK MARROCCO: Well,
18 it's either privileged or it isn't.

19 MR. FREDERICK CHENOWETH: I
20 understand, Your Honour.

21 THE HONOURABLE FRANK MARROCCO: And so
22 --

23 MR. FREDERICK CHENOWETH: If I could
24 just complete my remarks.

25 So that my only concern is with respect

1 to the waiver of litigation privilege, and as long as
2 my advising the Court that there's no privilege does
3 not in a general sense waive litigation privilege,
4 then -- then I'm prepared to -- to acknowledge that
5 the document is -- is -- is producible.

6 THE HONOURABLE FRANK MARROCCO: I'm
7 sorry. I'm having a bit of -- a bit of difficulty.

8 If it's -- if you're maintaining a
9 claim of privilege, the -- the Inquiry retained the
10 services of the Honourable Sidney Lederman to resolve
11 claims of privilege.

12 If there's no claim of privilege, and
13 there isn't on -- in respect of one (1) of the two (2)
14 parties to the correspondence, then if you're not
15 claiming privilege, then I would produce the email,
16 make it part of the court book along with the other
17 documents.

18 MR. FREDERICK CHENOWETH: Okay.

19 THE HONOURABLE FRANK MARROCCO: But if
20 you are claiming privilege, then I'll have to ask Mr.
21 Lederman to report back to me on the claim and you can
22 deal with Mr. Letterman in terms of explaining why
23 there -- there is a privilege.

24 MR. FREDERICK CHENOWETH: All right.
25 Your Honour, let me see if I can make my remarks

1 clearer then.

2 I, in light of the Mr. Tell --
3 Trudell's remarks, do not claim any privilege with
4 respect to the document.

5 THE HONOURABLE FRANK MARROCCO: Thank
6 you.

7 MR. FREDERICK CHENOWETH: Having said
8 that, I also want to -- the court to be aware that --
9 that as these matters have unfolded, we are not
10 waiving any litigation privilege that may exist in
11 this Inquiry in any way.

12 THE HONOURABLE FRANK MARROCCO: Well,
13 now that -- now -- now I'm -- I'm -- I'm confused
14 again.

15 MR. FREDERICK CHENOWETH: Okay.

16 THE HONOURABLE FRANK MARROCCO: If --
17 if -- if you're -- if -- and, Mr. McDowell, you
18 apparently want to --

19 MR. WILLIAM MCDOWELL: Right.

20 THE HONOURABLE FRANK MARROCCO: Do you
21 want to become part of this conversation?

22 MR. WILLIAM MCDOWELL: I do, because
23 Mr. Chenoweth and I have had some discussions, and I -
24 - I think what My Friend is saying is that, by
25 agreeing to produce this document in this area

1 surrounding the witness, he doesn't want to be taken
2 away for the generally --

3 THE HONOURABLE FRANK MARROCCO: Oh, I
4 -- I -- I completely agree with that.

5 I am sorry, Mr. Chenoweth. I didn't --
6 I didn't appreciate that. I can understand why you
7 would say that, and I -- I think it's quite clear then
8 that you're not asserting privilege in respect of this
9 document, but otherwise reserving a right to claim
10 privilege in respect of some other documents that --
11 it's a -- you're reserving your right to claim
12 litigation privilege in respect of other documents, if
13 that should become necessary.

14 MR. FREDERICK CHENOWETH: That's
15 correct, Your Honour.

16 THE HONOURABLE FRANK MARROCCO: All
17 right. Thank -- thank you. That's -- thank you for
18 that, and that document will then be -- is no longer
19 priv -- there's no longer a claim of privilege
20 outstanding and it'll be distributed sometime this
21 morning. Thank you. And now we can return to Mr.
22 Houghton.

23 And, Mr. Chenoweth, you indicated last
24 day that you had completed your direct examination.
25 Is that still a -- is that still the case?

1 MR. FREDERICK CHENOWETH: It is.

2 THE HONOURABLE FRANK MARROCCO: Thank
3 you. Mr. Marron...?

4 MR. GEORGE MARRON: Thank you, Your
5 Honour.

6

7 ED HOUGHTON, Previously Sworn

8

9 CROSS-EXAMINATION BY MR. GEORGE MARRON:

10 MR. GEORGE MARRON: So if you have any
11 question, Mr. Houghton, I'll speak as loudly as I
12 believe the circumstances with the electronic device
13 here require, and if there's a -- an indication where
14 you don't hear something, just let me know and I'll
15 attempt to repeat the question. Thank you.

16 I want to take you back to the
17 beginning of your career. I take it that there was an
18 indication that you retired in 2016, was it?

19 MR. ED HOUGHTON: Yes.

20 MR. GEORGE MARRON: And at that point
21 in time, how many years had you logged?

22 MR. ED HOUGHTON: It was --

23 MR. GEORGE MARRON: Well, approximate.

24 MR. ED HOUGHTON: Thirty-eight (38) or
25 thirty-nine (39) years.

1 MR. GEORGE MARRON: Thirty-eight (38)
2 or thirty-nine (39) years.

3 And I take it that the positions that
4 you obtained were such that the brought you into
5 contact with the Council?

6 MR. ED HOUGHTON: Yes.

7 MR. GEORGE MARRON: And -- and I take
8 it that in that capacity there were -- must have been
9 years of your attendance at Council meetings?

10 MR. ED HOUGHTON: Yes.

11 MR. GEORGE MARRON: What would you
12 approximate that to be? Given your thirty-eight (38)
13 years of employment, would it be something around the
14 thirty (30) year mark or...

15 MR. ED HOUGHTON: With -- at Council?

16 MR. GEORGE MARRON: Yeah.

17 MR. ED HOUGHTON: I -- I started
18 attending Council on a regular basis when I became
19 Executive Director of Public Works and Engineering,
20 which I think I did that for about thirteen (13)
21 years.

22 MR. GEORGE MARRON: Okay.

23 MR. ED HOUGHTON: So I would've
24 attended for those thirteen (13) years, virtually
25 regularly every Monday night.

1 MR. GEORGE MARRON: Okay. And you
2 indicated on the record where you usually sat
3 yourself, and that's up on the raised area here behind
4 Commission counsel.

5 MR. ED HOUGHTON: That's correct, on
6 the staff table.

7 MR. GEORGE MARRON: So you were
8 present -- you would have been attentive obviously,
9 that's the reason for your presence, and been involved
10 in a great number of discussions with Council?

11 MR. ED HOUGHTON: Yes.

12 MR. GEORGE MARRON: And -- and you
13 would be aware then generally as to the procedure
14 which Council would have to adopt from time to time?

15 MR. ED HOUGHTON: Which -- which
16 Council would which?

17 MR. GEORGE MARRON: Well, specifically
18 if -- if there were a -- a recommendation or if there
19 was a resolution, there's some indication in the
20 Inquiry materials that it required a two-third vote to
21 rescind.

22 MR. ED HOUGHTON: Yes. I mean, I -- I
23 -- and to be honest, I didn't spend too much time
24 thinking about those kinds of things. That's what the
25 Clerk would -- was doing.

1 MR. GEORGE MARRON: Okay. But there
2 was -- I mean, you're quite familiar with the
3 documents that have been placed in Foundation Document
4 2, and the footnotes pertaining to it. I'm impressed
5 with your ability to recall the information that's
6 been provided. You spent some time with that
7 material.

8 MR. ED HOUGHTON: I've spent both,
9 time with the material, but I also have a reasonably
10 good memory.

11 MR. GEORGE MARRON: Right. And you've
12 been observing the proceedings, I take it, as an
13 interested party at the proceedings?

14 MR. ED HOUGHTON: Yes.

15 MR. GEORGE MARRON: Right. And so
16 there was -- there's indication in the July -- July
17 16, 2012, Council meeting where -- wherein Deputy
18 Mayor Lloyd indicated that as the head of Finance, you
19 -- he would work or wished to work with the -- with
20 the staff, as concerns -- the -- what eventually
21 turned out to be the staff report, i.e., the -- the
22 review and assessment of options conducted by staff.

23 MR. ED HOUGHTON: Yes.

24 MR. GEORGE MARRON: Right. And you
25 indicated that you interpreted that as -- at least you

1 indicated the silence of the other Council members as
2 being the equivalent to consent on their part?

3 MR. ED HOUGHTON: I did.

4 MR. GEORGE MARRON: There was no --
5 there was no motion put before the Council.

6 MR. ED HOUGHTON: No.

7 MR. GEORGE MARRON: And -- and is it
8 not your understanding that if Deputy Lloyd were to
9 follow the property -- the proper procedure, that he
10 would have to introduce a motion and Council would
11 vote on that motion to allow what the motion
12 requested?

13 MR. ED HOUGHTON: I would -- I would
14 think under a circumstance where you were doing
15 something, but where he was offering to assist in
16 putting this together, I -- I didn't feel that that
17 was something that required a vote, and it was heard
18 and recognized by eight (8) others, plus senior staff,
19 and there was no one saying that they didn't believe
20 that would be correct or appropriate.

21 MR. GEORGE MARRON: Right. So -- so -
22 - so it was really left up in the air. And I -- I put
23 it to you that in reviewing the documentation, it's --
24 it's a term of phrase, is it not, to work with? Would
25 you agree with that?

1 MR. ED HOUGHTON: A term of phrase?

2 MR. GEORGE MARRON: A term of phrase.

3 MR. ED HOUGHTON: To work with?

4 MR. GEORGE MARRON: Yeah. I will work
5 with or I would work with -- it's -- it's a term of
6 phrase. It doesn't -- there's nothing specific about
7 it.

8 MR. ED HOUGHTON: I'm -- I'm sorry, my
9 apologies. I'm not following your question.

10 MR. GEORGE MARRON: Well, you
11 indicated that you interpreted what he said as being
12 authority by Council to have him, well, participate in
13 what would otherwise be an area that would exclude
14 him, i.e., the work of staff.

15 MR. ED HOUGHTON: Oh, I don't -- I
16 don't think I ever said he was the authority, but he
17 did -- he offered and suggested that he would like to
18 be involved with, to work with --

19 MR. GEORGE MARRON: Okay.

20 MR. ED HOUGHTON: -- to be -- to -- to
21 get the -- and work with staff to get the staff report
22 put forth on August 27th.

23 MR. GEORGE MARRON: Okay. So -- so,
24 there I stand corrected. I -- I thought in my review
25 of the evidence that there was something different,

1 but...

2 So, I take it that you had no
3 difficulty with that?

4 MR. ED HOUGHTON: No, I had no
5 difficulty with --

6 MR. GEORGE MARRON: I take it that --
7 that the staff members with whom you were dealing, the
8 -- the executive management team and Dave McNalty and
9 the other three (3) or four (4) staff members had no
10 difficulty with it in the sense that there was never
11 any complaint raised to you?

12 MR. ED HOUGHTON: There was no
13 complaint, save and accept for the fact that the
14 deputy mayor was involved often with things and -- but
15 I don't think anybody suggested that there was --
16 there was an issue.

17 MR. GEORGE MARRON: Right. Well,
18 suggest that there was interference that --

19 MR. ED HOUGHTON: Not to me, no.

20 MR. GEORGE MARRON: All right.
21 Because, you know, he's -- he's gone on record, and I
22 think it's pretty clear from the evidence generally
23 that he was quite enthused with the prospect of being
24 able to bring a couple buildings into play and provide
25 a recreational facility for a reasonable cost.

1 MR. ED HOUGHTON: Right.

2 MR. GEORGE MARRON: I mean, it was
3 very clear. I put to you from -- from the outset that
4 \$35 million or anything that approached that, and then
5 the deputy mayor thought it might be as high as 44
6 million when you obtained other properties to
7 accommodate things that were going to dismantled or
8 discontinued.

9 It -- I mean, it just was impossible
10 for the Town to consider that type of funding?

11 MR. ED HOUGHTON: It would have been
12 virtually impossible. And I would agree with the --
13 it was 35 million plus. And if I keep turning my
14 head, it's because I'm trying to hear, sorry.

15 MR. GEORGE MARRON: Oh, no, no. No, I
16 -- that's fine. I... Okay, so. So, you went forward
17 on that understanding. And -- and I take it that when
18 Rick -- Rick Lloyd, the deputy mayor, sent directly to
19 you an email that requested that you get some pricing
20 on these type of membrane structures, you -- you sent
21 a copy of that off to Sara Almas.

22 And a couple days later, there was an
23 email that properly covered you, the EMT, and -- or
24 the EMC and -- and members of Council?

25 MR. ED HOUGHTON: That's correct.

1 MR. GEORGE MARRON: Right. So -- so,
2 effectively, he was rebuked or reprimanded for what he
3 did in the first instance, i.e., send directly to you
4 an email which contained some direction?

5 MR. ED HOUGHTON: I don't believe that
6 he was ever rebuked or reprimanded, but...

7 MR. GEORGE MARRON: Well, there was
8 the subsequent email which, essentially, was the same
9 as the one (1) he directed you personally?

10 MR. ED HOUGHTON: And as I had
11 mentioned earlier, I don't recollect ever suggesting
12 that he -- he does that. He did it, so I may have,
13 but I don't recall a specific request by me to do --
14 for him to do that.

15 It -- it was, like, as you -- as Sara
16 noted, that it should -- should come from all of
17 Council. My issue with forwarding it to Sara was --
18 was, like, a) I've -- I'm supposed to be only here for
19 a couple months, b) I was told that this was going to
20 be -- it was just basically team building, a quiet
21 period, and now all of these things seem to be coming
22 forward. And as I suggested in the email, is nothing
23 ever easy.

24 MR. GEORGE MARRON: Yeah. No, no, the
25 email's been referred to and entered into -- into

1 evidence on the Inquiry. But -- and -- and Sara Almas
2 has testified, so.

3 In any event, there was the subsequent
4 email that was -- if -- if I could use the word for
5 want of a better word, properly sent by Deputy Mayor
6 Lloyd, covered Council, covered the EMC?

7 MR. ED HOUGHTON: Ye -- yes, on June
8 14th.

9 MR. GEORGE MARRON: And that was
10 within a couple days of the email that was sent by
11 deputy mayor to you directly?

12 MR. ED HOUGHTON: That's correct,
13 which was June 12th.

14 MR. GEORGE MARRON: Okay. Okay, so
15 just -- just getting back to April of 2012, that was
16 the time when you were appointed the acting CAO of the
17 Town of Collingwood, in April 2012?

18 MR. ED HOUGHTON: Yeah. Yeah. Yeah,
19 sorry, I didn't know that was a question. Yes.

20 MR. GEORGE MARRON: And -- and I take
21 it it -- it was within a couple weeks of the dismissal
22 of your predecessor, CAO Kim Wingrove?

23 MR. ED HOUGHTON: Yeah. I'm not sure
24 whether she'd be my predecessor because I was only
25 there to cover a short period of time.

1 MR. GEORGE MARRON: Well, I appreciate
2 that that was what was -- what was indicated to you at
3 the outset and you acted on that because you took on
4 the job.

5 Sandra Cooper had testified on phase 1
6 of the Inquiry. And you'll recall that there was some
7 indication on her part that she attempted to recruit a
8 CAO and that she actually communicated with three (3)
9 individuals, two (2) who were retired clerks from the
10 Clearview Township and the County of Simcoe, and the
11 third who was the CAO within the county over in
12 Bradford West Gwillimbury, which she did that without
13 success.

14 You're aware of that?

15 MR. ED HOUGHTON: Actually, I'm -- I'm
16 not. I don't recollect that, sorry.

17 MR. GEORGE MARRON: Okay. Well, she
18 tested in phase 1 --

19 MR. ED HOUGHTON: Okay.

20 MR. GEORGE MARRON: -- of the Hearing.

21 MR. ED HOUGHTON: I missed that, my
22 apologies.

23 MR. GEORGE MARRON: So, she didn't
24 speak to you about it?

25 MR. ED HOUGHTON: Are you suggesting

1 this was be -- before I took it --

2 MR. GEORGE MARRON: Yeah.

3 MR. ED HOUGHTON: -- took the
4 position?

5 MR. GEORGE MARRON: Yes.

6 MR. ED HOUGHTON: Okay. No, I don't -
7 - I don't believe she spoke to me about that. If she
8 did, I just don't recall.

9 MR. GEORGE MARRON: Okay. Well, or
10 even if it were after, I'm suggesting to you it would
11 be fairly shortly after in -- in the sense that it was
12 a timely inquiry on her part to find a CAO, or at
13 least a person who would fulfill experience or be --
14 be a satisfactory candidate for CAO?

15 MR. ED HOUGHTON: (NO AUDIBLE
16 RESPONSE).

17 MR. GEORGE MARRON: All right.

18

19 (BRIEF PAUSE)

20

21 MR. GEORGE MARRON: Okay, so -- so I
22 take it that you accepted the acting CAO position, and
23 then gave some thought to the establishment of the
24 executive management team?

25 MR. ED HOUGHTON: Well, I think that

1 was part of the discussion right at the very beginning
2 because I had suggested when they -- when -- when the
3 mayor and the deputy mayor were asking, I had
4 suggested that possibly Sara do -- do this because, a)
5 she was here, and -- and b) I was so very busy anyway
6 and had no desire to -- to be the CAO.

7 MR. GEORGE MARRON: Okay. So -- so,
8 it wasn't a condition of your taking on the acting CAO
9 position that you'd be able to form the mer -- the
10 executive management team?

11 MR. ED HOUGHTON: No. There was three
12 (3) conditions, and then one (1) suggestion.

13 MR. GEORGE MARRON: Okay. Okay. So,
14 I take it that suggestion was welcomed. And I recall
15 seeing something attributed to Deputy Mayor Lloyd to
16 that effect, it was a great idea, great idea, and --

17 MR. ED HOUGHTON: Again, it -- my --
18 my focus at that point in time was -- was Collus Power
19 and the new formation of Collus PowerStream, Public
20 Utilities and Public Works.

21 For me to -- to take this on was -- was
22 -- is -- was going to be, in my view, something that
23 was going to completely take all of my time, my -- my
24 own personal time, and even sleeping time, so it was
25 not something that I was enamoured with for sure.

1 MR. GEORGE MARRON: Right. Right.

2 Well, that's fair. And -- and it makes sense, I
3 suggest to you, it's quite reasonable for you to
4 spread the work with experienced people who you've
5 indicated in your evidence-in-chief brought some
6 experience and some skill to the job?

7 MR. ED HOUGHTON: Exactly. And that
8 was the intent, was that I could seek their Council or
9 their advice, their opinions and -- and their
10 assistance to make things work because I could not be
11 here all the time.

12 MR. GEORGE MARRON: All right. So --
13 so, you formed the -- the EMC in short order then, I
14 take it, after -- after being appointed the acting
15 CAO?

16 MR. ED HOUGHTON: I think we had -- I
17 had discussions before that because, if -- if there
18 was no interest, then there was absolutely no way I
19 could --

20 MR. GEORGE MARRON: Okay. Okay.
21 Well, that's fair. And -- and the evidence has been
22 heard that -- that you were provided no remuneration
23 for the efforts that you made as acting CAO?

24 MR. ED HOUGHTON: That was one (1) of
25 the conditions. I said I did not want to be paid at

1 the CAO.

2 MR. GEORGE MARRON: Well, that was
3 very generous. And my understanding is, without
4 getting into specifics, that the remuneration of CAO
5 was something in the area of a quarter million dollars
6 a year?

7 MR. ED HOUGHTON: That's correct. I
8 was -- I was already being paid by Collus, and that
9 was my job. I -- I did Public Works for thirteen (13)
10 years, and I didn't get paid for that either.

11 MR. GEORGE MARRON: Okay. So -- so,
12 the reality of it is, in the thirty-eight (38) years
13 that you've worked with the Town of Collingwood, you
14 put a lot of effort and a lot of time in it?

15 MR. ED HOUGHTON: I did. I love my
16 job. I love Collingwood.

17 MR. GEORGE MARRON: And I think it's
18 fair to say that the reputation that you had was you
19 were a go-to guy. You understood the workings of the
20 Town of Collingwood?

21 MR. ED HOUGHTON: I tried to be a
22 problem solver.

23 MR. GEORGE MARRON: Right.

24 MR. ED HOUGHTON: And so, I -- I take
25 that when Deputy Mayor Rick Lloyd was -- was elected

1 in 2010, he was a go-to guy, too, and you'd have --
2 you've known him for a long time and he was someone
3 you welcomed to Council?

4 MR. GEORGE MARRON: Well, certainly,
5 the deputy mayor was -- was a competent person in a
6 whole bunch of ways.

7 MR. GEORGE MARRON: All right.

8 MR. ED HOUGHTON: 'Go-to' I'm not sure
9 is the -- the way I would suggest to is always there.

10 MR. GEORGE MARRON: Oh, okay. Well,
11 that's fair. That's -- that turn of phrase anyways is
12 -- here I am getting into an area that I covered with
13 you at cross-examination at the outset, so I won't go
14 any further into that.

15 But I -- I take it you -- you welcomed
16 him as the deputy mayor. You had known him a long
17 time and -- and --

18 MR. ED HOUGHTON: Yeah, I --

19 MR. GEORGE MARRON: -- someone that
20 you would probably have some faith in insofar as his
21 ability to assess and consider the various issues that
22 would be coming before the Council?

23 MR. ED HOUGHTON: In my opinion, the
24 people that were right for Council were those that
25 were coming to help the community that didn't have an

1 ax to grind or didn't have a single agenda.

2 Often, somebody has a single agenda.

3 They run for Council, and that -- that basically tears

4 Council apart. I believe that both the mayor had no

5 agenda. She -- she was there for the betterment of

6 the community. And I believe Rick was doing the same

7 thing. I mean, they didn't get paid a lot of money.

8 MR. GEORGE MARRON: No, I appreciate

9 that, and he's indicated that. But -- but in the

10 thirty-eight (38) years and all -- all the years that

11 you sat in this chamber when Council were meeting, you

12 -- you would have observed Rick Lloyd. He was a

13 member of Council.

14 And without getting into specifics, he

15 was a pretty longstanding member of Council?

16 MR. ED HOUGHTON: I believe he twenty

17 (20) some -- twenty-five (25) odd years or something

18 on Council.

19 MR. GEORGE MARRON: Right. Okay. So,

20 I want to just move forward. I'm trying to keep this

21 in a chronology of events, Mr. Houghton. And so, on

22 November the 5th, 2012 -- and I -- I can refer to the

23 documents, Your Honour, but I don't -- well, let's --

24 let's pull it up because I will refer to the wording.

25 It's document TOC512117, which are the

1 in camera meetings -- minutes of the November 5, 2012,
2 Council meeting. And I'm putting this forth. If you
3 could just scroll up. Not that right.

4

5

(BRIEF PAUSE)

6

7

MR. GEORGE MARRON: I have it
8 backassward as they say, Your Honour.

9

THE HONOURABLE FRANK MARROCCO: You
10 want -- you want it to go --

11

MR. GEORGE MARRON: No, no, no, that's
12 fine. I... That's fine.

13

14 CONTINUED BY MR. GEORGE MARRON:

15

MR. GEORGE MARRON: So, it indicated
16 here that you advised Council the heavy workload and
17 your commitments and suggest the Council should be
18 looking for a CAO in the New Year and perhaps to look
19 at a strong management team. And you offered your
20 assistance in -- in that toil or in that effort?

21

MR. ED HOUGHTON: That's correct.

22

MR. GEORGE MARRON: All right. So,
23 that's a proper re -- reproduction or proper minute in
24 relation to what you had put forth at that meeting in
25 camera?

1 MR. ED HOUGHTON: I think that I had
2 done this on more than one (1) occasion. I think that
3 probably the reason why this was brought forward was
4 more of, I think, a specific personnel matter. I
5 think in camera meetings, often I had said, please.

6 My board is -- is also wanting me to
7 get back to Collus PowerStream and -- and to -- to
8 have full-time commitment with them even though --
9 recognizing I was a seconded over here and have a
10 benefit of use of in kind service or whatever.

11 But -- but on November the 5th, which
12 is Jim Dances's (phonetic) birthday, used to be my
13 former boss, I had suggested that they really
14 seriously need to do this because I canni -- cannot
15 continue to work twenty-four (24) seven (7).

16 MR. GEORGE MARRON: Okay. And -- and
17 you also indicated that -- that the recent blogs and
18 the concerns that you were having about the content of
19 these blogs, and you were having to defend yourself,
20 that -- that was a matter of concern obviously to you.
21 And this -- this was --

22 MR. ED HOUGHTON: Yeah. I was not
23 accustomed to -- I mean, I -- I had only been the
24 Acting CAO for a week and the newspaper had a survey
25 whether I should be the Acting CAO.

1 MR. GEORGE MARRON: Right.

2 MR. ED HOUGHTON: I -- I had -- there
3 was blogs written, there was all of this. I was not
4 accustomed to the -- that -- that social media
5 bullying. I was not accustomed to that.

6 MR. GEORGE MARRON: Right. Well, and
7 -- and I don't think the residents of the Town of
8 Collingwood were accustomed to people parading and
9 protesting outside the Town Hall.

10 MR. ED HOUGHTON: That's correct.

11 MR. GEORGE MARRON: This would be the
12 first time probably ever in the history the Town of
13 Collingwood, goes a hundred and fifty years, that
14 something like this had happened, and I suggest to you
15 that it -- it occurred sometime after the Central Park
16 Steering Committee had presented their report on March
17 the 5th, 2012. There was nothing before that.

18 MR. ED HOUGHTON: Not that I'm aware
19 of, no.

20 MR. GEORGE MARRON: And it was
21 apparent that the Town Council wasn't acting on the
22 March 5, 2012, report, that had been under
23 consideration, and under consideration for some period
24 of time from March the 5th forward, right?

25 MR. ED HOUGHTON: It was -- it was

1 evident to me almost immediately that Council was not
2 moving in the direction of the Central Park Steering
3 Committee report.

4 MR. GEORGE MARRON: Right. And I take
5 it it would be -- would be obvious to a great number
6 of the residents of Collingwood as well.

7 MR. ED HOUGHTON: Oh, yes. You know -
8 - well, it being a -- the local people talked to me as
9 well.

10 MR. GEORGE MARRON: Well, it had the
11 potential -- it was in fact dividing the community,
12 wasn't it? I mean, you had a very vocal number of
13 people on both sides of the issue.

14 MR. ED HOUGHTON: I'm not sure how
15 many were on the -- the side of spending 35 million.

16 MR. GEORGE MARRON: Right.

17 MR. ED HOUGHTON: I'm not sure whether
18 that was the vocal minority. I'm not sure.

19 MR. GEORGE MARRON: Okay. But the
20 people who were involved in these protests, I mean,
21 we're not talking a significant segment of the
22 population of the Town of Collingwood, which was at
23 that point roughly seventeen (17) or eighteen thousand
24 (18,000) -- there'd be a hundred and fifty or a
25 hundred people protesting outside a public -- a public

1 building here.

2 MR. ED HOUGHTON: Yeah. I think
3 there'd be less than that, but yes.

4 MR. GEORGE MARRON: Okay. Okay. So
5 we'll go from November 5 then and -- and your
6 indication that essentially the -- you're wearing down
7 and that they should start looking for a CAO, and the
8 next indication is -- in the Foundation Document at
9 paragraph 836 -- and I don't need to pull that up,
10 Your Honour -- just for general purposes.

11 This -- this was an indication that --
12 29th of January 2013, Sara Almas had emailed the EMC
13 with an operational review, and she indicates further
14 in the email:

15 "Just really need input on the
16 content and direction we are looking
17 for."

18 So the following day, on January the
19 30th, there's a special meeting of Council, and Sara
20 Almas made a presentation and provided a brief
21 overview of this operational review.

22 At that meeting it's recorded that
23 Council voted to direct staff to develop terms of
24 reference.

25 Do you recall that?

1 MR. ED HOUGHTON: I -- I know it
2 happened. I just --

3 MR. GEORGE MARRON: Okay.

4 MR. ED HOUGHTON: It's -- it's -- when
5 you have so many things on your mind, those -- the --
6 because I'm hoping -- hoping to be moving myself out,
7 that these things were being handled by staff that
8 were going to be here.

9 MR. GEORGE MARRON: Right, okay.
10 Well, there's no issue with the dates and I'm not
11 claiming issue with the dates.

12 MR. ED HOUGHTON: No, not at all.

13 MR. GEORGE MARRON: So that's an
14 indication that on the 30th of January 2013, that
15 Council had directed staff to develop terms of
16 reference for (1) a CAO review and recruitment
17 strategy --

18 MR. ED HOUGHTON: Yes.

19 MR. GEORGE MARRON: -- and an
20 operational service review, and a committee/board
21 governance review.

22 So it appears, I suggest, that Council
23 was acting on what you had indicated on the 5th of
24 November, that you wanted to move on and they should
25 be looking for someone else.

1 MR. ED HOUGHTON: Yes.

2 MR. GEORGE MARRON: This is within a
3 couple of months and the Christmas holidays were going
4 to intervene, and so I suggest to you it's pretty --
5 an indication on the part of Council, I suggest, that
6 they're taking seriously what you put forth. There's
7 no question about that.

8 MR. ED HOUGHTON: Yes.

9 MR. GEORGE MARRON: And there was some
10 indication on the part of Sara Almas that, as a member
11 of the -- of the EMC and as Clerk of the Town of
12 Collingwood, that she found the -- the work rather
13 overwhelming, in -- in assuming those two (2)
14 positions.

15 MR. ED HOUGHTON: Yes.

16 MR. GEORGE MARRON: So there was an
17 indication from you then further on, and -- and it's
18 recorded on April 9.

19 And, Your Honour, I'm referring to the
20 staff -- sorry, the Foundation Document 2, paragraph
21 875 and 876.

22 So 875 paragraph indicates that on
23 April 9 you attended a department head meeting and
24 indicated to them that you would be stepping down as
25 the CAA on the 15th of April 2013, and that's

1 essentially what you did.

2 MR. ED HOUGHTON: What happened was,
3 still nothing was moving forward in a sense of
4 recruiting a new CAO. We were -- we were looking at,
5 you know, their operational review and those kinds of
6 things, but they -- they had not gone out to get a new
7 CAO.

8 And I believe at that point in time
9 again (a) I was overtired, and (b) the bo -- my board
10 -- Collus PowerStream Board, is saying, you know, even
11 though you're a benefit, being part of -- part of the
12 dividend to the Municipality in that sense, we -- we
13 need to have you back full time, which -- which I was
14 planning to do, because again we were trying to move
15 forward.

16 I was also try -- I was going to be
17 moving myself out of Public Works and Public Utilities
18 so I could concentrate fully on the -- on Collus
19 PowerStream.

20 And what's not come out here, during
21 this period of time, Council was trying to convince me
22 to take -- to become the CAO of the library at the
23 same time, and I think it fell well within their
24 mandate, which was to do more for less, to try to
25 reduce costs, and I was sort of being the one used to

1 reduce the costs.

2 MR. GEORGE MARRON: Well, did you
3 consider the library? It's a nice place to sleep.
4 You could perhaps get some rest. That didn't cross
5 your mind?

6 THE HONOURABLE FRANK MARROCCO: That
7 may reflect your --

8 MR. GEORGE MARRON: Just --

9 THE HONOURABLE FRANK MARROCCO: That
10 may reflect your own use of the library, but other
11 people may use it for different purposes.

12 MR. GEORGE MARRON: Especially the law
13 library, Your Honour.

14 I -- I -- in instances where the head
15 notes were razor-bladed out of the volume.

16 MR. ED HOUGHTON: I believe -- I
17 believe my answer was that that would be absolutely
18 crazy ridiculous.

19

20 CONTINUED BY MR. GEORGE MARRON:

21 MR. GEORGE MARRON: Right. Okay. So
22 -- so in any event, you step down on the 15th of April
23 2013. I assume that the -- the Executive Management
24 Team went forward from there?

25 MR. ED HOUGHTON: They did, yes.

1 MR. GEORGE MARRON: All right. And
2 eventually Mr. Brown was hired, and that was later in
3 the year 2013?

4 MR. ED HOUGHTON: Yes.

5 MR. GEORGE MARRON: Now, there was
6 some indication, I mean, the HR personnel -- human
7 relations personnel would be involved in the choosing
8 of the CAO, or the recruiting of a CAO, in the sense
9 of sending out a request for proposals or an
10 application -- CAO position?

11 MR. ED HOUGHTON: I'm sorry, could you
12 just re -- rephrase that question?

13 MR. GEORGE MARRON: Would -- would the
14 HR Department be involved in the recruitment of a CAO?

15 MR. ED HOUGHTON: I would expect would
16 -- Council would have had -- had to give them
17 direction to put together a -- the terms, -- the
18 description, and those kinds of things, yes.

19 MR. GEORGE MARRON: Well, this -- this
20 would be in-house or would they have to go outside for
21 a consultant or both, or do you really know?

22 MR. ED HOUGHTON: I'm -- I'm not sure
23 which way they would have went, but they could have
24 done either of those.

25 MR. GEORGE MARRON: Okay. So they

1 had an option.

2 MR. ED HOUGHTON: Yeah.

3 MR. GEORGE MARRON: I take it that
4 they stayed in-house. Was Marjory Leonard the HR --

5 MR. ED HOUGHTON: No.

6 MR. GEORGE MARRON: -- head of HR?

7 MR. ED HOUGHTON: No, no. She was
8 head of Treasury.

9 MR. GEORGE MARRON: No, no, I
10 appreciate that, but I was wondering in the roles that
11 were being --

12 MR. ED HOUGHTON: No. There was an H
13 -- and we see -- Collingwood seemed to go through HR
14 people, but there was an HR person. I don't remember
15 who that was at the particular time, but there was an
16 HR -- a profess -- a human resources professional in
17 place in Collingwood at that time.

18 MR. GEORGE MARRON: Okay. Okay.
19 Marjory Leonard didn't get into the specifics, but --
20 but Marjory was off work for a -- for a significant
21 period of time -- a number of continuous months.

22 MR. ED HOUGHTON: Yes.

23 MR. GEORGE MARRON: And when was that?
24 Have you any recall on that?

25 MR. ED HOUGHTON: I just -- I just

1 recall that she was off for medical reasons, yes.

2 MR. GEORGE MARRON: Yeah. And -- and
3 was she -- we -- we've heard her evidence. I mean,
4 she was back on the job throughout the summer months
5 of 2012.

6 Do you have any recall when she came
7 back to -- to the Treasury position?

8 MR. ED HOUGHTON: I would -- my only
9 thought would be, was, you know -- you know, into the
10 spring of 2012, be -- well before I took -- took the
11 acting position, but I don't -- I don't have a
12 specific recollection, no.

13 MR. GEORGE MARRON: Okay. But -- so
14 to all intents and purposes, Marjory Leonard was on
15 the job during the area that's been under review in
16 this phase of the Inquiry.

17 MR. ED HOUGHTON: No doubt, yes.

18 MR. GEORGE MARRON: And the illness
19 that she experienced, was it -- in your mind, was it
20 affecting her performance at all?

21 MR. ED HOUGHTON: Not that I -- no, I
22 don't think that -- it had nothing to do with her --
23 her mind or her abilities to do that, no.

24 MR. GEORGE MARRON: Okay. So in
25 effect she was the same old Marjory, was she?

1 MR. ED HOUGHTON: She was the same old
2 Marjory.

3 MR. GEORGE MARRON: Okay. We've had
4 various descriptions, a pretty stalwart woman who was
5 fairly firm in her views.

6 MR. ED HOUGHTON: She was extremely
7 firm in her views. We only saw Marjory once during
8 her testimony, and that's when she kind of lashed out
9 about the 50 percent and her opinion on that.

10 MR. GEORGE MARRON: All right. So she
11 wasn't someone who shied away from an issue or...

12 MR. ED HOUGHTON: No. She was very
13 confident in her position and she -- she knew what she
14 -- she spoke, and she spoke.

15 MR. GEORGE MARRON: Right. With
16 termination, I suggest.

17 MR. ED HOUGHTON: I would think
18 determination is a good word.

19 MR. GEORGE MARRON: All right. So --
20 so she was someone that -- that Council would rely on.

21 MR. ED HOUGHTON: Very much so. I
22 mean, she's no wilting flower and she knows her job.

23 MR. GEORGE MARRON: Right. And -- and
24 you would have observed this from the time that she
25 was appointed Treasurer in 2005. I mean, you were

1 there at the Council meetings; she was there as well,
2 and --

3 MR. ED HOUGHTON: Yes.

4 MR. GEORGE MARRON: -- throughout that
5 term --

6 MR. ED HOUGHTON: Yes.

7 MR. GEORGE MARRON: -- of -- of years,
8 yeah.

9 MR. ED HOUGHTON: Yes.

10 MR. GEORGE MARRON: So likewise, I
11 suggest to you that the staff, which you represented
12 and headed up in reference to this issue of the staff
13 report -- that you held the confidence of Council.

14 MR. ED HOUGHTON: Yes.

15 MR. GEORGE MARRON: Yeah, right. And
16 they -- they would act on what you put forward, and in
17 fact they did. They acted on the content of the staff
18 report.

19 MR. ED HOUGHTON: Yeah. I mean, there
20 was many staff reports that we would put forward that
21 Council would question. In fact, over the years we
22 had many staff reports that didn't -- didn't see the
23 light of day or meet with their approval, but on this
24 particular one it did, yes.

25 MR. GEORGE MARRON: Okay. Well --

1 well, we've heard evidence, and I don't intend to take
2 you through the -- the drafts or the revisions of the
3 staff report, but there were a total of, what, eight
4 (8) drafts before you presented the final report on
5 the morning of August 24, 2012?

6 MR. ED HOUGHTON: I do think the one
7 that was on the morning of the 24th was the seventh
8 edition. The eighth one was done at some time just
9 after noon that day.

10 MR. GEORGE MARRON: I'm sorry. And I
11 wasn't trying to -- I misstated that. I meant the
12 25th of August.

13 MR. ED HOUGHTON: Oh.

14 MR. GEORGE MARRON: I was thinking the
15 24th was the Friday, but it's the 25th. Okay.

16 So -- so the final staff report was
17 prepared and it was presented, and Mr. Chenoweth went
18 through that with you on the last day. You sent the
19 note inviting -- you know, that if there's anything --
20 you used the word "adapt" as opposed to "adopt," and
21 corrected Mr. Chenoweth's poor reading of the email,
22 and I say that in jest, and -- and you got no response
23 back from an -- any of the persons who were listed as
24 being consulted and authors of the report.

25 MR. ED HOUGHTON: Yes, because it was

1 -- it was a team effort that put the report together
2 and everybody had their own -- their own skill-sets.

3 MR. GEORGE MARRON: Right.

4 MR. ED HOUGHTON: And -- and what I
5 did, which I typically did with all of my engineering,
6 public works, I would review it for the -- at the
7 last, make any changes that I felt were -- make it
8 more understandable or readable, and flip it back to,
9 you know, Mr. Macdonald and others, and they would
10 review it for -- to see if -- if I was changing the
11 intent or if I -- I wasn't understanding where they
12 were going to. So that's why I said, you know, take a
13 look at this, adapt it as needed.

14 MR. GEORGE MARRON: Right, right. All
15 right. So the staff report was presented -- it was
16 released and presented to Council members then later
17 on the 25th of August 2012, and it was presented --
18 there were no attachments to it.

19 MR. ED HOUGHTON: No. The -- I think
20 the only thing that was -- as an appendix, was the
21 components of the -- the arena and the pool --

22 MR. GEORGE MARRON: Okay.

23 MR. ED HOUGHTON: -- on -- for the
24 27th.

25 MR. GEORGE MARRON: So I guess the

1 general question I want to put to you is: Did you feel
2 at any time that your appointment as the Acting CAO
3 for the Town of Collingwood mine -- undermined the
4 ability of the Town of Collingwood to conduct its
5 business?

6 MR. ED HOUGHTON: Absolutely not.

7 MR. GEORGE MARRON: Did you feel that
8 any of the members of the Executive Management Team
9 would feel that way?

10 MR. ED HOUGHTON: That we undermined
11 Council's --

12 MR. GEORGE MARRON: Undermined --

13 MR. ED HOUGHTON: -- sorry --

14 MR. GEORGE MARRON: -- conduct of the
15 Town of Collingwood's business.

16 MR. ED HOUGHTON: Undermined the
17 conduct of --

18 MR. GEORGE MARRON: I mean, you've
19 indicated this was a team -- this was a team effort,
20 the staff report.

21 MR. ED HOUGHTON: Yes.

22 MR. GEORGE MARRON: Right. So I take
23 it that, as you've indicated, there were revisions,
24 there was back and forth, but in the final analysis on
25 Friday, August 25, the staff report was produced, it

1 was reviewed by the members who had contributed to it,
2 and it was presented for purposes of being available
3 to Council at the Council meeting on Monday, August
4 27, 2012.

5 MR. ED HOUGHTON: And all done in good
6 faith.

7 MR. GEORGE MARRON: Right. Now --
8 now, you indicated that obviously there was a time --
9 a time restraint, or constraint, in reference to what
10 had to be done to thoroughly consider and assess the
11 options that Council had directed be considered?

12 MR. ED HOUGHTON: Yes.

13 MR. GEORGE MARRON: In -- just have
14 your indulgence, Your Honour.

15

16 (BRIEF PAUSE)

17

18 MR. GEORGE MARRON: And -- and just to
19 -- to get to the 27th of August Council meeting, there
20 was -- I mean, you were in attendance, and the -- the
21 minutes are before the Commission.

22 I'm referring to CJI10011234, Your
23 Honour, and I don't intend to exhaustively go through
24 the minutes, but there are a couple areas that I
25 wanted to touch on.

1 But just -- just before I get to that--

2 THE HONOURABLE FRANK MARROCCO: Let's

3 get the minute -- there it is.

4 MR. GEORGE MARRON: Oh, that -- well,

5 that's fine. It's on the screen, and --

6

7 CONTINUED BY MR. GEORGE MARRON:

8 MR. GEORGE MARRON: But just before I

9 get to that, there was a -- there was an email as

10 between you and the EMC members. Unfortunately I

11 don't have the number of it, but it was August 24,

12 2012. Is -- just had to do with setting out the soft

13 costs.

14 MR. ED HOUGHTON: EHH0000110, I think

15 -- I think.

16 MR. GEORGE MARRON: Well, thank you

17 for that. I -- I'm showing obviously my limited

18 experience in this area of emails, electronic devices,

19 and reproduction.

20 So, you know, the indi -- the

21 indication was, and we don't have to get into the

22 numbers, but you've got a -- a total of soft costs as

23 per the March 5, 2012, Central Park Steering Committee

24 report --

25 THE HONOURABLE FRANK MARROCCO: I -- I

1 -- just if you're going to ask Mr. Houghton about it,
2 I -- I just think we should wait a second till it's on
3 the screen in --

4 MR. GEORGE MARRON: Yeah, okay.

5 THE HONOURABLE FRANK MARROCCO: -- in
6 case he wants to look at it.

7 MR. GEORGE MARRON: Yeah, okay.

8 MR. ED HOUGHTON: I know the -- I know
9 the document, Your Honour, though.

10 THE HONOURABLE FRANK MARROCCO: All
11 right.

12 MR. ED HOUGHTON: It was -- it was my
13 email.

14 MR. GEORGE MARRON: He cited the
15 number, so.

16 THE HONOURABLE FRANK MARROCCO: If --
17 if you need to see it, just say something.

18 Go ahead, Mr. Marron.

19 MR. GEORGE MARRON: All right.

20 Thanks, Your Honour.

21

22 CONTINUED BY MR. GEORGE MARRON:

23 MR. GEORGE MARRON: You indicated that
24 that -- and you totalled it -- you set out the various
25 items, and there were two (2), four (4), five (5)

1 items, including the project contingency fee, and you
2 came to a total of eleven million eight hundred and
3 eighty-nine thousand dollars (\$11,889,000), almost \$12
4 million, in soft costs, being part of the 35 million
5 overall estimate.

6 And then you indicated that the total
7 of what we are proposing, and this is the 24th of
8 August, so this would be the Thursday, and this was a
9 --

10 MR. ED HOUGHTON: It's a Friday.

11 MR. GEORGE MARRON: You're right, I'm
12 sorry. Once again, I'm sorry.

13 Friday at 8:17 p.m. you got a -- a note
14 from Marjory Leonard, and you indicated, "Wow," in
15 reference to the soft costs amount.

16 MR. ED HOUGHTON: Marjory indicated
17 "Wow."

18 MR. GEORGE MARRON: Yes. Yeah, yeah.
19 Well, once she returned the email. That's Friday
20 night at 8:17 p.m., and she said, "Wow," that's right.

21 So this -- this was of course after the
22 staff report had been prepared and provided, probably
23 gone out to the Council members as has been indicated
24 in the evidence.

25 MR. ED HOUGHTON: Yes. And we were

1 trying to be very -- very respectful of the -- the
2 volunteers that had put together the Central Park
3 Steering Committee report, and we weren't going to be
4 critical of it, but I was -- it was Friday evening and
5 I was -- I was getting prepared for the Monday evening
6 presentation and I was reviewing that document so I
7 can be even more familiar with it, and it was just
8 that you could -- you could see these things that were
9 pretty accurate and you could see that -- that the
10 steering committee report had a number of holes too,
11 again which we've talked about, which is they -- they
12 were displacing the ball diamonds.

13 Yes, they might have a cost in there to
14 rebuild them, but no location. Yes, they had a -- a
15 dollar figure that was significantly lower than what
16 we ever paid for the outdoor ice rink but didn't have
17 a location to do it. Hadn't really talked about the
18 fact that the shading was going to cause an issue with
19 the out -- the lawn bowling, and that wasn't being --
20 there was no cost to replace it and no location for
21 it. So there was all of those kinds of things.

22 But also when you looked at just the
23 plan itself, the -- the cost to design, the -- the
24 cost to do contract administration, the cost for the
25 contingencies and those kinds of things, and -- so

1 before you even -- you know, and you have to have all
2 those to build a building, but -- per se in -- in
3 conventional construction, but it was a lot of money
4 and you didn't really have anything to go with it. It
5 was just an observation I made.

6 MR. GEORGE MARRON: Right.

7

8 (BRIEF PAUSE)

9

10 MR. GEORGE MARRON: So just -- just to
11 move ahead with the staff report, I mean, it was
12 reviewed in some detail with you last date by Mr.
13 Chenoweth, your counsel, and you acknowledge that
14 there were some difficulties in the staff report which
15 came to your attention at some point after it was
16 presented to Council on the 27th of August 2012.

17 MR. ED HOUGHTON: There were -- there
18 were two (2) errors --

19 MR. GEORGE MARRON: Right.

20 MR. ED HOUGHTON: -- not difficulties
21 but two (2) errors, and quite frankly they never came
22 to my attention till now.

23 MR. GEORGE MARRON: In -- in the sense
24 that you were reviewing the documentation?

25 MR. ED HOUGHTON: The -- the one which

1 was the -- the sentence about a million dollars for a
2 mezzanine and the pre-fabricated steel. I never once
3 saw that until now.

4 And the fact that the -- the outdoor
5 pool base price was seven three nine two, and I had
6 seven four six or something.

7 MR. GEORGE MARRON: Okay. And -- and
8 you -- and the indication has been that there were no
9 attachments to the report other than what you've
10 indicated today.

11 MR. ED HOUGHTON: That's -- that's
12 correct.

13 MR. GEORGE MARRON: But in the final
14 analysis, and I guess what I'm getting at is that as
15 the Acting CAO and being you were the person
16 responsible for the staff report.

17 MR. ED HOUGHTON: I think the EMC was
18 the people responsible for the staff report.

19 MR. GEORGE MARRON: Right. But --
20 but, you know, in the final analysis and in the manner
21 which you describe the EMC, you were the -- you were
22 the person who were taking any consultations that you
23 may have, and in the final analysis the decision-
24 making was up to you.

25 MR. ED HOUGHTON: I think that I had

1 said all along that the EMC had to be put in place so
2 that it would be a team effort, because I certainly
3 didn't have the ability to have the focus all the
4 time, so I -- I don't agree with that.

5 MR. GEORGE MARRON: Right. Well you
6 indicate in the same area that, you know, it's nice to
7 always have a consensus, but if there weren't a
8 consensus, then in the final analysis you have to make
9 the decision.

10 MR. ED HOUGHTON: I don't think we
11 ever not had a consensus.

12 MR. GEORGE MARRON: Okay, all right.
13 So that you were never confronted with that situation
14 where you had to make a decision and it may not be
15 popular or it may not be approved --

16 MR. ED HOUGHTON: I did not --

17 MR. GEORGE MARRON: -- approved by all
18 of the members of the EMT (sic).

19 MR. ED HOUGHTON: I -- I believe that
20 we always had a consensus, and the only time I ever
21 did anything on a singular perspective was one (1)
22 human resources issue with -- with a -- a Council
23 member.

24 MR. GEORGE MARRON: Okay. Well, can
25 you -- I mean, it's obvious what the evidence of

1 Marjory Leonard was. Can you make comment on that?

2 She indicated there were a number of
3 things that she felt forced to agree to, and -- and
4 did under some sort of threat or compulsion or...

5 MR. ED HOUGHTON: I mean, all I can
6 tell you is that I'm disappointed that she said those
7 -- I'm disappointed in the fact that she says she
8 doesn't recall any of the meetings but just recalls
9 the negative -- that -- that sort of a negative spin
10 on things.

11 I believe that -- that as Sara Almas
12 has testified, she said that there was consensus. I
13 think Mr. McNalty said that there was consensus. I
14 think Her Worship said that when she had spoken to Ms.
15 Leonard, she felt that there was consensus. And in my
16 mind, in my heart, and I believe this one thousand
17 percent, there was consensus.

18 I don't believe that I put the -- asked
19 that the EMC put -- be put together so that I could
20 dictate. That doesn't make any sense to me at all.
21 It's not logical.

22 The re -- the reality is that we put it
23 together so that we could -- we could all work as a
24 team, because there is absolutely no way that somebody
25 can have that many jobs and have a complete focus on

1 that one thing. So that -- that's -- it's just not...

2 MR. GEORGE MARRON: All right. Well -
3 - well, did you -- do you feel that -- I mean, I take
4 it that you observed and listened to the evidence of
5 Marjory Leonard --

6 MR. ED HOUGHTON: I did.

7 MR. GEORGE MARRON: -- when she
8 testified before the Inquiry?

9 MR. ED HOUGHTON: Yes, I did.

10 MR. GEORGE MARRON: Well, did you feel
11 that what she was contending, i.e., that she was
12 acting under a degree of compulsion, and you -- and
13 not complaining about it, did you -- did you feel that
14 was out of character for her?

15 MR. ED HOUGHTON: I did, but I've
16 noticed in fifty-five (55) or fifty-six (56) days of
17 witnessing the hearings that people deflect. I've got
18 a lot of respect for a couple of people that didn't
19 deflect, but I think there's a lot of people that
20 deflected.

21 MR. GEORGE MARRON: Well, do you
22 attribute some motive to Marjory Leonard?

23 MR. ED HOUGHTON: I -- I don't really
24 feel comfortable sitting up here, complaining about
25 what other people say or do. I just diametrically dif

1 -- have a differing opinion of what she said. I don't
2 -- that's not the way -- that's not the way I -- I
3 work.

4 I think that we heard, in Part 1
5 especially, that when people work with me, they --
6 they -- they felt to be part of a team, and I was very
7 proud of the thing. When I was working with Marjory,
8 I thought that she was -- she had picked up the -- the
9 ball, was running with it, so I -- I was very proud of
10 her for doing that and -- and was very happy that she
11 was part of that team.

12 I'm not -- I don't think that for me to
13 say anything more than tha -- that, I -- I think it's
14 a little unfair for me to say it.

15 MR. GEORGE MARRON: Well, do you find
16 -- her evidence before the Inquiry, do you find it
17 troubling?

18 MR. ED HOUGHTON: For me? Yes.

19

20 (BRIEF PAUSE)

21

22 MR. GEORGE MARRON: Okay. Well, then
23 we'll just move on then to the 27th of August, 2012,
24 Council meeting. And as I indicated, Your Honour, I
25 don't intend to deal with some of the areas at length,

1 but if it could be put on the screen.

2

3 (BRIEF PAUSE)

4

5 MR. GEORGE MARRON: I have the minutes
6 here, a copy of them, but I don't seem to have the
7 number of the document. It's the August 27, 2012,
8 Council minutes.

9 MR. ED HOUGHTON: CJI0006146.

10 MR. GEORGE MARRON: Okay.

11 THE COURT OPERATOR: That's the staff
12 report.

13 MR. ED HOUGHTON: Is that what you
14 wanted?

15

16 CONTINUED BY MR. GEORGE MARRON:

17 MR. GEORGE MARRON: No, the minutes --

18 MR. ED HOUGHTON: My apologies.

19 MR. GEORGE MARRON: -- minutes of the
20 Council.

21 MS. KATE MCGRANN: They're at CJI8068.

22 MR. GEORGE MARRON: Thank you. I
23 apologize for that. I...

24 THE HONOURABLE FRANK MARROCCO: Well,
25 we've got them now.

1 MR. GEORGE MARRON: I'm pretty
2 certain. I mean, I reviewed the chronology of this
3 examination, Your Honour, and just didn't note that I
4 didn't have it written down.

5

6 CONTINUED BY MR. GEORGE MARRON:

7 MR. GEORGE MARRON: So, thi -- this
8 was a meeting that -- Council meeting that went well
9 beyond the usual time afforded for most Council
10 meetings. This, according to Mayor Cooper, went four
11 (4) -- four (4) hours in length, perhaps even longer.

12 Do you recall that?

13 MR. ED HOUGHTON: Actually, no, I
14 don't, sorry.

15 MR. GEORGE MARRON: You were there
16 though throughout, I take it?

17 MR. ED HOUGHTON: I was there, yes.

18 MR. GEORGE MARRON: Yeah. Okay.

19 MR. ED HOUGHTON: I just don't recall
20 the length of time.

21 MR. GEORGE MARRON: Okay. All right.
22 But there were a number of people who -- who appeared
23 before Council, and the first group was the group of
24 Ameresco and Greenland Engineering and they made their
25 -- they made their presentation referencing the 3P

1 form of involvement, and --

2 MR. ED HOUGHTON: Can we --

3 MR. GEORGE MARRON: -- there was some
4 questions --

5 MR. ED HOUGHTON: Can we scan down
6 through the document so I can --

7 MR. GEORGE MARRON: Pardon?

8 MR. ED HOUGHTON: Can we scan through
9 the document so I can see what --

10 MR. GEORGE MARRON: Oh, yeah. Okay.
11 I'm sorry.

12

13 (BRIEF PAUSE)

14

15 MR. GEORGE MARRON: This looks to be
16 the agenda, is it, five (5) page, the...?

17

18 (BRIEF PAUSE)

19

20 THE HONOURABLE FRANK MARROCCO: I
21 think it's the minutes.

22 MR. GEORGE MARRON: Yeah, that's what
23 I wanted, the minutes.

24 THE HONOURABLE FRANK MARROCCO: Well,
25 I think -- I mean, if you go back, there was just a

1 reference to Mr. Miceli at Ameresco appearing there.

2 Did you see him, Mr. Houghton, earlier on?

3 MR. ED HOUGHTON: Yes, I did. I was
4 just trying to remember why the meeting went so long,
5 but there was even thing -- even a Side Launch brewery
6 which we were working significantly with at that point
7 in time.

8 MR. GEORGE MARRON: Well...

9

10 (BRIEF PAUSE)

11

12 MR. GEORGE MARRON: So, let -- I mean,
13 that's the recorded vote, eight one and seven two.
14 But -- but I'm -- I'm going to need the minutes, Your
15 Honour.

16 THE HONOURABLE FRANK MARROCCO: I
17 think those are the minutes, are they not?

18 MR. ED HOUGHTON: Yes.

19 THE HONOURABLE FRANK MARROCCO: I
20 think they are.

21 MS. KATE MCGRANN: If I may, we've got
22 -- we've got two (2) documents that pertain to this
23 meeting.

24 MR. GEORGE MARRON: Yeah, well, I -- I

25 --

1 MS. KATE MCGRANN: There's the
2 minutes. And then there's a transcript.

3 MR. GEORGE MARRON: Transcript, that's
4 what I want.

5 MS. KATE MCGRANN: You're looking for
6 the transcript? Okay.

7 THE HONOURABLE FRANK MARROCCO: Did --
8 did you want the transcript?

9 MR. GEORGE MARRON: That's what I
10 wanted, yeah. Thanks.

11 MS. KATE MCGRANN: That's at CJI11233.

12 MR. GEORGE MARRON: Once again, I
13 apologize for that. There we go. Okay. So, if we
14 could go to page 5. I just -- I just want to scan
15 through this, Your Honour. So, could we just move out
16 of page 5?

17 There's an indication there, just could
18 it go down a bit, \$27 million. Thank you. And this
19 is Mr. Miceli, from Ameresco.

20

21 CONTINUED BY MR. GEORGE MARRON:

22 MR. GEORGE MARRON: And did you recall
23 this and the fact that there was an indication that
24 this could -- or at least a large portion of this,
25 perhaps as much as \$20 million, might be -- might be

1 funded by Ameresco's investment group?

2 MR. ED HOUGHTON: Yes. But if you go
3 further, what they were talking about was the fact
4 that we could have got the money from Infrastructure
5 Ontario at -- I -- and I forget whether he said one
6 (1) or two (2) points cheaper than getting it through
7 Ameresco.

8 MR. GEORGE MARRON: Well, I was going
9 to get to that.

10 MR. ED HOUGHTON: Oh, sorry.

11 MR. GEORGE MARRON: Now, so, I mean,
12 it became pretty clear from the questions that were
13 put to Mr. Miceli and -- and his association, the
14 engineering firm, the -- the Greenland group, that,
15 number 1, the Town of Collingwood, if they were going
16 to engage in borrowing that type of money, could get
17 it at a lot -- well, not a lot less, but could get it
18 at a cheaper rate of interest?

19 MR. ED HOUGHTON: That's correct.

20 MR. GEORGE MARRON: All right. And --
21 and the reality is that, even -- even if they were to
22 do that, they would have to debenture it. And I
23 believe it was Councillor Kevin Lloyd that asked what
24 the terms of a debenture would be on \$20 million
25 insofar as payment.

1 And Ms. Leonard indicated -- and we're
2 dealing with page 14, Your Honour, at the top of the
3 page.

4

5 (BRIEF PAUSE)

6

7 MR. GEORGE MARRON: Yeah. I mean, she
8 indicated that to borrow 20 million at 3.45 interest
9 on a twenty (20) year debenture would require about 4
10 -- 1.4 million annually in a repayment of a hundred
11 and forty-five (145) to a hundred -- to a hundred and
12 five (105) per average household in the Town of
13 Collingwood.

14 You re -- you recall this, the -- so,
15 the -- the depu -- deputation of Ameresco and
16 Greenland was heard. And...

17

18 (BRIEF PAUSE)

19

20 MR. GEORGE MARRON: Then the -- Paul
21 Cadieux, who was a member of the Friends of Central
22 Park Committee, gave a deputation. And it set out in
23 the text, I don't intend to refer to that, but the
24 deputation, obviously, in support of the Central Park
25 steering committee proposal?

1 MR. ED HOUGHTON: Yes.

2 MR. GEORGE MARRON: And -- and this
3 was on the 27th of August. It was well after there
4 had been the strategic Council meeting on June the
5 11th to discuss options?

6 MR. ED HOUGHTON: Yes.

7 MR. GEORGE MARRON: And it was after
8 the July 16th Council meeting where staff was provided
9 with the Council's resolution to go forth and consider
10 the options?

11 MR. ED HOUGHTON: That's correct.

12 MR. GEORGE MARRON: So, it -- it was
13 in effect the same old song, I suggest?

14 MR. ED HOUGHTON: They were -- they
15 were giving their last kick at the can to try to get
16 Council to reconsider to something more expensive.

17 MR. GEORGE MARRON: All right. And --
18 and, in fairness, there were a number of members of
19 the Central Park committee and -- and that group who
20 took issue with that. And I'm referring to Doctor Don
21 Paul, for Independent Skelton, referring to the ex --
22 or past mayor, Terry Geddes.

23 There were -- there were a number of
24 prominent Collingwood citizens well known to the
25 residence of Collingwood who -- who didn't concur with

1 that continuing banter or --

2 MR. ED HOUGHTON: That's correct.

3 MR. GEORGE MARRON: I --

4 MR. ED HOUGHTON: I think -- I believe
5 Don Paul resigned from --

6 MR. GEORGE MARRON: Right.

7 MR. ED HOUGHTON: -- PRCAC.

8 MR. GEORGE MARRON: Well, and the
9 position that they took generally was that -- that the
10 report had been -- had been obtained, had been
11 carefully scrutinized and obtained, but that they were
12 dealing now with the will of Council.

13 A report had been presented,
14 Councillors considered it and, as the elected
15 representatives of the community, were going forth --

16 MR. ED HOUGHTON: Yes.

17 MR. GEORGE MARRON: -- with -- with
18 the issue of recreational -- obtaining recreational
19 facilities?

20 MR. ED HOUGHTON: That's correct.

21

22 (BRIEF PAUSE)

23

24 MR. GEORGE MARRON: All right. So, we
25 get then to the staff reports. And I'm referring to

1 page 19 of the minutes, Your Honour, where Councillor
2 Cunningham introduced a motion that Council received
3 the staff report, EMC2012-01. This -- this was the
4 staff report that had been presented by the group that
5 you were with.

6 And there was discussion on that. And
7 that...

8

9 (BRIEF PAUSE)

10

11 MR. GEORGE MARRON: And it was
12 acknowledged by Mayor Cooper at the outset that --
13 that she recognized the time that senior staff had
14 been involved in the community recreation facility in
15 moving forward and that that has been quite a
16 commitment, so thank you for that, all that are
17 involved. And you thanked her for those comments.
18 That's at page 20.

19 Tom Lloyd then, of Sprung, gave a
20 presentation and referred to -- on page 23, if I
21 could, Your Honour. He referred just the bottom, the
22 third paragraph. He referred to, "Our licence
23 partnering company," that would be BLT, I assume, do
24 you see that, "Our licencing partner we work with here
25 in Southern Ontario."

1

2

(BRIEF PAUSE)

3

4

MR. ED HOUGHTON: I'm not sure who they're referring to, sorry.

6

MR. GEORGE MARRON: Well, the licensing partnering company of Sprung was -- in Ontario was BLT, was it not?

9

MR. ED HOUGHTON: Possibly. I just -- I can't make a definitive statement if that's what they were talking about here, sorry.

12

MR. GEORGE MARRON: Well, it's been referred to in some of the email correspondences, the preferred partner?

15

MR. ED HOUGHTON: Yes. I just don't want to give you the wrong impression, that I understand what they're saying here, that's all.

18

MR. GEORGE MARRON: Okay. Well -- well, this was a public address that Tom Lloyd was providing.

21

MR. ED HOUGHTON: Okay.

22

23

(BRIEF PAUSE)

24

25

MR. GEORGE MARRON: Okay. And then on

1 that same page, you're introduced by Mayor Cooper and
2 you make a presentation. And you indicate that the
3 consolidative process conducted by the Centra -- or
4 steering committee identified four (4) specific areas
5 of either priority or concern.

6 So, you paid homage or regard to the
7 fact of the Central Park steering committee report.
8 You indicated that on June the 11th, this is page 25,
9 that the common theme of Council, and that was
10 strategic -- strategic meeting of -- of the Council,
11 that there's a priority for ice and water.

12 And -- and then you made reference to
13 the July 16 Council meeting and the fact that staff
14 were trying to capture all the different needs, wants,
15 and desires and the different opinions and those kinds
16 of things that we -- we thought we needed to provide
17 you, i.e., Council, with a menu of options so you
18 could come back and say, hey, here's what we believe
19 you should be looking at.

20 So, he indicated -- so we provided
21 Council with a whole menu of options. And I won't go
22 further into that, Your Honour, but that indication
23 was made.

24 At page 26, you indicated that we,
25 being the -- being the team that put together the

1 staff report, were working as a team. And you
2 indicated that Marta Proctor has been very much
3 involved, the treasurer involved, as well, and Ms.
4 Almas much involved as well as Larry Irwin, Dave
5 McNalty.

6 And it's been very much a team effort
7 to put this together as well as the consultants
8 getting the information?

9 MR. ED HOUGHTON: That's correct.

10 MR. GEORGE MARRON: Right. Made
11 reference just at the bottom of page 26 to the fact
12 that there were some projected -- well, projected
13 indebtedness for some essential services for the Town
14 of Collingwood that might total \$151 million in the
15 not too distant future and some reference to some of
16 the items that would be addressed in consideration.

17 MR. ED HOUGHTON: Yes. I believe the
18 same evening, Marjory did her second quarter re --
19 financial review.

20 MR. GEORGE MARRON: Right. And -- and
21 if we look at page 27, you -- you indicate -- you make
22 reference to the Central Park plan, the model use
23 concept. And I -- I suggest that a consideration of
24 the minutes and what you said indicate that -- that
25 this was a prospect of phasing things in?

1 MR. ED HOUGHTON: Exactly. I mean,
2 well, what I had heard clearly was -- and one (1) of
3 the words, I think, from Councillor Chadwick on the
4 16th was make sure it meshes into the full plan, and -
5 - and there was in keeping of that.

6 And we -- we felt that, if we -- if we
7 -- we did what we were suggesting we could do, save
8 and accept for the departure of the outdoor pool,
9 could itself morph itself into a multi-use facility.
10 But --

11 MR. GEORGE MARRON: Yeah.

12 MR. ED HOUGHTON: -- seven (7) years
13 later, there's been no discussion about it.

14 MR. GEORGE MARRON: Right, right. And
15 if we go over to page 28, there is an indication on
16 your part that the YMCA position was their application
17 for \$3 million of funding was denied?

18 MR. ED HOUGHTON: That's correct.

19 MR. GEORGE MARRON: So -- so,
20 essentially, they weren't available to, obviously,
21 partake or assist in the funding of any of this
22 recreational facility?

23 MR. ED HOUGHTON: And -- and I think,
24 as I've said, at this point in time, there was a
25 widening of -- of opinion between Collingwood Council

1 and -- and the YMCA. I didn't have any history or
2 background with it, but just seeing the chatter that
3 was going on, there was a significant...

4 But we received a letter, I believe it
5 was an undated letter, that said that there was no
6 funding available for the --

7 MR. GEORGE MARRON: Right.

8 MR. ED HOUGHTON: -- pool 'Y' -- 'Y'
9 pool.

10 MR. GEORGE MARRON: Well, and there
11 was some issue taken by members of Council with that
12 because it was contended that the 'Y' heard that their
13 application had been denied and that it was months
14 before they disclosed that to the Town Council?

15 MR. ED HOUGHTON: There -- there was
16 an opinion that that was the case. There was an
17 opinion that that was the case even before the March
18 5th presentation of the Central Park steering
19 committee.

20 MR. GEORGE MARRON: Right.

21 MR. ED HOUGHTON: And, again, I didn't
22 have a history, so I couldn't -- I couldn't -- can't
23 say that's correct or not. But that -- that was
24 certainly a common opinion amongst Council members.

25 MR. GEORGE MARRON: Right. And I take

1 it it was expressed by Council members. In the
2 meetings which you attended you would have heard that
3 they -- they con -- considered this sort of a breach
4 and -- of faith on the part of the YMCA to hold back
5 that information?

6 MR. ED HOUGHTON: And -- and the fact
7 that they were already doing some renovations around
8 that pool or something and -- and they felt that that
9 should have been a discussion that they had with the
10 Town, yes.

11 So, there was a significant --

12 MR. GEORGE MARRON: Right.

13 MR. ED HOUGHTON: -- break.

14 MR. GEORGE MARRON: Okay. So, then --
15 so, then if we go to page 29... Well, you -- well,
16 just -- just before we leave the YMCA, you made some
17 indication as to the funding that the YMCA would
18 require in order to rehabilitate and extend the pool
19 to -- to a proper competitive level?

20 MR. ED HOUGHTON: Ca -- ca -- sorry,
21 could you say that one (1) more time?

22 MR. GEORGE MARRON: Well, there was
23 some indication that you made at page 28. If we could
24 just go back to that, I apol... Yeah, that's it, the
25 paragraph -- the second paragraph.

1 MR. FREDERICK CHENOWETH: Your Honour,
2 I'm just wondering about the -- the energies of the --
3 of this witness. I'm anticipating that he's going to
4 be cross-examined for what may be a lengthy period of
5 time.

6 THE HONOURABLE FRANK MARROCCO: Do you
7 think we should take a break. Is that it?

8 MR. FREDERICK CHENOWETH: Well, that's
9 not my concern. I'm -- I'm wondering about whether
10 we're advancing things by taking the time to look at
11 the actual transcript which is evident in itself in
12 the document.

13 And I'm just concerned that to continue
14 to do this simply wastes the energy of -- of this
15 witness, which I suspect is going to be taxed through
16 the course of this exercise.

17 THE HONOURABLE FRANK MARROCCO: Mr.
18 Marron, are you going through much more? Are you
19 pretty much at the end of this or --

20 MR. GEORGE MARRON: Well, no, but
21 there -- there is a purpose to this, and I'm getting
22 to it. And then I wanted to be fair to the witness.
23 I -- I've had objections made in some of the cross-
24 examination I've conducted, but I've never heard an
25 objection quite like this, that some how or another

1 I'm wasting the energy of the witness.

2 It is cross-examination. I'm trying to
3 be as direct and -- and as complete as I can be.

4 And...

5 THE HONOURABLE FRANK MARROCCO: We'll
6 -- we'll go on. Go on. If there's a point other than
7 just getting the witness to confirm what's in the
8 transcript, then go ahead.

9 MR. GEORGE MARRON: Yeah. That's --

10 THE HONOURABLE FRANK MARROCCO: And I
11 will take a break, so let me know when you're finished
12 this line. And then I'll --

13 MR. GEORGE MARRON: Well, in light of
14 Mr. Chenoweth's comment, perhaps I should do that now
15 then if -- if you're prepared to allow that.

16 THE HONOURABLE FRANK MARROCCO:
17 Whenever. I don't want to take a break if you're in
18 the middle of something.

19 MR. ED HOUGHTON: I wouldn't mind
20 answering that question though.

21 MR. GEORGE MARRON: Well --

22 THE HONOURABLE FRANK MARROCCO: Well,
23 we're -- we're all over the place. Why don't we let
24 Mr. Houghton answer the question and I'll take the
25 break?

1 MR. GEORGE MARRON: Fine. Thanks.

2 MR. ED HOUGHTON: So, yeah, there was
3 -- I -- I made quite a discussion about this. And --
4 and if -- if the Town was going to be working with the
5 YMCA, the costs are going to be significant just for
6 the pool at the YMCA to be able to deliver the -- I
7 forget -- the six (6) lane, 25-metre, whatever it
8 happens to be.

9 But the reality was, as well, that, if
10 we did that at that location, we were going to start
11 encroaching into -- into what would normally be the
12 Hume Street road allowance. And we were concerned
13 about, if we did that, how would we -- the parking
14 that was available on the west side of that area would
15 potentially be lost unless there was opportunities to
16 get it up around the Paterson Street side.

17 So, there was a whole bunch of issues
18 just in trying to get that -- that pool option
19 completed with the -- with the observation deck and --
20 and those kinds of things.

21 And it was in the -- that 6 1/2 to \$7
22 million at that point in time.

23

24 CONTINUED BY MR. GEORGE MARRON:

25 MR. GEORGE MARRON: Right. Well, and

1 -- and you made reference to the parking issue later
2 in these submissions that you put before Council on
3 the 27th of August?

4 MR. ED HOUGHTON: You would have so
5 many competing type interests -- I don't mean
6 competing, but certainly all of the -- the visitors to
7 the 'Y', to the pool, to the -- you know, to the
8 multi-use facility in -- in different ways that there
9 would have been a significant issue for parking.

10 If you -- if you looked at even to the
11 WGD report, it talked about two hundred and fifty
12 (250) cars just for a single ice pad. And there was
13 al -- already the need for two hundred and sixty (260)
14 for the curling rink and others, so it was -- it was
15 significant. That's a lot of space.

16 MR. GEORGE MARRON: Well, this was an
17 issue that was raised much earlier than August 27th by
18 Doctor Don Paul, who basically resigned from the
19 committee and indicated that it was just the wrong
20 property for a multi-use facility.

21 There wasn't enough space?

22 MR. ED HOUGHTON: I would agree, but
23 nobody ever asked me that question.

24 MR. GEORGE MARRON: All right. Okay.

25 THE HONOURABLE FRANK MARROCCO: Ten

1 (10) minutes.

2

3 --- Upon recessing at 11:24 a.m.

4 --- Upon resuming at 11:35 a.m.

5

6 MR. GEORGE MARRON: Thank you, Your
7 Honour. I don't intend to be much longer.

8

9 CONTINUED BY MR. GEORGE MARRON:

10 MR. GEORGE MARRON: Just -- just in
11 reference, Mi -- Mr. Houghton, to the August 27, 2012,
12 Council meeting, the -- you -- and I'm referring to
13 page 32. And...

14

15 (BRIEF PAUSE)

16

17 MR. GEORGE MARRON: And if we go -- go
18 -- scroll up -- or sorry, scroll down. You were going
19 the right way. Is it up? Keep going.

20

21 So, there -- there was a confirmation
22 by Marjory Leonard as to the figures that were set out
23 in the staff report. Agree with that?

23

MR. ED HOUGHTON: Oh, yes, I do. Yes.

24

25 MR. GEORGE MARRON: And there was some
indication -- and I don't intend to get into it, but

1 an indication that there was a potential in the event
2 that the public were prepared to take the majority, if
3 not all, of the proceeds from the Collus sale, that
4 there would be no impact on the tax period.

5 The funds would be available to pay for
6 the recreational facilities as presented in the staff
7 report?

8 MR. ED HOUGHTON: If that's what the
9 public and the Council wished, yes.

10 MR. GEORGE MARRON: Right. And then
11 you address the operational costs arising out of the
12 fact that, obviously, it was a different type of
13 facility in the sense that the pool was going from a
14 summertime pool to a full year-round pool, so there
15 would be some additional operational costs --

16 MR. ED HOUGHTON: Yes.

17 MR. GEORGE MARRON: -- in reference to
18 that? And there was an indication, and that was dealt
19 in the staff report, as to the number of full-time
20 employees that might have to be increased to deal with
21 that?

22 MR. ED HOUGHTON: In the -- in the
23 presentation, yes.

24 MR. GEORGE MARRON: Right. And -- and
25 I think -- I think the figure was one and a half (1

1 1/2) full-time employees. And so, I take it that it's
2 pretty hard to find a half employee of somewhere
3 between one (1) and two (2) depending on, I take it,
4 the use of the pool, the times available, and things
5 of that sort?

6 MR. ED HOUGHTON: Yeah. I think what
7 they talk about is what they call one and a half (1
8 1/2) full-time equivalents, which would be, you know,
9 potentially people that work part-time to make up that
10 half.

11 MR. GEORGE MARRON: Okay. And then
12 there was an indication on Ms. Leonard's part. She
13 dealt on page 34 with the procurement policy that --
14 that was considered and advanced in the staff report?

15 MR. ED HOUGHTON: Yes.

16 MR. GEORGE MARRON: And she indicated,
17 as well, without saying it in so many words, but re --
18 but a due diligence on the part of the staff report
19 group and that the research confirmed the fact that
20 Sprung was a unique -- unique entity -- or unique
21 building and as concerns its construction?

22 MR. ED HOUGHTON: Yes.

23 MR. GEORGE MARRON: All right. So --
24 so, then we -- just moving on, Your Honour, we get
25 into a discussion of the various Council members. I

1 don't intend to bring that forward, Your Honour, but
2 just if we can move ahead then. If I could get to
3 page 43.

4 And just as an aside, Your Honour, this
5 was Deputy Mayor Lloyd just confirming that in the
6 next ten (10) years, the -- the possibility to be --
7 to be committed to spending up to 153 million was very
8 much a reality, so page 43. And...

9

10 (BRIEF PAUSE)

11

12 MR. GEORGE MARRON: And there were --
13 there was some input from the various Council members.
14 And I -- I don't intend to dwell on this, Your Honour,
15 but if we could look at page 45, an indication by --
16 by Councillor Dale West that he -- he was comfortable
17 with an expenditure of 10 to \$12 million on
18 recreational facilities?

19 MR. ED HOUGHTON: Yes.

20 MR. GEORGE MARRON: He indicated
21 further at page 46 that, This isn't an overnight
22 decision for me, this is twenty (20) years in the
23 making and I'm ready to vote?

24 MR. ED HOUGHTON: That I was a -- not
25 just his feeling. It was a common theme that I'd been

1 hearing from Council members when they were speaking
2 directly to me.

3 MR. GEORGE MARRON: All right.
4 Councillor -- Councillor Edwards at page 46 indicated
5 as follows. If we could have that. It's down the
6 page.

7

8 (BRIEF PAUSE)

9

10 MR. GEORGE MARRON: Yeah, the top --
11 top of the page, or the top of the printout:

12 "Thank you, Your Worship. I'd --
13 I'd first like to say I have faith
14 in the staff report. I don't think
15 we ask our staff to do something and
16 report something unless they've done
17 their due diligence and, if so, they
18 shouldn't be here.

19 And so, I appreciate the report and
20 the information that's come
21 forward."

22 Now, you -- you were present. You
23 would have heard him make that comment. And he goes
24 on to say at page 47, dealing with:

25 "I have confidence in staff. And

1 I'm sure if they come across
2 something that is not to
3 specification or do not think that
4 this is going to function, they will
5 come back with that report and we
6 will adjust it accordingly."

7

8 (BRIEF PAUSE)

9

10 MR. GEORGE MARRON: We get -- on the
11 same page, page 47, Councillor Guardhouse. Yeah, just
12 there. Thank you.

13 "Thank you, Your Worship. I'll be
14 very succinct and quick.

15 Personally, I personally am prepared
16 to move forward on the arena as
17 presented."

18 Obviously acting on that area of the
19 staff report. And then, finally, if we move to page
20 48, a third of the way down, yeah, Councillor Lloyd.
21 This would be Kevin Lloyd.

22 He indicates:

23 "I believe, like Councillor Edwards,
24 the staff has worked tirelessly and
25 done their due diligence. The

1 reality is, at some point, we, as
2 Council, have to make a decision.
3 Staff's recommendation is not a
4 temporary, short-sided bandaid
5 solution; quite the contrary.
6 It's an affordable, high-quality
7 sound, long-term investment in our
8 community. And, importantly, it'll
9 retain public ownership of the
10 assets and maintain public control
11 of their operation, minimizing
12 future risk.

13 I thank everybody for the work
14 they've done, but I am in favour of
15 this and I will support it."

16 And then the mayor herself at the
17 bottom of page 48, if we could scroll up, thank you,
18 she indicates that:

19 "The needs of the community are long
20 overdue and due diligence has been
21 explored. There's reference to the
22 staff report and all the work that
23 staff have put into this.

24 I have faith in them. We've got a
25 CA sitting -- or an MBA sitting in -

1 - in our Council chambers to garner
2 information from her to make sure
3 we're doing the right thing."

4 Now, I take it that's reference to
5 Marjory Leonard?

6 MR. ED HOUGHTON: That is correct.

7 MR. GEORGE MARRON: She then goes on
8 to indicate that she's:

9 "...excited about all the
10 information I've received from the
11 task force. They provided me --"

12 Sorry, this is page 49. Yeah. Yeah,
13 there it is.

14 "...and I'm excited about all the
15 information that I've received from
16 the task force. They provided me
17 with a wealth of knowledge that some
18 that I knew and some I didn't know
19 going forward.

20 So, I thank the task force for all
21 they provided to us and their time
22 and dedication. We appreciate that.
23 And I'm prepared to vote now. And
24 I'll look to the clerk to call the
25 question for the first part."

1 Now, she refers to the task force. And
2 that's -- that's the -- those are the persons who put
3 together the staff report?

4 MR. ED HOUGHTON: I think -- I think
5 she's -- I'm not sure if she's talking about that or
6 the Centra Park steering committee group.

7 THE HONOURABLE FRANK MARROCCO: I -- I
8 don't -- I don't know that it's helpful for -- we have
9 the transcript. And for the witness to speculate on
10 what the Mayor might have been referring to, I just
11 don't find that helpful.

12 The mayor knows what she was referring
13 to.

14 MR. GEORGE MARRON: Yeah. I don't
15 know --

16 THE HONOURABLE FRANK MARROCCO: I
17 don't know that anybody else does.

18 MR. GEORGE MARRON: Right. Yeah, I
19 take no issue with your comment. Thank you.

20

21 (BRIEF PAUSE)

22

23 MR. GEORGE MARRON: All right. Well,
24 thank you. Those are my questions, Your Honour.

25 THE HONOURABLE FRANK MARROCCO: Thank

1 -- thank you, Mr. Marron. Mr. Trudell...?

2 MR. BILL TRUDELL: No questions, Your
3 Honour. Thank you.

4 THE HONOURABLE FRANK MARROCCO: Thank
5 you. Mr. Bonwick...?

6 MR. PAUL BONWICK: Thank you, Your
7 Honour.

8

9 (BRIEF PAUSE)

10

11 CROSS-EXAMINATION BY MR. PAUL BONWICK:

12 MR. PAUL BONWICK: Mr. Houghton,
13 before I go into the three (3) areas that I'd like to
14 touch on, for the sake of condensing your comments or
15 focussing your comments on your understanding of the
16 environment with staff and Council during this period
17 of time, and I'm going to say 2010 to 2012, did I
18 understand you to suggest that it was very collegial
19 in nature, generally speaking, that people were
20 working in a very cooperative manner?

21 Is that what I understood you to
22 suggest through earlier testimony?

23 MR. ED HOUGHTON: This Council and
24 staff at that point in time I felt worked together
25 better than pretty much any other Council I'd ever

1 worked with. The Council was -- was not often divided
2 where most of them always were.

3 MR. PAUL BONWICK: And is it accurate
4 to suggest that, based on the transition that had
5 taken place, councillors, or Council, seconding you to
6 become acting CAO, that you relied heavily on that
7 cooperative and collegial working relationship with
8 the senior management team?

9 MR. ED HOUGHTON: Absolutely. I would
10 not have even considered anything if I didn't think I
11 could put that group together to work for those
12 supposed two (2) or three (3) months.

13 MR. PAUL BONWICK: Thank you. At any
14 time did any of the senior management staff that were
15 working with you raise serious concerns about how this
16 process was evolving?

17 MR. ED HOUGHTON: No.

18 MR. PAUL BONWICK: You have -- you've
19 provided some testimony in regards to phone
20 transcripts that were produced by inquir -- counsel
21 for the Inquiry. You provided a fairly detailed
22 explanation in terms of the many issues that were
23 under way during that period of time and the reason
24 why you and I would have significant engagement in
25 terms of phone calls.

1 Is that accurate?

2 MR. ED HOUGHTON: Yeah. And virtually
3 everything I talked about were those kinds of things
4 that would be in the -- the court book. I mean, there
5 was other -- other activities that were happening
6 outside in the municipality that we were involved --
7 the community was involved with that you were involved
8 with, yes.

9 MR. PAUL BONWICK: And thank you for
10 that. And it would be reasonable to suggest, while
11 there was significant focus on 1st Street on -- the
12 bottleneck was re -- referred to it through testimony,
13 the issues regarding the now Georgian College Centre
14 out on Poplar Sideroad, my interactions potentially
15 with Collingwood ethanol.

16 Would it -- would it be reasonable to
17 suggest there would have some conversation, not that I
18 recall exactly how many, but there would have been
19 some conversation related to the ongoing situation
20 with multi-use considerations in the Town of
21 Collingwood, as well?

22 MR. ED HOUGHTON: Yes, absolutely.

23 MR. PAUL BONWICK: At any time during
24 those conversations do you recall me ever suggesting
25 to you that any of the information or discussions that

1 we're having were to be done so in a confidential
2 manner and that any of that should not be shared with
3 anybody else?

4 MR. ED HOUGHTON: No, not you.

5 MR. PAUL BONWICK: And do you recall
6 ever qualifying any of the conversations whereby you
7 shared information with me and qualified it that the
8 information was confidential and should not be shared
9 with anybody else?

10 MR. ED HOUGHTON: I don't believe I
11 gave you anything that was confidential.

12 MR. PAUL BONWICK: You've stated that
13 you had what you believe to be a very close working
14 relationship with the people you counted on, the
15 senior management team, in the Town of Collingwood.

16 At any time did the staff raise issues
17 with regards to any calls I might have made to them as
18 being inappropriate or causing them concern?

19 MR. ED HOUGHTON: No.

20 MR. PAUL BONWICK: I'd like to touch
21 on three (3) -- three (3) areas now. First is
22 information. Second is authority. And the third is
23 accountability.

24 And so, from an information
25 perspective, if we could bring up -- I think I grabbed

1 the wrong glasses this morning, Your Honour, and --
2 TOC -- sorry, TOC0124036.

3

4

(BRIEF PAUSE)

5

6 MR. PAUL BONWICK: We've heard ample
7 testimony. My Friend, Mr. Marron, has -- has walked
8 you through in -- in great detail some of the
9 transcripts and some of the responses from the
10 councillors. And this goes to my first point as it
11 relates to information.

12

I thank the judge for allowing
13 discussion that predates the 2011 consideration for
14 these. So, it gives some history from a community and
15 from a Council perspective in terms of how engaged
16 Councils had been in terms of wanting to deliver
17 recreational amenities.

18

Is it your opinion that this Council
19 and many previous Councils had spent significant time,
20 had provided significant consideration, and had spent
21 significant money in terms of exploring what the
22 options for recreational amenities might be in the
23 Town of Collingwood?

24

MR. ED HOUGHTON: Yes.

25

MR. PAUL BONWICK: You'll be aware

1 based on your longstanding career with the Town of
2 Collingwood that the Council between 2010 and 2014 was
3 made up of elected officials that had anywhere between
4 twenty-five (25) and four (4) years experience on
5 Council? Is that reasonable?

6 MR. ED HOUGHTON: Twenty-five (25)
7 and...?

8 MR. PAUL BONWICK: Twenty-five (25) to
9 four (1) years, one (1) term versus many terms.

10 MR. ED HOUGHTON: Oh, yes. Yeah, four
11 (4) to twenty-five (25), yes.

12 MR. PAUL BONWICK: Sorry, or -- yes.
13 And then it's reasonable to suggest that the
14 councillors that had been on Council for those several
15 previous terms would have had ample opportunity to
16 review significant amou -- significant amounts of
17 information related to options available to them
18 specific to recreational amenities in the Town of
19 Collingwood?

20 MR. ED HOUGHTON: Yes.

21 MR. PAUL BONWICK: And you're, of
22 course, aware of the fact that the report that's in
23 front of us -- and I -- I don't necessarily need you
24 to go through it, I suspect you've done so in great
25 detail, but the report that was produced by the

1 steering committee, would you agree that it is very
2 detailed?

3 MR. ED HOUGHTON: There's a lot of
4 detail in it.

5 MR. PAUL BONWICK: If I could bring up
6 Foundation Document 2. I believe it's Chapter 2.1.

7

8 (BRIEF PAUSE)

9

10 MR. PAUL BONWICK: If you could just
11 slowly scan down for the benefit of the witness,
12 please. You'll see resolutions. You'll see Council
13 minutes. You'll see several dates. Continue down,
14 please.

15 You'll see minutes that are being
16 provided to Council from steering committees on May
17 2nd, May 9th, May 16th. Without going into any more
18 detail, unless His Honour requests me to do so, or
19 you, is it reasonable to suggest, or accurate to
20 suggest, that Council was in fact provided a multitude
21 or a significant amount of information related to
22 recreational options within the Town of Collingwood?

23 MR. ED HOUGHTON: It -- it had -- yes.
24 And it's been a focus for many, many, many, many
25 years.

1 MR. PAUL BONWICK: And so, we've heard
2 -- or we've seen transcripts by several councillors,
3 elected officials during that period of time, that
4 reflect on the abundance of information that they've
5 provided, not simply recently, but over previous years
6 in terms of recreational amenities, correct?

7 MR. ED HOUGHTON: Correct.

8 MR. PAUL BONWICK: And so, is it
9 reasonable to suggest that no one should be under the
10 misconception that Council wasn't well informed of a
11 multitude of different options that were available to
12 them in terms of addressing the recreational needs in
13 the Town of Collingwood?

14 MR. ED HOUGHTON: That's correct.

15 MR. PAUL BONWICK: I want to move over
16 to authority. For the sake of repeating an earlier
17 question, you recognize, of course, that councillors
18 are elected as individuals, they're not ward
19 councillors. They -- they're elected from the popula
20 -- general population, fair?

21 MR. ED HOUGHTON: In Collingwood, we
22 do not have a ward system, so they -- the represent
23 the entire population.

24 MR. PAUL BONWICK: Right. And so, in
25 your experience, they'll have various relationships

1 within the community, various backgrounds. There's
2 sort of a broad range of people that are elected that
3 sit around the Council table, fair?

4 MR. ED HOUGHTON: As Hazel McCallion
5 said, probably one (1) of the finest mayors in the
6 Province of Ontario; no disrespect to Ms. Cooper. She
7 said, I listen to my staff, I listen to my advisors, I
8 listen to my friends and family, and I make up my own
9 darn mind, but, yes.

10 MR. PAUL BONWICK: Right. But under
11 this electoral system that governs the Town of
12 Collingwood and many other municipalities across the
13 Province of Ontario, these councillors are elected and
14 act independent of each other. There is not block or
15 party voting when it comes to providing direction or
16 approvals to Council -- or sorry, to staff, correct?

17 MR. ED HOUGHTON: It's not intended to
18 be party politics.

19 MR. PAUL BONWICK: Right. And so,
20 based on your experience with this diverse range of
21 background, diverse range of experience, is it your
22 position that these people tend to be independent
23 thinkers and bring their own set of values, their own
24 set of priorities based on each vote?

25 MR. ED HOUGHTON: Yes, they're all

1 independent thinkers and they gravitate towards those
2 of a similar mind. And what was a good thing about
3 that period of time is that they gravitated to -- to
4 each other often, and it wasn't always the same people
5 that were gravitating toward each other.

6 MR. PAUL BONWICK: Thank you. You
7 referred in early testimony to the -- your experience
8 whereby staff have brought forward reports and
9 recommendations to Councils and Councils have chosen
10 to not accept or not approve those reports.

11 Is that correct?

12 MR. ED HOUGHTON: That's correct.

13 MR. PAUL BONWICK: And so from an
14 authority perspective, is it accurate to suggest that
15 irrespective of the efforts of a steering committee,
16 the consultants you hire, the opinions that they get,
17 the work of staff, the subsequent staff reports, that
18 Council maintains the ultimate authority to approve or
19 disapprove any particular direction within the
20 community?

21 MR. ED HOUGHTON: Absolutely. They're
22 -- they're the ones charged to do that.

23 MR. PAUL BONWICK: And in fact it's --
24 it's their responsibility to take that approach,
25 correct?

1 MR. ED HOUGHTON: They take an oath to
2 do that, yes.

3 MR. PAUL BONWICK: And so I move to
4 the last point, and that is accountability.

5 We've had several staff witnesses.
6 Using your language, some have perhaps deflected a
7 bit, some have accepted responsibility in terms of
8 what they thought was good work that they were doing,
9 but at the end of the day, the accountability or the
10 so-called buck stops at the people that sit around
11 that table during the Council meeting.

12 Is that a fair statement?

13 MR. ED HOUGHTON: Absolutely true.

14 MR. PAUL BONWICK: And so at the end
15 of the day, on any given issue of a significant policy
16 nature or expenditures over twenty-five thousand
17 dollars (\$25,000), our electoral system provides the
18 check and balance in terms of accountability for the
19 elected officials. Fair?

20 MR. ED HOUGHTON: That's correct.

21 MR. PAUL BONWICK: So in terms of
22 whatever a council decides to do, the true check and
23 balance is the next election, fair?

24 MR. ED HOUGHTON: That's also
25 absolutely true.

1 MR. PAUL BONWICK: During your time in
2 working with this Council over that 2010 to 2012
3 period, did you believe that irrespective of for or
4 against, that Councillors generally speaking were not
5 trying to drive something in the best interest of the
6 community, in their opinions?

7 MR. ED HOUGHTON: No, I don't believe
8 they were driving -- are you talking about personal
9 opinions?

10 MR. PAUL BONWICK: I may have mis --

11 MR. ED HOUGHTON: Okay.

12 THE HONOURABLE FRANK MARROCCO: You
13 put it negatively, I think.

14

15 CONTINUED BY MR. PAUL BONWICK:

16 MR. PAUL BONWICK: I think I may have
17 worded that inappropriately. What I'm driving at is
18 your assessment based on your experience watching
19 Councillors on this particular matter.

20 Did you believe that Councillors,
21 irrespective of their vote, were voting for what they
22 thought was in the best interests of their community?

23 MR. ED HOUGHTON: Oh, one hundred
24 percent.

25 MR. PAUL BONWICK: That ends my

1 questions, Your Honour. Thank you.

2 THE HONOURABLE FRANK MARROCCO: Thank
3 you, Mr. Bonwick.

4 Ms. McGrann...?

5

6 EXAMINATION BY MS. KATE MCGRANN:

7 MS. KATE MCGRANN: Good morning, Mr.
8 Houghton.

9 MR. ED HOUGHTON: Hello.

10 MS. KATE MCGRANN: Starting with some
11 questions about your appointment to the role of Acting
12 CAO for the Town, you gave evidence earlier that you
13 received several phone calls in which you were asked
14 to take this position on, and you said that the last
15 call that you received, what was said to you was we're
16 going to be terminating Ms. Wingrove and we need
17 someone for a short period of time.

18 Who made that phone call?

19 MR. ED HOUGHTON: All three (3) calls
20 were both with Mayor Cooper and -- and the Deputy
21 Mayor together.

22 MS. KATE MCGRANN: Do you remember
23 when that phone call was made?

24 MR. ED HOUGHTON: I don't have a
25 specific recollection -- recollection of the time, and

1 I may have misspoke when I said, you know, we're
2 terminating Ms. Wingrove in that sense. I may have
3 just sort of blurted that, but I think they said that
4 we are making a move, we will need -- and we -- we --
5 we need to have somebody in a -- for a short-term
6 period.

7 MS. KATE MCGRANN: So I want to be
8 sure that we've got your evidence properly. We were
9 at the last phone call.

10 Would you please tell us what you
11 remember about the last phone call you received?

12 MR. ED HOUGHTON: Well, that's --
13 that's kind of what -- the last phone call was that we
14 are going to be making a move, and again I -- I don't
15 want to misrepresent how the conversation exactly
16 went, but we are going to be making a move. We are
17 going to be -- and I'm -- that's where I'm giving you
18 the difference -- we -- we may be parting ways with
19 Ms. Wingrove.

20 So I'm not exactly sure exactly how
21 that went, but my -- my interpretation was that --
22 that -- that they were going to -- there was going to
23 be a decision made, and it wasn't -- it wasn't we have
24 made a decision; we are going to make a decision, and
25 -- and we will need somebody for a short period of

1 time.

2 MS. KATE MCGRANN: Did you understand
3 this was a tentative request or did you understand
4 that they were asking you to take on a job that was
5 becoming available?

6 MR. ED HOUGHTON: Tentative.

7 MS. KATE MCGRANN: I'm trying to
8 understand the conversation that you had.

9 Did you understand that they definitely
10 needed you or that they may need you?

11 MR. ED HOUGHTON: I think that what
12 they were saying, that they were going to be moving or
13 there was going to be a parting of ways, and that they
14 may need me or -- I'm not sure exactly. I can -- I
15 can't answer that one.

16 MS. KATE MCGRANN: Anything else you
17 remember from that conversation?

18 MR. ED HOUGHTON: The only thing that
19 I would -- that I recall was the comfort in the fact
20 that they understood that it -- it had to be for a
21 short period of time, and they confirmed with me that
22 it was going to be for -- it's a -- it's a -- that
23 there are no burning issues, that -- that it was to --
24 to create a little bit of stability and to create
25 teamwork, but my biggest concern was I didn't -- I did

1 not want to be in any way, shape, or form responsible
2 or made to look like it had anything to do with me
3 that Ms. Wingrove was not going to be there. It
4 certainly was not the furthest thing -- but I was --
5 you contemplate those things when -- when all of a
6 sudden you step in afterwards.

7 MS. KATE MCGRANN: When you say it
8 wasn't the furthest thing, what do you mean?

9 MR. ED HOUGHTON: I'm sorry?

10 MS. KATE MCGRANN: When you say it
11 wasn't the furthest thing, what are you referring to?

12 MR. ED HOUGHTON: Well, what I -- I
13 guess -- I think what I'm saying there was that --
14 that in my mind, I wanted to make sure that I was
15 never blamed because I had -- personally had no issues
16 with Ms. Wingrove. I -- I was quite happy doing what
17 I was doing.

18 MS. KATE MCGRANN: In terms of taking
19 on the job of Acting CAO, at the time that you agreed
20 to accept that position, I take it you believed that
21 you had the skills and experience necessary to fulfill
22 that role?

23 MR. ED HOUGHTON: I believe that I was
24 able to -- to take it on as acting, to be able to get
25 them through a period of time until they found

1 somebody, and again they confirmed that it was going
2 to be a very quiet period of time.

3 MS. KATE MCGRANN: Did you believe you
4 had the skills and experience necessary to take on the
5 role of Acting CAO of the Town?

6 MR. ED HOUGHTON: I don't think I ever
7 put that in my mind, that -- because it was never part
8 of my -- my future plans, to be the CAO of
9 Collingwood, or CAO anywhere.

10 MS. KATE MCGRANN: Is it your evidence
11 that you didn't consider whether you had the skills
12 and experience necessary to take on the job before you
13 took it on?

14 MR. ED HOUGHTON: I didn't have -- I
15 didn't have all the ins and outs of -- of municipal
16 work at all, because even though I -- I did public
17 works, I was not involved with Town Hall. So I don't
18 -- I didn't have -- I didn't have the any of the --
19 the education from a municipal perspective, those --
20 those things.

21 So again, I'm not -- I'm not trying to
22 be evasive, but I didn't -- for me, taking over for a
23 short period of time, I don't think I -- I
24 contemplated whether I had the skills to do it. I
25 offered -- or I -- I acquiesced to do it for a short

1 period of time.

2 MS. KATE MCGRANN: Could we turn up
3 TOC600348?

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: This is the job
8 description for the position of Chief Administrative
9 Officer of the Town that was in effect in 2012.

10 Did you review this job description
11 before you agreed to take on the position of CAO of
12 the Town?

13 MR. ED HOUGHTON: No.

14 MS. KATE MCGRANN: Did you review this
15 job description at any point during the time that you
16 held that position?

17 MR. ED HOUGHTON: No.

18 MS. KATE MCGRANN: Could we scroll
19 down just so we can see the position summary?

20 Despite the fact that you didn't review
21 the job description for the job you were taking on,
22 did you understand that you were responsible for
23 overall management of the administration and
24 operations of the Town?

25 MR. ED HOUGHTON: That's why I put the

1 -- the EMC together. Again I -- you can't lose sight
2 of the fact that I was asked to do this for two (2) or
3 three (3) months as acting.

4 MS. KATE MCGRANN: I am going to ask
5 you some questions about the EMC in a moment, but for
6 now my question for you is, did you understand when
7 you took on the job of Acting CAO that you were taking
8 on responsibility for the administration and
9 operations of the Town?

10 MR. ED HOUGHTON: As -- as a team,
11 yes.

12 MS. KATE MCGRANN: Did you believe
13 that your responsibilities as Acting CAO were in any
14 way different than the responsibilities of CAO of the
15 Town?

16 MR. ED HOUGHTON: Yeah. I actually
17 did, yes.

18 MS. KATE MCGRANN: Explain to me how
19 you felt they were different, please.

20 MR. ED HOUGHTON: As acting, there
21 would be -- I would not have got involved with any
22 staff discipline. As acting, I was not going to get
23 involved with any -- anything that was going to create
24 a change from an operational or a process perspective.
25 I didn't feel that that was my -- what I was asked to

1 do.

2 MS. KATE MCGRANN: Did you explain
3 those limitations that you were putting on your job to
4 anyone at any time while you held the position?

5 MR. ED HOUGHTON: I don't believe I
6 said those things, but certainly that was -- that was
7 my understanding when they asked me as well.

8 MS. KATE MCGRANN: Were they any other
9 differences that you thought existed between the
10 responsibilities of Acting CAO and the
11 responsibilities of CAO?

12 MR. ED HOUGHTON: There may be more.
13 I just -- just asking me now, I have to -- those are
14 the two (2) that come to mind at this point in time.

15 MS. KATE MCGRANN: Did you ever have
16 any discussions with anyone on Council why you held
17 the position of Acting CAO, about any differences you
18 saw in the responsibilities that you were taking on as
19 opposed to responsibilities you would have taken on if
20 you had taken on the job permanently?

21 MR. ED HOUGHTON: Well, I think that
22 even when -- when we talked about the fact that I
23 wasn't going to -- I was not going to get any
24 remuneration for this, and that all they did was, you
25 know, passed a bylaw. I wasn't -- I didn't -- I was

1 never given any training or any education or any
2 opportunity for understanding more than what I did.

3 I think that they recognized that I was
4 -- I was being seconded and stepping into basically
5 like a volunteer type position.

6 MS. KATE MCGRANN: Okay. I have a
7 couple of questions about that.

8 Your appointment by bylaw to the -- the
9 position of Acting CAO, we've seen that.

10 MR. ED HOUGHTON: Yeah.

11 MS. KATE MCGRANN: You've mentioned
12 the fact that you viewed this as a secondment. How
13 did that affect the responsibilities that you owed to
14 the Town, in your mind?

15 MR. ED HOUGHTON: How did it affect my
16 responsibilities?

17 MS. KATE MCGRANN: The
18 responsibilities that you owed to the Town as Acting
19 CAO. Did the fact that you viewed this as a respon --
20 a secondment affect any of the responsibilities that
21 you owed to the Town?

22 MR. ED HOUGHTON: I think I'm just
23 trying to qualify the -- how I -- I came here. If I
24 was working at Walmart, they wouldn't have asked me to
25 -- to be part of this, but because I was part of

1 PowerStream, Coll -- or Collus Power at the time, they
2 asked me to be here.

3 Did I take the job any different or any
4 --- not as -- at any less serious -- no, but at the
5 same time, there has to be a recognition of how
6 extremely busy I was -- was -- which was the reason
7 why I had to put the EMC together.

8 MS. KATE MCGRANN: We'll come to the
9 EMC in a second.

10 You said that you weren't given any
11 training. Did you ask for any training?

12 MR. ED HOUGHTON: It was only supposed
13 to be for two (2) or three (3) months.

14 MS. KATE MCGRANN: Did you ask for any
15 training?

16 MR. ED HOUGHTON: It was only supposed
17 to be for two (2) or three (3) months, so no, I did
18 not ask for any training.

19 MS. KATE MCGRANN: Now, I understand
20 that -- that you asked to not be paid for the work
21 that you did as Acting CAO.

22 Have I got that right?

23 MR. ED HOUGHTON: Yes.

24 MS. KATE MCGRANN: Did you receive any
25 benefits from the Town for the work that you did as

1 Acting CAO?

2 MR. ED HOUGHTON: I did receive a -- a
3 bonus at one point in time.

4 MS. KATE MCGRANN: Do you remember
5 when that was?

6 MR. ED HOUGHTON: Maybe in 2013 or
7 something. I don't recollect actually specifically,
8 but...

9 MS. KATE MCGRANN: Do you remember how
10 much the bonus was?

11 MR. ED HOUGHTON: No, I don't at this
12 time, no.

13 MS. KATE MCGRANN: Do you have a
14 ballpark sense of how much it was?

15 MR. ED HOUGHTON: Maybe twenty (20) or
16 thirty thousand (30,000), something like that.

17 MS. KATE MCGRANN: Other than the
18 twenty (20) or thirty thousand dollar (\$30,000) bonus
19 that you received for the work that you did as Acting
20 CAO, did you receive any other benefits from the Town
21 for the work that you did?

22 MR. ED HOUGHTON: I did not have a
23 Town credit card. I didn't -- the only thing I
24 received was car allowance, but I received that for
25 Public Works.

1 MS. KATE MCGRANN: Okay. So just the
2 bonus; nothing else?

3 MR. ED HOUGHTON: Nothing else.

4 MS. KATE MCGRANN: Did you see the
5 fact that you were not receiving a salary from the
6 Town in any way diminishing the responsibilities that
7 you owed to the Town as Acting CAO?

8 MR. ED HOUGHTON: That's -- that's --
9 I find that almost offensive in the sense that I -- I
10 would never -- my whole life was for the Town of
11 Collingwood at that point in time, so I would always
12 do the best I could whether I was being paid or not
13 paid. That was my suggestion. I said, this is my way
14 of saying thank you back to the community.

15 MS. KATE MCGRANN: So you didn't see
16 it as changing your role -- what you were responsible
17 for, the obligations you owed to the Town at all?

18 MR. ED HOUGHTON: It was never
19 intended for that. It was -- it was intended for the
20 right reasons.

21 MS. KATE MCGRANN: You've made mention
22 of teamwork, and -- and you've mentioned the EMC.

23 When you were the Acting CAO, who was
24 responsible for filling the CAO's obligations to the
25 Town?

1 MR. ED HOUGHTON: Well, I think -- I
2 think we shared them. I think even Ms. Almas has
3 mentioned that many times she was -- she was stepping
4 up and doing some of the things that the CAO would
5 typically normally do if there were here on a full-
6 time basis, and pretty much, as I was saying, the
7 decisions that we had to make as a group were made on
8 consensus.

9 So as -- and I think I -- as I've
10 already mentioned too, I think the only thing I ever
11 did was there was one issue from a human resources
12 perspective with one Council member that I had to step
13 in and -- and get involved with, but that -- I believe
14 that's the only thing that I ever did as sort of
15 specific as a CAO, not with the group or not from a
16 decision -- and I felt that at that point in time,
17 because I would be soon going back to my real job, I
18 could do that and be a barrier to -- to the people who
19 are going to be here full -- full time.

20 MS. KATE MCGRANN: I just want to make
21 sure that I understand this properly.

22 Is it the case that you thought that
23 the four (4) of you, yourself and the three (3) other
24 members of the EMC, shared the responsibility for
25 carrying out the CAO's obligations to the Town?

1 MR. ED HOUGHTON: I think -- I think
2 what I was trying to say was that -- that -- and --
3 and Ms. Almas has already mentioned that there was
4 times she stepped up to do those. I think what I was
5 trying to say was that (a) because I wasn't always
6 here, (b) because I didn't have the experience of a --
7 of a CAO, and (d) (sic) that -- that we were working
8 as a group, that we would make decisions.

9 I would expect that from a Council
10 member perspective, the -- the Council member might
11 come to me because I was the Acting CAO, and they
12 would maybe discuss things with me, but other than
13 that, I don't know if I answered your question there.
14 Sorry.

15 MS. KATE MCGRANN: I don't think you
16 did, so --

17 MR. ED HOUGHTON: I'm trying to,
18 honestly.

19 MS. KATE MCGRANN: Okay. Well, we
20 know -- we'll get there.

21 I'm trying to understand who was
22 responsible for fulfilling the CAO's obligations to
23 the Town. I'm trying to understand if it's your
24 position that it was the group of the four (4) of you
25 who shared that responsibility equally.

1 MR. ED HOUGHTON: Well -- and I'm not
2 trying to -- I'm not trying to deflect either because
3 I didn't -- I don't like what other people have been
4 deflecting.

5 What I'm trying to basically say was
6 that -- that the group was put together for -- for the
7 specific reason of the skill-sets that they had, and -
8 - and I'm not sure how many decisions as a CAO came up
9 that -- that we as a group or individually -- we
10 needed to -- to handle with -- and the only -- as I've
11 suggested, the only one I can recollect is the one (1)
12 human resources issue.

13 MS. KATE MCGRANN: Okay. Let me ask
14 you these questions. It was your decision to assemble
15 the EMC?

16 MR. ED HOUGHTON: Yes.

17 MS. KATE MCGRANN: And to the extent
18 that the EMC did work in that role, it was because you
19 were asking them to do it. Is that right?

20 MR. ED HOUGHTON: Sorry, say that one
21 more time.

22 MS. KATE MCGRANN: To the extent that
23 any member of the EMC was doing work within that role,
24 it was because you had asked them to do it?

25 MR. ED HOUGHTON: Yeah. I approached

1 -- I approached them and said, look it, I have been
2 asked to do this job, I cannot do it unless I have
3 this. Would you be interested? And they were
4 agreeable.

5 MS. KATE MCGRANN: There was no formal
6 recognition of the EMC by Council?

7 MR. ED HOUGHTON: No. Again, because
8 it was only supposed to be for such a short period of
9 time.

10 MS. KATE MCGRANN: Did you ever tell
11 the EMC that it was your intention that they share
12 responsibility for the work that you were doing as
13 CAO?

14 MR. ED HOUGHTON: I -- I think that --
15 I'm not sure how the discussion went originally, but
16 as I just said, I can't be at Collus or at Public
17 Works or Public Utilities, which is the same building
18 as Collus -- I -- you know, I -- I'm not always going
19 to be here and I need people with, you know, the old
20 terminology "boots on the ground," and as Ms. Almas
21 has already mentioned, she did that.

22 MS. KATE MCGRANN: And the EMC was
23 there to provide you with assistance in doing your job
24 as CAO. Where a consensus was reached amongst the
25 group and a decision was made, do you take

1 responsibility for those decisions?

2 MR. ED HOUGHTON: Well, I think -- I
3 think that -- I know you want me to say that I
4 ultimately take responsibility, but I think the -- the
5 group made decisions as a consensus and -- and that's
6 what we did do and I maintain that throughout.

7 MS. KATE MCGRANN: And I'm just trying
8 to understand how you saw things working at the time.

9 So I take it from your answer that
10 where the group made a decision based on consensus,
11 you viewed that decision as being the shared
12 responsibility of the whole group?

13 MR. ED HOUGHTON: I -- I view it as a
14 shared decision as the whole group, yes.

15 MS. KATE MCGRANN: Other than the
16 recreation facilities that were constructed beginning
17 in 2012, have you ever been involved in a Town
18 construction project that didn't involve going to
19 tender before?

20 MR. ED HOUGHTON: The -- the only
21 thing that we did do was the procurement of the Zenon
22 equipment on sole sourced back in 1999 -- '98/99.

23 MS. KATE MCGRANN: And that was in --
24 that was in the middle of a -- a public health crisis.
25 Am I right?

1 MR. ED HOUGHTON: It was a crisis,
2 yes.

3 MS. KATE MCGRANN: Other than buying
4 the Zenon equipment to deal with that particular
5 crisis, have you ever been involved in a Town
6 construction project that didn't involve going to
7 tender?

8 MR. ED HOUGHTON: Not that I'm aware
9 of, no.

10 MS. KATE MCGRANN: Have you ever been
11 involved in a Town construction project where the town
12 did not have the assistance of its own expert
13 consultants working on the conceptualization and
14 design of the building being built?

15 MR. ED HOUGHTON: Probably not to this
16 degree, but at the same time too in the format that we
17 were doing, WGD was supposed be doing something, which
18 was always a bit of a blur to me -- bringing in
19 Sprung/BLT, they are sort of the designers and experts
20 of that.

21 Council was elected on a platform of
22 reducing consulting fees and legal fees and those
23 kinds of things. We were -- we were following the
24 mandate of do what you can, do more with less.

25 MS. KATE MCGRANN: Had you ever been

1 involved in a Town construction project where the Town
2 didn't have the assistance of its own expert
3 consultants working on the conceptualization and
4 design of the building?

5 MR. ED HOUGHTON: I think that we --
6 we built a sand dome without that, but I'm not -- not
7 sure, no.

8 MS. KATE MCGRANN: Had you ever
9 negotiated the contracts for the construction of a
10 building on behalf of the Town before?

11 MR. ED HOUGHTON: Of a building?

12 MS. KATE MCGRANN: Yeah.

13 MR. ED HOUGHTON: No.

14 MS. KATE MCGRANN: Have you ever --
15 had you ever negotiated construction contracts in the
16 realm of the amount of money that the Town was
17 spending on these recreation facilities on behalf of
18 the Town before?

19 MR. ED HOUGHTON: I -- I didn't
20 negotiate this one.

21 MS. KATE MCGRANN: We'll come back to
22 a second, but --

23 MR. ED HOUGHTON: Well, you're using a
24 terminology. I'm -- I -- I'm -- I didn't negotiate
25 this one, so.

1 MS. KATE MCGRANN: Can we turn to
2 paragraph 15 of the Foundation Document?

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: A couple of
7 questions for you about the purchasing bylaw.

8 Were you familiar with this bylaw from
9 your prior work with the Town, before you became
10 Acting CAO?

11 MR. ED HOUGHTON: Probably on the
12 periphery, yes.

13 MS. KATE MCGRANN: Do you recall if
14 you ever received any training on the bylaw?

15 MR. ED HOUGHTON: No.

16 MS. KATE MCGRANN: Could we scroll
17 down so we can see subparagraph (b), please?

18 Are you familiar with the requirement
19 that purchases over fifty thousand dollars (\$50,000)
20 shall be obtained by tender?

21 MR. ED HOUGHTON: Yes.

22 MS. KATE MCGRANN: What was your
23 understanding of why that requirement was in place?

24 MR. ED HOUGHTON: In the -- in the
25 event that it's -- there is more than one (1)

1 opportunity to get a price, that's what you should be
2 doing if it's over fifty thousand (50,000).

3 MS. KATE MCGRANN: And why was that?

4 MR. ED HOUGHTON: So that you can get
5 more than one (1) price.

6 MS. KATE MCGRANN: Did you have any
7 understanding as to why the purchasing bylaw required
8 a competitive process for purchases over fifty
9 thousand dollars (\$50,000)?

10 MR. ED HOUGHTON: So that you could
11 determine who potentially could be offering you those
12 goods that you are purchasing.

13 MS. KATE MCGRANN: Did you have any
14 understanding that a competitive procurement process
15 is intended to ensure that the Town got full
16 information and the best price available for what it
17 was looking for?

18 MR. ED HOUGHTON: Competition is good.
19 In -- and in Part 1, I went through an RFP process and
20 I felt like I should have gone sole sourced. So I'm
21 confused.

22 MS. KATE MCGRANN: Well, I'll ask you
23 my question again and hopefully that will help.

24 Did you have any understanding that one
25 (1) of the reasons that the Town was required to

1 engage in a competitive procurement process for
2 purchases over fifty thousand dollars (\$50,000) was to
3 help ensure that it got full information and the best
4 price available for what it was looking to buy?

5 MR. ED HOUGHTON: I think that -- you
6 know, that there's checks and balances, but yes, I --
7 I would agree with you.

8 MS. KATE MCGRANN: You understood that
9 before 2012?

10 MR. ED HOUGHTON: Well, I think --
11 yes.

12 MS. KATE MCGRANN: Prior to the -- the
13 decision that Council made to proceed by way of sole
14 source for the two (2) Sprung structures, what was
15 your understanding of when the Town could proceed by
16 way of sole source for a purchase over fifty thousand
17 dollars (\$50,000)?

18 MR. ED HOUGHTON: It wasn't clear to
19 me, so that's why when Mr. McNalty first posed the
20 question, I spoke to who I thought was supposed to be
21 the expert, Ms. Leonard.

22 MS. KATE MCGRANN: Did you review the
23 purchasing bylaw at any point before the time that the
24 staff report, EMC 2012-01 was finalized?

25 MR. ED HOUGHTON: No. I relied on

1 Ms. Leonard's expertise.

2 MS. KATE MCGRANN: Is there any reason
3 that you did not review the bylaw -- or sorry -- no,
4 the bylaw?

5 MR. ED HOUGHTON: I -- I actually
6 relied on -- on staff.

7 MS. KATE MCGRANN: Is there any reason
8 that you didn't review it yourself?

9 MR. ED HOUGHTON: Probably I didn't
10 have even a waking moment in time to do that, but I
11 relied on the expertise.

12 MS. KATE MCGRANN: Did you tell anyone
13 on the EMC that you yourself had not reviewed the
14 bylaw?

15 MR. ED HOUGHTON: No, I did not.

16 MS. KATE MCGRANN: I'm going to shift
17 gears and go back a bit in time before you were
18 appointed as CAO.

19 Could we look at paragraph 22 of the
20 Foundation Document, please?

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: This is a paragraph
25 that describes something that took place in June of

1 2011.

2 This paragraph says:

3 "On June 21st, 2011, Abby Stec held
4 a meeting at Pretty River Academy
5 with Mr. Bonwick, [yourself and
6 others]. The agenda for the meeting
7 included [several items, including
8 sub a] Framework for creating world
9 class opportunities for
10 Environmental Science in Collingwood
11 area Dome/adjacent building
12 project."

13 Do you remember attending this meeting
14 in June of 2011?

15 MR. ED HOUGHTON: Yes, I do.

16 MS. KATE MCGRANN: Can you tell us
17 what this was all about?

18 MR. ED HOUGHTON: I -- I can tell you
19 what the parts -- I was involved with. Mine was,
20 because of Collus Power, the renewable energy
21 partnership portions of it.

22 I know that Michelle Rich was involved
23 with this, and I was the founder of the environment
24 network for -- in Collingwood, and Michelle Rich was
25 our General Manager, so she was the one who asked me

1 to attend this, and this was when -- I'd -- I'd met
2 Ms. Stec before but not really to any length, and this
3 was sort of the first time I'd ever -- ever been in a
4 business meeting with her. But that was the reason I
5 was there.

6 MS. KATE MCGRANN: So you were there
7 to address the item on sub (d), the Renewable Energy
8 Partnerships?

9 MR. ED HOUGHTON: I think typically
10 that, from that perspective, but also from -- from the
11 environment, even though I was no longer on the -- the
12 Board of the Environment Network. I think from that
13 perspective, I think Michelle thought that I might be
14 -- be able to provide some sort of valuable comments
15 of some sort maybe.

16 MS. KATE MCGRANN: What was the
17 "environment network"?

18 MR. ED HOUGHTON: The -- there was a
19 remedial action plan in Collingwood. There were
20 forty-three (43) areas of concern, nineteen (19) of
21 which were in Canada -- Ontario.

22 And the reason why Collingwood Harbour
23 was noted as a area of concern was because of nuisance
24 algal growth. And this was a -- a group that was put
25 together by Federal, provincial, and municipal

1 government to look at restoring beneficial uses to
2 your area of concern.

3 I was the chair of the remedial action
4 plan. Out of the remedial action plan came benefits.
5 We did -- we were the first area of concern in
6 North America to be de-listed.

7 We -- we also established the
8 environment network which was a group that looked at
9 putting together environment projects throughout the
10 community.

11 We built the -- the Environ -- Enviro
12 Park which was a -- an interesting playground for
13 children that taught them what they did on a day-to-
14 day basis, how it impacted on Collingwood Harbour. So
15 that was what the environment network was all about.

16 MR. WILLIAM MCDOWELL: Sorry. I just
17 missed a word there. The nuisance what?

18 MR. ED HOUGHTON: Algal. It's -- it's
19 plural for algae.

20 MR. WILLIAM MCDOWELL: Oh, okay.
21 A-L-G-L?

22 MR. ED HOUGHTON: A-L-G-A-L, algal.

23 THE HONOURABLE FRANK MARROCCO: Can
24 Ms. McGrann get back to her cross-examination now that
25 we're dispensed with that?

1 MR. ED HOUGHTON: My apologies.

2 THE HONOURABLE FRANK MARROCCO: No.

3 I'm -- there's -- it wasn't directed at you,

4 Mr. Houghton. Go ahead, Ms. McGrann.

5

6 CONTINUED BY MS. KATE MCGRANN:

7 MS. KATE MCGRANN: Can we go to

8 paragraph 24, please?

9 So a couple of days later, Ms. Stec
10 sends an email to Mr. Bonwick, yourself, and another
11 individual. And in her email, she writes:

12 "Hi, Paul. In view of our prior
13 conversations regarding the
14 possibility of a flat roof structure
15 as opposed to a fabric dome
16 structure in the sports facilities,
17 I have set up a meeting with one of
18 my colleagues at Sprung Structures
19 on Tuesday at 10:00."

20 And she goes on to talk about
21 structural integrity and what that would be needed
22 for. Do you remember receiving this email?

23 MR. ED HOUGHTON: I -- I actually
24 don't until I read it, and I -- I still don't recall
25 it now.

1 MS. KATE MCGRANN: Do you remember
2 more generally having any conversations with anyone in
3 June of 2011 about the Sprung Structures company?

4 MR. ED HOUGHTON: I -- I know
5 absolutely that not -- that I didn't have a
6 conversation about it.

7 MS. KATE MCGRANN: Did you have any
8 conversations with anyone about the Sprung Structures
9 company before Mr. Mills reached out to you in April
10 of 2012?

11 MR. ED HOUGHTON: No. In fact even
12 from this perspective, I know that they -- they were
13 talking about a building, but it -- it didn't mean
14 anything to me, and I wasn't thinking about it 'cause
15 I wasn't involved with it.

16 But here it looked like they were
17 talking about -- I think in my meeting, they were
18 talking about a flat roof structure. So the
19 potential, you could do something like a green roof
20 where you could put solar panels or do those kinds of
21 things from a renewable energy perspective.

22 So I -- I don't even recall talking
23 about anything beyond that.

24 MS. KATE MCGRANN: Okay. And just so
25 I -- just so the transcript is clear, I think your

1 evidence is that you didn't speak with anyone about
2 Sprung Structures prior to April 2012. Is that right?

3 MR. ED HOUGHTON: Not that I ever
4 recollect.

5 MS. KATE MCGRANN: Now, we know that
6 Ms. Stec ends up leaving her work at the Pretty River
7 Academy and going to work with Mr. Bonwick.

8 Did you have any involvement in -- in
9 Ms. Stec making that transition?

10 MR. ED HOUGHTON: No.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: If you look at
15 paragraph 25 of the Foundation Document, here we see
16 Ms. Stec sending an email to Mr. Bonwick and you on
17 October 3rd, 2011. She's thinking you both were
18 meeting with her that morning. She asks you for some
19 information regarding the OPA application and says:

20 "I will send the funding
21 opportunities to you both this
22 afternoon. I have a couple more
23 resources to explore. Thanks again
24 for expressing your confidence in
25 me."

1 Do you remember what this email was
2 about?

3 MR. ED HOUGHTON: I -- I don't. Is
4 Ms. Stec now working with Mr. Bonwick?

5 MS. KATE MCGRANN: I'm not sure that I
6 can answer that question for you right now.

7 MR. ED HOUGHTON: Oh.

8 MS. KATE MCGRANN: Do you remember
9 meeting with Ms. Stec at the beginning of October of
10 2011?

11 MR. ED HOUGHTON: Not -- not
12 specifically, no.

13 MS. KATE MCGRANN: If Ms. Stec was
14 working for Mr. Bonwick at this point in time, would
15 that assist you in -- in recalling why you'd be
16 meeting with her?

17 MR. ED HOUGHTON: I was just trying to
18 determine what the OPA application was all about.
19 That's all.

20 MS. KATE MCGRANN: Do you remember
21 expressing confidence in Ms. Stec in respect to work
22 that she was doing with Mr. Bonwick?

23 MR. ED HOUGHTON: I -- I have a
24 tendency to be a complimentary person. I may have
25 said that, you know, the best of luck. You're going

1 to do a great job. I know you will or something like
2 that. I don't -- I don't have a specific memory of
3 it.

4 MS. KATE MCGRANN: If you look at the
5 next paragraph, this may provide some assistance. You
6 write back the same day with information on:

7 "The process involved in applying to
8 the OEB for funding to initiate a
9 Board-approved program."

10 Later that day, Ms. Stec sent
11 Mr. Bonwick and yourself a spreadsheet outlining the
12 funding opportunities she's found after an initial
13 search. Does this help you out at all?

14 MR. ED HOUGHTON: Yes. So it's
15 probably the OPA application -- what we were talking
16 about -- was for the -- the solar vent project.

17 MS. KATE MCGRANN: Did you work quite
18 closely with Ms. Stec on the solar vent project?

19 MR. ED HOUGHTON: I think myself
20 and -- and some of my staff did. Yes.

21 MS. KATE MCGRANN: Can we look at
22 paragraph 103 of the Foundation Document, please.

23 So you gave some evidence on the
24 meeting that you went to with Mr. Mills. You've also
25 given evidence about the variety of responsibility

1 that you had under the various positions that you held
2 at the time that you took on the role of acting CAO.

3 I guess my first question for you is:
4 Why not have somebody else meet with Mr. Mills if you
5 think it's important that someone from the Town meet
6 with him?

7 MR. ED HOUGHTON: Well, the gentleman
8 first came in to see Ms. Wingrove. And so he came in
9 to see Ms. Wingrove and found out she wasn't there,
10 and then he reached out to me.

11 And on the 17th, I had a -- I had
12 meeting with Ameresco. So at this point in time, I'm
13 now finding out it's not quiet times at Collingwood
14 town hall. It's -- that there's -- there's issues
15 arising from -- I should say "issues". Certainly,
16 there's a lot of movement about recreation facilities.

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: And my question for
21 you is: With all of the things that you have on your
22 plate, you receive a request from the salesperson.
23 Why didn't you have somebody else meet with him?

24 MR. ED HOUGHTON: Oh, my apologies. I
25 thought I -- I answered that. Because I had the

1 meeting the day before with Ameresco, which was also
2 about recreation facilities, I felt obliged to know
3 about this one.

4 MS. KATE MCGRANN: Is there any reason
5 that somebody couldn't report back to you on their
6 meeting with them?

7 MR. ED HOUGHTON: Maybe.

8 MS. KATE MCGRANN: And what would that
9 reason be?

10 MR. ED HOUGHTON: What -- what reason?
11 Sorry.

12 MS. KATE MCGRANN: The -- is there any
13 reason that you couldn't send someone and just have
14 them report back to you? You said maybe.

15 MR. ED HOUGHTON: Well, I think -- I
16 think originally I had -- I had sent it to both Marta
17 and myself. It's -- a lot of times you could -- you
18 could have done that, and then potentially I might
19 have only listened, or I might have been only there
20 for part of the meeting if she couldn't make it.

21 But I -- I think the answer is because
22 of Ameresco the day before, there was -- there was
23 movement afoot for recreation facilities. This
24 gentleman was talking about recreation facilities.

25 I was just exercising my level of

1 trying to broaden my level of understanding.

2 MS. KATE MCGRANN: At this point in
3 time as you're trying to understand what's going on
4 with the Town's recreation facilities, did you seek a
5 briefing from the parks and recreation culture
6 director?

7 MR. ED HOUGHTON: I spoke to Marta
8 about this, yes. And it -- and it wasn't like this
9 happened overnight. It took, like, ten (10) days, or
10 I think he first saw me or came to the office on the
11 13th, and I didn't see him until, like, 25th or
12 something like that. So it wasn't like it happened
13 overnight.

14 MS. KATE MCGRANN: Did the information
15 that you receive from Ms. Proctor affect your thinking
16 in any way about whether or not you should be with
17 this sales person?

18 MR. ED HOUGHTON: No. She didn't --
19 she didn't say one way or the other.

20 MS. KATE MCGRANN: Was part of the
21 reason that you felt you should meet with him out of a
22 sense of fairness? You had attended a meeting with --
23 with one (1) interested party; now another interested
24 party has come to you. So to give them equal
25 treatment, you're trying to meet with them both?

1 MR. ED HOUGHTON: I -- no. I was just
2 trying to broaden my understanding.

3 MS. KATE MCGRANN: Broaden your
4 understanding of what?

5 MR. ED HOUGHTON: Recreation
6 facilities.

7 MS. KATE MCGRANN: What was available
8 on the market?

9 MR. ED HOUGHTON: As I'd said, the day
10 before I had heard a presentation from Ameresco about
11 what was going on. I knew that there had been
12 something about the Central Park Steering Committee.

13 This gentleman came in saying he knew
14 about the Central Park Steering Committee. In fact,
15 the -- when Ms. Fuhrer sent me the original email, she
16 said that. So I -- I just felt that it would be -- I
17 didn't tell anybody else to do it. I did it myself.
18 Sorry.

19 MS. KATE MCGRANN: Okay. And I'm --
20 I'm just trying to understand what's going on here.
21 So you want to understand what happened with the
22 Central Park Steering Committee. And this gentleman
23 appears to know something about the Central Park
24 Steering Committee. So did you meet with him to learn
25 about what that group had done?

1 MR. ED HOUGHTON: No, no. No. I'm
2 just trying to tell you that I -- that I had a meeting
3 with Ameresco where I'm -- now I'm starting to
4 understand that there's -- there's -- there is an
5 interest in recreation facilities.

6 This gentleman said, I have a solution
7 for you folks from a -- recreation facilities. I was
8 interested to know what the answer was. I could have
9 said, somebody else, you go do it, but I didn't.

10 I met with him on the 25th at my
11 convenience when I was in a meeting in Toronto for
12 twenty-five (25) or thirty-five (35) or forty (40)
13 minutes. That's it.

14 MS. KATE MCGRANN: Okay. So he's
15 selling a product. You're interested in hearing about
16 it. So you meet with him. Is that right?

17 MR. ED HOUGHTON: I just made time for
18 the guy.

19 MS. KATE MCGRANN: Any other reason
20 that you met with him?

21 MR. ED HOUGHTON: No.

22 MS. KATE MCGRANN: So when you
23 reference Ameresco as part of the motivation for
24 meeting with him, really what that reference is is
25 that as a result of meeting with Ameresco, you're now

1 aware that the Town is going to be making some
2 decisions about recreation facilities. Is that right?

3 MR. ED HOUGHTON: Certainly,
4 "motivation" maybe isn't the word I would use. But
5 it -- it gave me an indication that there was -- there
6 was interest in recreation facilities.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Now you said
11 earlier that when the June 11th strategic planning
12 session was scheduled, you asked your assistance,
13 Ms. Hogg, to flip Mr. Mills a note letting him know
14 about the session and advising him to make contact
15 afterwards.

16 MR. ED HOUGHTON: Yes.

17 MS. KATE MCGRANN: Did you ask
18 Ms. Hogg to flip a note to Ameresco to let them know
19 about that?

20 MR. ED HOUGHTON: No. But they had --
21 they had a local contact, and I think they knew
22 everything we were doing in Collingwood.

23 MS. KATE MCGRANN: Did you ask
24 Ms. Hogg to let anybody else know about the fact that
25 the June 11th strategic planning session was

1 happening?

2 MR. ED HOUGHTON: No. What happened
3 was during the discussion that I had with Mr. Mills,
4 he had -- he had said, do you have any indication of
5 what's going to be going on in the future, and I said,
6 I don't have a clue what's going on in the future, but
7 if I hear anything, I will let you know. So living up
8 to my word, I asked if Pam could let him know.

9 MS. KATE MCGRANN: If we could turn to
10 paragraph 134 of the Foundation Document.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: So June 11th is the
15 day of the strategic planning session with respect to
16 the Town's recreation facilities. Before that meeting
17 takes place, this paragraph describes that Deputy
18 Mayor Rick Lloyd attended your office for a meeting at
19 10 a.m.

20 And at 10:53 a.m., you forward him an
21 email that you had received from Mr. Mills in which
22 Mr. Mills thanks you for taking the time to chat about
23 Sprung buildings. Do you remember this meeting with
24 the deputy mayor?

25 MR. ED HOUGHTON: Yes.

1 MS. KATE MCGRANN: What can you tell
2 us about what was discussed at that meeting?

3 MR. ED HOUGHTON: The deputy mayor
4 came to see me at my office at 43 Stewart Road. We
5 had a conversation about things that were going on.
6 He also talked about the fact about, what would be
7 happening tonight? What's the format? Those kinds of
8 things.

9 I explained to him that everybody would
10 be given an opportunity to -- to speak their views,
11 that -- that we would be talking about finances, and
12 that Marta would be talking about things that had gone
13 in the past -- resolutions that had been made and
14 resolutions that had been deferred, resolutions that
15 potentially could be there.

16 And -- and as well -- and he started
17 talking to me about the fact that when he was in
18 Saskatoon, he had seen a technology, and it was pretty
19 interesting. And I said, what is that? He said,
20 Sprung. I went, interestingly enough, I've just had a
21 conversation with these folks for the first time. And
22 while we talked, I actually flipped it to him while he
23 was in my office.

24 MS. KATE MCGRANN: Did you have any
25 discussions about the possibility of Sprung being used

1 to meet the Town's recreation facility needs?

2 MR. ED HOUGHTON: It's way, way too
3 premature at this point in time. It was just this was
4 an opportunity. He was talking about it. I had heard
5 it, so I sent it to him.

6 MS. KATE MCGRANN: Did you understand
7 him to be considering Sprung as a potential recreation
8 facility option, or was he just excited at the idea of
9 the buildings in general?

10 MR. ED HOUGHTON: He was excited about
11 the buildings in general.

12 MS. KATE MCGRANN: No mention of the
13 recreation facility at this meeting?

14 MR. ED HOUGHTON: Oh, I'm sure there
15 was because we were going to that meeting tonight.
16 I'm sure he -- he was excited about the buildings,
17 potentially the -- excited about opportunities for
18 those buildings and recreation facilities.

19 MS. KATE MCGRANN: And that was my
20 fault. My question wasn't clear. Do you remember
21 having any discussions with him about using Sprung
22 buildings for the recreation facilities at this
23 meeting?

24 MR. ED HOUGHTON: I think -- I think
25 the conversation was, you know, a little bit more

1 generic but obviously that this could be -- this be an
2 answer that could allow us to move forward with the
3 multi-use facility in the futures -- in the future.

4 MS. KATE MCGRANN: Turning to the
5 strategic planning meeting that took place that
6 evening, that planning session was open to the public.
7 Have I got that right?

8 MR. ED HOUGHTON: Yes, it was.

9 MS. KATE MCGRANN: You had said that
10 the deputy mayor was circulating Sprung brochures at
11 this meeting. Did you advice Council at that session
12 that you had met with a Sprung representative already?

13 MR. ED HOUGHTON: I don't know if I
14 did or whether -- like I may have said in passing --
15 because I facilitated it, I might have said that I
16 have seen -- or had a conversation with this
17 gentleman. But I don't -- I don't know if I did or
18 didn't.

19 MS. KATE MCGRANN: Okay. If we could
20 look at paragraph 143 of the Foundation Document,
21 please.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: And if we could

1 scroll down.

2 We don't have a transcript of this
3 meeting, but we do have the minutes. And at the
4 bottom here, you can see the minutes reflect that you
5 provided a brief summary and discussion on next steps,
6 and it appears that you said something along the lines
7 of staff will prepare options based on the discussion
8 for consideration at a future Council meeting.

9 I take from that that Council would be
10 waiting to hear about potential options from staff and
11 will ultimately direct staff about which options to
12 pursue. Is that what you envisioned at the end of
13 this meeting?

14 MR. ED HOUGHTON: I think -- I think
15 what I would have probably said -- well, in fact, I
16 remember it fairly clearly that it was a good
17 discussion.

18 I was concerned that it wouldn't be a
19 respectful discussion, but it was. I thought it was a
20 very respectful discussion and that staff would take
21 the -- the flip charts, and we would put those in
22 notes, and that -- that we would look at all of those
23 kind of thoughts and comments and -- and provide that
24 for consideration at a future meeting.

25 MS. KATE MCGRANN: Did you make any

1 commitment on behalf of staff to do any research into
2 the options that had been discussed?

3 MR. ED HOUGHTON: No.

4 MS. KATE MCGRANN: Did you advise
5 Council that -- that staff would exercise any decision
6 making in terms of the options that would be presented
7 back to Council?

8 MR. ED HOUGHTON: No. No.

9 MS. KATE MCGRANN: The idea was that
10 staff would bring all of the options back, and then
11 Council could provide direction on -- on what staff
12 should do next. Is that right?

13 MR. ED HOUGHTON: Yeah. Again at this
14 point in time, I really had no intimate knowledge of
15 what options there were, the resolutions that had been
16 passed. And, you know, a lot of the things that I was
17 learning that night was -- was new to me as well.

18 MS. KATE MCGRANN: Did you understand
19 at this point that it was important for Council's
20 decision-making process with respect to the recreation
21 facilities to be open, public, and transparent?

22 MR. ED HOUGHTON: We -- that's why we
23 had this strategic planning session.

24 MS. KATE MCGRANN: So I take that
25 answer to my question is "yes"?

1 MR. ED HOUGHTON: You'll have to ask
2 the question again. Sorry.

3 MS. KATE MCGRANN: Did you understand
4 at this point in time that it was important for
5 Council's decision-making process with respect to the
6 recreation facilities to be open, public, and
7 transparent?

8 MR. ED HOUGHTON: Yes. And I don't
9 recollect any in-camera meetings being held on this
10 either.

11 MS. KATE MCGRANN: You'll agree with
12 me that at this point in time, the public who is
13 watching this believed that they're going to wait for
14 staff to bring options back to Council, and then
15 Council will make a decision about how staff should
16 proceed.

17 MR. ED HOUGHTON: Yes. What -- what
18 open meetings mean and open in public mean, you either
19 have a meeting, or you have an in-camera meeting.

20 Discussions and decisions that are --
21 maybe not decisions made 'cause you can't do it -- but
22 discussions that happen between Council meetings is up
23 to Council. And -- but there were no in-camera
24 meetings about this. So there -- it's open in public.

25 MS. KATE MCGRANN: I can take you to

1 these documents if you want. But just turning to
2 the -- the ordinance of the concept of covering the
3 existing outdoor pool, there are two (2) different
4 sets of notes that are taken at the strategic planning
5 session. Neither of them record the idea of covering
6 the outdoor pool. Do you remember where that idea
7 came from?

8 MR. ED HOUGHTON: Yeah. I don't
9 recollect it being discussed that night on June the
10 11th. I think it happened the next day on June the
11 12th.

12 MS. KATE MCGRANN: Okay. And that's
13 consistent with what we've seen in the documents that
14 have been produced. It looks like the first time the
15 concept of covering the outdoor pool comes up is in
16 the email that the deputy mayor sends to you on
17 June 12th. Is that consistent with what you remember?

18 MR. ED HOUGHTON: That is correct.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: It's our
23 understanding from Ron Martin's evidence that the
24 Centennial pool was a volunteer built pool, and it was
25 about forty-five (45) years old in June of 2012.

1 Did you have any discussions with
2 anyone before July 16th about whether it was a good
3 idea to build recreation facilities around that pool?

4 MR. ED HOUGHTON: Mr. Martin
5 pontificated about a lot of things. It was built in
6 1967, hence the reason it was called Centennial pool.

7 My understanding at that point in time
8 that the Town of Collingwood had just invested some
9 monies in making that pool much better. It is -- it
10 is a concrete pool, but I did not -- if you were to
11 ask me if I -- if I -- oh, sorry. What was the
12 question?

13 MS. KATE MCGRANN: Did you have any
14 discussions with anyone before July 16th about whether
15 it was a good idea -- a prudent idea -- to build new
16 recreation facilities around that pool?

17 MR. ED HOUGHTON: Any professional
18 advice? Is that what you're asking me? Sorry.

19 MS. KATE MCGRANN: With anyone at all.
20 Did you speak with anybody at all about it?

21 MR. ED HOUGHTON: Well, certainly --
22 you know, obviously the suggestion has been made on
23 the 12th and again on the 14th of June. The Council
24 members and -- and staff that were -- that were copied
25 on that have way more history than I do.

1 I've now had something to do with
2 recreation since virtually the 25th of May or whatever
3 that was or April. It -- I didn't see this huge red
4 flag being thrown up or -- or anybody saying, what are
5 we doing here? We're crazy. I had never heard any of
6 that.

7 So -- but I -- I'm sure I had
8 discussions with -- I'm sure I had discussions with
9 the deputy mayor; I'm sure I had discussions with
10 Councillor Lloyd, Councillor Chadwick,
11 Councillor West.

12 MS. KATE MCGRANN: Do you remember --

13 MR. ED HOUGHTON: Sorry.

14 MS. KATE MCGRANN: I beg your --

15 MR. ED HOUGHTON: I was just going to
16 say maybe less with West -- Councillor West 'cause he
17 was more the arena guy.

18 MS. KATE MCGRANN: Do you remember any
19 specific discussions with the deputy mayor about
20 whether it was a good idea to build recreation
21 facilities around that pool?

22 MR. ED HOUGHTON: I don't think I
23 questioned it because I certainly didn't have the
24 background to know that it wasn't -- well, I know that
25 it had -- there had been work put into it. I'd been

1 told that. I've seen emails that say -- suggest that.
2 I know that Mr. Dunbar, who was our parks and
3 recreation person, was putting a huge plan around that
4 pool in -- okay -- Heritage Park.

5 So I -- no. I -- it didn't enter my
6 mind that, as Mr. Martin pontificated, that -- that it
7 was a bad idea. I didn't hear that from anybody. I
8 didn't hear that from Mr. Martin when he was doing it.

9 MS. KATE MCGRANN: Mr. Martin, we see,
10 gets involved in this project after the contract is
11 signed, I believe. Is that right?

12 MR. ED HOUGHTON: That's correct.
13 Yes.

14 MS. KATE MCGRANN: Before July 16th,
15 what information did you review about the money that
16 had been invested in making the pool better?

17 MR. ED HOUGHTON: I -- I did not
18 review that.

19 MS. KATE MCGRANN: Did you have any
20 understanding about what about the pool was made
21 better?

22 MR. ED HOUGHTON: I -- I would only be
23 going by memory now seven (7) years later. Sorry.

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: Did you or anyone
2 on staff take any steps to evaluate the status of the
3 pool -- how much life it had left in it, things like
4 that?

5 MR. ED HOUGHTON: Council told us
6 directly to do it. They didn't say, go investigate;
7 go check it out.

8 If the parks recreation and culture
9 director and her staff did not raise a -- a red flag
10 that there was an issue with this, I'm not sure why I
11 would, not knowing. Me not -- me not knowing. I
12 don't have any history of -- of there being an issue,
13 so why -- why would I raise a red flag if they didn't

14 MS. KATE MCGRANN: And I take it from
15 your answer, but I just want the transcript to be
16 clear. Is it the case that no one on staff took any
17 steps to investigate the status of the pool before
18 August 27th?

19 MR. ED HOUGHTON: No one on staff
20 who -- who was aware of any types of issues sounded a
21 warning that there was an issue with that pool.

22 MS. KATE MCGRANN: No investigation
23 was done. Am I right?

24 MR. ED HOUGHTON: No investigation was
25 done as a result of the fact that no one who knew

1 raised a -- a warning.

2 MS. KATE MCGRANN: So if we look at
3 paragraph 155 of the Foundation Document.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: This paragraph
8 describes the email that the deputy mayor sent to you
9 asking you to get a price for a fabric covered
10 completely go over the Centennial Pool.

11 And if we could scroll down, please.

12 Keep going.

13 So we look at paragraph 157 here, it
14 describes that on the next day -- June 13th, 2012 --
15 Mr. Mills from Sprung sent you an email. He's
16 responding to your suggestion that he follow up.

17 And you write back to Mr. Mills saying:

18 "I have been asked by a member of
19 Council to get a rough estimate for
20 the installation of two (2) fabric
21 buildings. Can we discuss this?"

22 My question for you about this is as
23 follows: At this point in time, you've just finished
24 a public strategic planning meeting which the public
25 has been told that staff's going to go away and

1 assemble a list of options and bring them back to
2 Council to have Council make a decision about how to
3 proceed.

4 In the meantime, the staff is actually
5 now starting to take steps to investigate one option.
6 Did you have any concerns at this point in time that
7 the process was starting to happen in a way that
8 wasn't transparent, wasn't consistent with what had
9 been resented to the public?

10 MR. ED HOUGHTON: See, I disagree with
11 you on the transparent part. If you think that from
12 Council meeting to Council meeting there are no
13 discussions; there are no -- no investigation of those
14 things, that's not what happens.

15 Transparency means that we have public
16 meetings; we have no in-camera meetings. So what
17 happened here was -- I just took the opportunity
18 because I was asked to at least get an estimate -- a
19 rough estimate.

20 And that's just so that if it came
21 back, and it said it's, you know, \$20 million for one
22 of these things, well, that makes no sense, and we
23 could end it right away without it ever going any
24 further. That -- that's the only reason why I did it.

25 MS. KATE MCGRANN: Okay. So I take it

1 that you didn't have any concerns about the
2 transparency of the steps that you were taking?

3 MR. ED HOUGHTON: Again, I'm
4 suggesting that your word of "transparency" is
5 incorrect.

6 MS. KATE MCGRANN: Could we look at
7 EHH 24 for a moment, please.

8

9 (BRIEF PAUSE)

10

11 MR. FREDERICK CHENOWETH: I'm sorry.
12 I missed that reference. What was that?

13 MS. KATE MCGRANN: EHH 24.

14

15 CONTINUED BY MS. KATE MCGRANN:

16 MS. KATE MCGRANN: I'm wondering if
17 you can help us clear up a question about whose
18 handwriting this is.

19 This is the June 14th, 2012 email.
20 This is the email that the deputy mayor sends to you,
21 all of Council, plus Ms. Proctor, and the members of
22 the EMC and yourself. He's reiterating his request
23 for prices for a fabric -- a building that would
24 enclose Centennial pool. We see him explicitly
25 referencing Sprung. And then there's this handwritten

1 note:

2 "FCM Conference June 1 to 4,
3 Saskatoon"

4 Do you know whose handwriting that is?

5 MR. ED HOUGHTON: Yes, I do.

6 MS. KATE MCGRANN: Whose handwriting
7 is it?

8 MR. ED HOUGHTON: And where that came
9 from was when -- when Mr. Berman was writing in his
10 blog about all of these things that were happening, I
11 would -- I took every question that Mr. Berman had in
12 his blog, and I -- I found emails that attached to it.

13 And -- and this was where he was saying
14 that, you know, it was the very first day of my work
15 that the Sprung people came in, et cetera, et cetera.

16 So I wrote that on here from a
17 reference perspective that I -- I understand that the
18 deputy mayor had seen the Sprung technology at the FCM
19 conference that was held from June 1st to 4th in
20 Saskatoon.

21 MS. KATE MCGRANN: Okay. So this
22 wasn't a note that made on June 14th, 2012. This is
23 the note that you make some time after the decision
24 has been made to proceed with those structures?

25 MR. ED HOUGHTON: Many -- many --

1 many -- many weeks later.

2 MS. KATE MCGRANN: Was this a note
3 that you made after the decision had been to -- to
4 proceed with the Sprung structures?

5 MR. ED HOUGHTON: Many weeks later,
6 yes.

7 MS. KATE MCGRANN: I'm looking at the
8 clock. This might be a good time for the lunch break.

9 THE HONOURABLE FRANK MARROCCO: We'll
10 break for lunch.

11

12 --- Upon recessing at 1:00 p.m.

13 --- Upon resuming at 2:02 p.m.

14

15 CONTINUED BY MS. KATE MCGRANN:

16 MS. KATE MCGRANN: Good afternoon, Mr.
17 Houghton.

18 MR. ED HOUGHTON: Good afternoon.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: So, if we could
23 pull up paragraph 155 of the Foundation Document. And
24 scroll down, please. Keep going. Keep going. Okay,
25 paragraph 159.

1 So, before lunch, we had been talking
2 about the June 12th, 2012, email that Deputy Mayor
3 Lloyd sent to you asking you to look into prices for a
4 fabric building for a pool and arena.

5 Now I want to ask some questions about
6 steps taken pursuant to this June 14th, 2012, email
7 that he sends to yourself, Council, Ms. Proctor and
8 the EMC.

9 In particular, you gave evidence that
10 you weren't aware that Ms. Proctor was going to work
11 with her staff to get prices for the buildings further
12 to the deputy mayor's email. Could we just pull up
13 TOC172251, please?

14 MR. ED HOUGHTON: I don't think that's
15 what I said.

16 MS. KATE MCGRANN: Okay. Please
17 clarify.

18 MR. ED HOUGHTON: I think -- I think
19 when we had the conversation with the Sprung folks we
20 heard that they had had a meeting on the Wednesday or
21 something like that previous to that, which came as a
22 surprise to the deputy mayor.

23 MS. KATE MCGRANN: Did it come as a
24 surprise to you?

25 MR. ED HOUGHTON: Only that they had

1 the meeting at that time. I didn't -- it didn't fuss
2 me in any way.

3 MS. KATE MCGRANN: Did it come as a
4 surprise to you?

5 MR. ED HOUGHTON: I -- I did -- like I
6 said, I didn't know that they were meeting on the
7 Wednesday, but I knew that I -- I got an email from
8 Ms. Proctor saying that they were going to do
9 something, yes.

10 MS. KATE MCGRANN: Okay. So, you were
11 aware that she was going to take steps --

12 MR. ED HOUGHTON: Yes.

13 MS. KATE MCGRANN: -- as of June 14th?

14 MR. ED HOUGHTON: Yes.

15 MS. KATE MCGRANN: I want to ask you
16 some questions about the June 21st teleconference that
17 you had with Sprung and the deputy mayor. Who
18 arranged that call?

19 MR. ED HOUGHTON: I believe I did.

20 MS. KATE MCGRANN: Who decided who
21 would be on that call?

22 MR. ED HOUGHTON: I think that when I
23 sent the information -- or asking for the information
24 from Mr. Mills, he had -- he asked me a whole bunch of
25 questions. And he said it would probably make sense

1 to actually have a -- have a meeting about this.

2 So, I spoke to the deputy mayor since
3 it was his -- his concept, his thought. And I said,
4 I'm going to be having a discussion with these folks,
5 would you be able to be on the call so that I know
6 exactly what you're thinking and be able to pose the
7 questions to them because they talked about, you know,
8 what kind of building, where is it going to be, that -
9 - those kinds of things, which, again, this was the
10 very infancy of all of this, so it made sense to me to
11 have the deputy mayor express what he was thinking to
12 these people.

13 MS. KATE MCGRANN: Did you have any
14 confusion over what the deputy mayor had asked you to
15 do?

16 MR. ED HOUGHTON: Not -- not per se
17 confusion, but certainly, you know, at one point in
18 time, he was talking fabric building. And then he was
19 specific with Sprung. And it just made sense that he
20 be involved with that call.

21 MS. KATE MCGRANN: Any other reason
22 why it made sense other than what you've already told
23 us here today?

24 MR. ED HOUGHTON: No.

25 MS. KATE MCGRANN: You didn't invite

1 anyone from the Parks, Recreation, and Culture
2 Department to be on that call?

3 MR. ED HOUGHTON: I did not at that
4 point, no.

5 MS. KATE MCGRANN: Why not?

6 MR. ED HOUGHTON: Didn't put my mind
7 to it because I had already asked -- you know, the --
8 the deputy mayor had asked me specifically and I had
9 already sent the email and I was following through
10 with what I was asked.

11 MS. KATE MCGRANN: What was discussed
12 on that call?

13 MR. ED HOUGHTON: We talked about --
14 again, I think they talked about the attributes of the
15 -- of the Sprung. They talked about that, you know,
16 as they always do, how many buildings they have in so
17 many different countries.

18 They talk about the things that they
19 can do. The deputy mayor spoke to them about the pool
20 and -- and what he was thinking about covering -- how
21 it would cover the pool. Excuse me.

22 Then we talked about covering the -- I
23 -- I believe it was the outdoor ice rink at that
24 point.

25 MS. KATE MCGRANN: Did you or the

1 deputy mayor make any requests of Sprung on that
2 telephone call?

3 MR. ED HOUGHTON: Yeah. We --
4 requests, you mean, like, getting pricing? I mean,
5 that would -- that would have been one (1) of the re--

6 MS. KATE MCGRANN: I mean, like,
7 requests.

8 MR. ED HOUGHTON: Yeah.

9 MS. KATE MCGRANN: Did you ask them to
10 do anything?

11 MR. ED HOUGHTON: I believe that we
12 were -- we were looking to get some -- that rough
13 estimate that we talked about, yes.

14 MS. KATE MCGRANN: Do you remember
15 specifically what you asked them to do on that call?

16 MR. ED HOUGHTON: If you could give us
17 a rough estimate of what those -- these buildings
18 would cost so that we have a -- you know, a sort of a
19 range or an understanding of what the costs are the --
20 for these kinds of buildings.

21 MS. KATE MCGRANN: Had the concept of
22 turnkey or design build come up by the end of that
23 call?

24

25

(BRIEF PAUSE)

1 MR. ED HOUGHTON: I don't think I can
2 truly say if I -- if we had that conversation or
3 whether -- you know, I -- I don't -- I don't think I
4 could give you a true answer on that.

5 MS. KATE MCGRANN: Because you don't
6 remember?

7 MR. ED HOUGHTON: Yes.

8 MS. KATE MCGRANN: When do you first
9 remember the concept of turnkey or design build coming
10 up?

11 MR. ED HOUGHTON: Well, that's where
12 I'm saying I don't know whether it was on that
13 discussion or maybe a subsequent discussion. I -- I
14 don't -- honestly don't know where it was first
15 introduced that they could do this.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: Now, I understand
20 that, as a result of learning on this call that Mr.
21 McNalty and Mr. Seymour had spoken with Sprung, the
22 deputy mayor had a discussion with you about
23 controlling communications with Sprung.

24 Is that fair?

25 MR. ED HOUGHTON: Yeah. What he had

1 said was, we -- we need to -- we need to kind of keep
2 this contained in the sense of, you know, there should
3 be one (1) -- one (1) main contact and, you know, it
4 should -- should be going through the CAO's office.

5 MS. KATE MCGRANN: Now, you're the
6 Town's CAO. And part of your role is delegating jobs
7 to members of staff, correct?

8 MR. ED HOUGHTON: That's correct.

9 MS. KATE MCGRANN: And you're supposed
10 to delegate jobs, I'm guessing, to the best member of
11 staff to do the job at -- in question, right? You
12 assign -- you assign jobs as needed to the people who
13 are in the best position to complete them?

14 MR. ED HOUGHTON: That's correct.

15 MS. KATE MCGRANN: Okay. And you're
16 extremely busy. This is the fourth job that you've
17 taken on?

18 MR. ED HOUGHTON: That's very correct.

19 MS. KATE MCGRANN: Full-time, high-
20 level, management level job?

21 MR. ED HOUGHTON: Yes.

22 MS. KATE MCGRANN: Why didn't you
23 appoint somebody else to be the point person, like,
24 the director of Parks, Recreation, and Culture, for
25 example?

1 MR. ED HOUGHTON: This -- this
2 conversation was on June the 11th. And, at that point
3 in time, I just kind of heard it. And I didn't act
4 upon it at that point in time --

5 MS. KATE MCGRANN: You take --

6 MR. ED HOUGHTON: -- for almost the
7 exactly the same reason as you're suggesting.

8 MS. KATE MCGRANN: Because you were
9 too busy to take it seriously?

10 MR. ED HOUGHTON: I didn't say -- I --
11 I always -- I take everything Council say seriously.
12 No, I heard what he said at that point in time, but
13 didn't act upon it because I -- I think I had in my --
14 my mind, as well, that I'm too busy for this, as well.

15 MS. KATE MCGRANN: Okay. So, you
16 didn't take any steps to implement his direction that
17 you'd be the point person?

18 MR. ED HOUGHTON: I did not at that
19 point in time, no.

20 MS. KATE MCGRANN: You didn't tell
21 anybody on staff that they weren't to talk to Sprung?

22 MR. ED HOUGHTON: At that point? No.

23

24 (BRIEF PAUSE)

25

1 MS. KATE MCGRANN: Can we look at
2 paragraph 274 of the Foundation Document?

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: So, this is an
7 email exchange that you have with Mr. McNalty. It's
8 now July 25th. Council has provided direction to
9 staff to look into constructing a single-pad outdoor
10 arena and covering the existing outdoor pool with a
11 fabric building.

12 At this point in time, you tell Mr.
13 McNalty:

14 "I will be the contact person with
15 Sprung. The deputy mayor made that
16 perfectly clear with me on the
17 weekend."

18 How did that come up in conversation
19 again with the deputy mayor?

20 MR. ED HOUGHTON: I'm not exactly sure
21 of how the conversation came up, but we've gone from,
22 you know, sort of June the 11th to the conversation
23 with -- with Sprung, the conference call with Sprung
24 where he mentioned it.

25 We've now gone through to July 16th

1 where they're -- they're very prescriptive about what
2 they want staff to do. He, once again, suggested that
3 it should go through the -- the chief administrative
4 officer's office.

5 I probably said exactly the same thing
6 as you, that, I mean, is there not somebody else. He
7 said, I -- I would really like you to do that. And I
8 think he -- even he said something like that during
9 his testimony.

10 MS. KATE MCGRANN: Do you remember
11 having a conversation with him where you suggested to
12 him that you weren't the right person to be the
13 contact person with Sprung?

14 MR. ED HOUGHTON: That I would be the
15 right person?

16 MS. KATE MCGRANN: Not the right
17 person.

18 MR. ED HOUGHTON: Sorry.

19 MS. KATE MCGRANN: Do you remember
20 telling him that it shouldn't be you, it should be
21 somebody else?

22 MR. ED HOUGHTON: I -- I remember
23 telling -- saying, I mean, is there not somebody else
24 that could be doing this.

25 MS. KATE MCGRANN: You're the CAO,

1 right, at this point in time?

2 MR. ED HOUGHTON: Yes.

3 MS. KATE MCGRANN: It's your
4 responsibility to delegate jobs to staff, not the
5 deputy mayor's, correct?

6 MR. ED HOUGHTON: Well...

7

8 (BRIEF PAUSE)

9

10 MR. ED HOUGHTON: ...I'm -- I'm trying
11 to answer what -- what staff -- or, I mean, what
12 Council say to me. I'm not trying to buck the system.
13 I'm not trying to do anything. I'm trying to fulfill
14 what I'm -- the obligations that they've asked me to
15 do.

16 When he asked me the second time, I
17 said, you know, is there not somebody else that could
18 be doing this. And he said, I really would like you
19 to do it.

20 So, at that point in time, I don't know
21 how else I would have changed it.

22 MS. KATE MCGRANN: Could we look at
23 paragraph 181 of the Foundation Document?

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: When the deputy
2 mayor charged you with being the contact person with
3 Sprung, did you also understand that he was charging
4 you with being responsible for the Town's
5 communications with Sprung?

6 MR. ED HOUGHTON: I think what he had
7 said was that anybody that wanted to speak to Sprung
8 or have meetings with Sprung, they should just contact
9 myself and just let me let them know what they're
10 doing, and if there's information that's going to be
11 going back and forth, let them know what they were do
12 -- what they -- what they were doing. That was what I
13 was asked.

14 I even said the point of contact -- I
15 should have been a little bit more careful with the
16 words with David. I should have maybe just explained
17 it that way, said, you know, if anybody needs to talk
18 to Sprung, just -- just let -- let us know.

19 MS. KATE MCGRANN: Did you --

20 MR. ED HOUGHTON: Then I --

21 MS. KATE MCGRANN: Did -- sorry,
22 please go ahead. I thought you were done.

23 MR. ED HOUGHTON: No, you -- you go
24 ahead.

25 MS. KATE MCGRANN: Did you understand

1 that the deputy mayor was charging you with
2 responsibility for staff's communications with Sprung?

3 MR. ED HOUGHTON: Charging me with --
4 you'll have to explain that, sorry.

5 MS. KATE MCGRANN: Did you understand
6 that you were being placed in -- in the position of
7 responsibility for staff's communications with Sprung?

8 MR. ED HOUGHTON: No.

9 MS. KATE MCGRANN: You just thought
10 you were acting as a sort of scheduling person?

11 MR. ED HOUGHTON: What -- what I --
12 what I explained a moment ago was that -- that he --
13 it was my understanding of his intent was that
14 somebody needs to make sure that -- that, you know,
15 any information going back and forth, that somebody
16 has a handle on that.

17 If -- if there's going to be meetings,
18 somebody needs to have a handle. When he had first
19 heard that there were those already getting prices on
20 the arena and the pool and things, he just said we
21 need to have control of that.

22 It was no -- nothing more than that.

23 MS. KATE MCGRANN: Okay. So, just so
24 I'm clear, as far as responsibility for communications
25 that the Town had with Sprung, you weren't responsible

1 for those?

2

3

(BRIEF PAUSE)

4

5 MR. ED HOUGHTON: I -- I'm sorry, I

6 just -- I -- I'm just not following the -- the...

7

MS. KATE MCGRANN: That's fine.

8 Turning to the July 11th meeting that members of -- of

9 staff and Town Council had with Sprung. Do you recall

10 that meeting?

11

MR. ED HOUGHTON: Yes.

12

MS. KATE MCGRANN: Whose idea was that

13 meeting?

14

MR. ED HOUGHTON: I'm not sure whose

15 specific idea it was.

16

MS. KATE MCGRANN: You just don't

17 remember?

18

MR. ED HOUGHTON: That's what I just

19 said. I'm not sure whose specific idea it was.

20

MS. KATE MCGRANN: Who determined who

21 would attend that meeting?

22

MR. ED HOUGHTON: Well, I think from

23 staff perspective, we wanted to have the EMC and Mr.

24 McNalty and Mr. Seymour there. I know that the deputy

25 mayor wanted to be involved. And I believe that Her

1 Worship was just exercising her due diligence to find
2 out what the -- what -- what this is all about.

3 MS. KATE MCGRANN: Okay. So, you've
4 explained to me the rationale for why people were at
5 the meeting. Who determined who would be at that
6 meeting?

7 MR. ED HOUGHTON: Well, I would expect
8 from -- from the staff perspective I would have sent
9 the email out to -- well, I would expect I sent the
10 email to all of them, or the meeting requested it to
11 all of them.

12 But certainly from a staff perspective,
13 I think it made sense.

14 MS. KATE MCGRANN: Okay. Did you
15 decide who to invite to the meeting?

16

17 (BRIEF PAUSE)

18

19 MR. ED HOUGHTON: I don't think I have
20 the ability to decide whether the mayor and the deputy
21 mayor attend anything.

22 MS. KATE MCGRANN: Did you decide who
23 to invite to the meeting?

24 MR. ED HOUGHTON: I think I've already
25 said that I invited staff.

1 MS. KATE MCGRANN: What was the
2 purpose of this meeting?

3 MR. ED HOUGHTON: I think we were
4 still in that investigation stage. I mean, it was --
5 it was already starting to appear like it was, you
6 know, a very interesting concept.

7 There had been a lot of discussion from
8 June 11th. There was a lot of emails about Sprung.
9 There was all those kinds of things. The deputy mayor
10 had had a conversation with them both at FCM, had the
11 conversation we had to try to understand a little bit
12 more about them, and I think it was -- it was really
13 just to -- to continue that -- that dialogue.

14 MS. KATE MCGRANN: When you say that,
15 at this point in time, you're still in the
16 investigation stage, what are you referring to?

17 MR. ED HOUGHTON: We were -- we were
18 still trying to find out more about Sprung, understand
19 more what they do, what it's all about.

20 MS. KATE MCGRANN: Other people have
21 appeared before the Inquiry and given evidence with
22 respect to a competitive procurement process along the
23 lines of there is an investigation stage. And then
24 there's a blackout period during which point in time
25 representatives of staff should not be interacting

1 with individual bidders and things like that lest the
2 progre -- process be prejudiced.

3 Is that what you're referring to when
4 you refer to the investigation stage here?

5 MR. ED HOUGHTON: No. I heard -- I
6 heard Mr. McNalty talk about that. No, I think what
7 we were trying to do is still we're -- we were still
8 finding out more about the technology and -- and its
9 suitability for the -- the purpose that we -- the task
10 that we'd been given.

11 MS. KATE MCGRANN: And I take it from
12 that evidence that you didn't think that you were
13 coming close to a point in time in which you should
14 cut off communications with Sprung in order to protect
15 their ability to participate in a competitive bidding
16 process and the Town's ability to receive a bid from
17 them without potential risk.

18 Is that fair?

19 MR. ED HOUGHTON: This is July 11th,
20 correct?

21 MS. KATE MCGRANN: Yes, it is.

22 MR. ED HOUGHTON: July 16th is when
23 Council gave us the -- the resolution to what to do.
24 So, this is prior to any resolution of what Council
25 was telling us what to do.

1

2

(BRIEF PAUSE)

3

4

MS. KATE MCGRANN: At this point in
5 time, had you turned your mind to the possibility that
6 continued conversations with Sprung may prejudice
7 their ability to participate in a competitive
8 procurement process with the Town?

9

MR. ED HOUGHTON: Council hadn't even
10 given us direction of what to do at this point in
11 time, so how it could prejudice if we don't even know
12 what -- Council hasn't given us direction of what to
13 do?

14

MS. KATE MCGRANN: Had you turned your
15 mind to the question at this point in time?

16

MR. ED HOUGHTON: Have I turned my
17 mind to something that is going to happen in three (3)
18 days? No.

19

MS. KATE MCGRANN: At any point in
20 time prior to August 27th did you turn your mind to
21 the question of whether your ongoing communication
22 with Sprung and BLT was running the risk of
23 prejudicing their ability to compete in a bidding
24 process for the Town's work?

25

MR. ED HOUGHTON: I didn't think it

1 was going to prejudice their ability to -- to compete
2 in an RFP, no.

3 MS. KATE MCGRANN: At any point in ti
4 -- but do -- but you asked yourself the question? You
5 thought about it?

6 MR. ED HOUGHTON: I'm sorry?

7 MS. KATE MCGRANN: You did ask
8 yourself the question at some point in time though.
9 You thought about. And you determined that there was
10 no risk to them?

11 MR. ED HOUGHTON: What you asked me
12 was if I put my mind to whether it would prejudice
13 them to an RFP. My answer is, no.

14 MS. KATE MCGRANN: You didn't think
15 about it?

16 MR. ED HOUGHTON: No, I didn't say
17 that.

18 MS. KATE MCGRANN: Okay. Let's --
19 let's try it this way then.

20 MR. ED HOUGHTON: No, no, sorry. I'm
21 -- I'm not trying to be difficult. I'm trying to
22 understand how you're portraying it and how it
23 actually happened.

24 MS. KATE MCGRANN: Okay.

25 MR. ED HOUGHTON: I -- I do not

1 believe that it would prejudice them in an RFP.

2 MS. KATE MCGRANN: At any point in
3 time before August 27th did you ask yourself are our
4 continued interactions with those two (2) companies
5 putting them at risk of being prejudiced in their
6 ability to participate in an RFP?

7 MR. ED HOUGHTON: Which two (2)
8 companies, sorry?

9 MS. KATE MCGRANN: Sprung and BLT.

10 MR. ED HOUGHTON: Okay. Sprung and
11 BLT. I -- I was cognisant of what we were doing. And
12 when we were getting close the 27th, I was cognisant
13 of the fact that it would be difficult to do an RFP
14 but not from their perspective.

15 MS. KATE MCGRANN: From whose
16 perspective would it be difficult to do an RFP?

17 MR. ED HOUGHTON: From the other --
18 other potential bidders in say a steel fabricated
19 building.

20 MS. KATE MCGRANN: And why would that
21 be?

22 MR. ED HOUGHTON: It became clear to
23 me that -- that, if we were going to go to an RFP,
24 that take an ABC company that -- that deals with steel
25 fabricated buildings and the direction of those

1 buildings.

2 They're going to have to then hire
3 themselves their architect and their engineers to put
4 that building together and do all of those kinds of
5 things.

6 And the information that I was getting
7 from say David McNalty via WGD was that the steel
8 fabricated building was going to be much, much more
9 expensive.

10 So, these people would have to be --
11 would be put into a position of having to put together
12 a tender based on information that they're putting out
13 that it would cost them forty (40), fifty (50), some
14 even higher, a thousand dollars, to put this together,
15 that it was becoming clear to me that Council was
16 looking for something that was inexpensive and that
17 could meet a time table and that these people would be
18 spending money and Council might -- would make a
19 decision that would not go in their favour.

20 That's -- that's what I was thinking.

21 MS. KATE MCGRANN: So, you came to the
22 conclusion that it may be difficult for another bidder
23 to be successful in an RFP against Sprung or BLT?
24 That's what it sounds like you're saying.

25 MR. ED HOUGHTON: That's -- that's

1 what my thinking was, yes.

2 MS. KATE MCGRANN: Now, when we look
3 at the direction that Council gave on July 16th -- and
4 that's at paragraph 250. We can just pull that up.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: Scroll down. This
9 is taken from the minutes. And I just want to make
10 sure that we're all on the same page on this. This is
11 the extent of all of the directions that Council gave
12 to staff with respect to what was to be done for the
13 staff report deter -- returnable August 27th, 2012,
14 correct?

15 MR. ED HOUGHTON: Yes.

16 MS. KATE MCGRANN: There's no
17 information about a budget there?

18 MR. ED HOUGHTON: I listened to the
19 Council meeting, as well.

20 MS. KATE MCGRANN: There's no
21 information about budget in the directions that
22 Council gave to staff?

23 MR. ED HOUGHTON: No, there's not.

24 MS. KATE MCGRANN: There's no
25 information about a time table desired by Council in

1 this direction?

2 MR. ED HOUGHTON: No, there's not.

3 MS. KATE MCGRANN: You're not directed
4 to prioritize either of those factors in the work that
5 staff is doing, right?

6 MR. ED HOUGHTON: Not in the
7 resolution, no, but in reality, there was.

8 MS. KATE MCGRANN: Sir, I just want to
9 understand what directions you thought Council had
10 given to staff.

11 Did you think that Council had given
12 directions at all outside of the motion that we look
13 at here?

14 MR. ED HOUGHTON: I'm trying to be
15 adversarial, I'm not. I'm just saying though I
16 understand what the resolution says. But if you -- if
17 you were at the Council meeting of July 16th, you've
18 read the transcript, you saw that there was a
19 significant movement where they wanted something now,
20 they wanted something inexpensive, that those -- so
21 that -- that goes into consideration when staff is
22 working on these things.

23 And again, I don't -- I apologize, I
24 don't mean to be adversarial, I'm not trying to be.

25 MS. KATE MCGRANN: Council determines

1 the contents of the motion that they bring forward,
2 correct?

3 MR. ED HOUGHTON: This resolution was
4 actually put forth to -- to Council by staff.

5 MS. KATE MCGRANN: Council has the
6 ability to amend any motion that is brought forward by
7 staff or suggested by staff?

8 MR. ED HOUGHTON: Just like they can
9 either approve or deny, yes.

10 MS. KATE MCGRANN: Members of Council
11 were also there for the discussion that you're
12 describing to us, right?

13 MR. ED HOUGHTON: That's correct.

14 MS. KATE MCGRANN: They didn't make
15 any changes to the directions that they provided to
16 staff. They didn't add anything to this motion?

17 MR. ED HOUGHTON: No.

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: Turning back to the
22 July 11th meeting for a second. At this point in
23 time, the deputy mayor has spoken to Sprung twice,
24 once at the FCM, once on the teleconference with you.
25 This is his third time speaking with them, right?

1 MR. ED HOUGHTON: Yes.

2 MS. KATE MCGRANN: And you, the CAO,
3 the chief staff person for the Town, have also spoken
4 with them. This is your third time. You've met with
5 Pat Mills. You've spoken to them on the phone with
6 the deputy mayor, and now you're meeting with them
7 again, correct?

8 MR. ED HOUGHTON: That's correct.

9 MS. KATE MCGRANN: You have brought
10 them into a room with the mayor, the head of Council,
11 correct?

12 MR. ED HOUGHTON: That's correct.

13 MS. KATE MCGRANN: At this point in
14 time, did you have any concerns that, from a public
15 perception perspective, staff or Council could be
16 accused of giving Sprung a head start or favourable
17 treatment in terms of the consideration and time that
18 staff and Council were spending with this one (1)
19 supplier?

20 MR. ED HOUGHTON: At this point in
21 time, no.

22 MS. KATE MCGRANN: At any point in
23 time prior to August 27th did that concern cross your
24 mind?

25 MR. ED HOUGHTON: Prior to August

1 27th?

2 MS. KATE MCGRANN: Yes.

3 MR. ED HOUGHTON: I believe the last
4 meeting that the deputy mayor was involved with was --
5 was July 27th, I believe.

6 MS. KATE MCGRANN: My question for you
7 is, at any point in time prior to August 27th did you
8 have concerns that, from a public perception
9 perspective, Town could be seen to be giving
10 favourable treatment to Sprung or BLT?

11 MR. ED HOUGHTON: Not really, no.

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: Why didn't you
16 invite any other members of Council to the July 11th
17 meeting?

18 MR. ED HOUGHTON: I think I was in
19 charge of -- of bringing the staff there. I do -- you
20 asked me the question earlier, who chose who would be
21 there. And I -- I don't remember that, but I -- I
22 would have invited the staff for sure.

23 MS. KATE MCGRANN: Are you saying it
24 wasn't your responsibility to determine who from
25 Council invite?

1 MR. ED HOUGHTON: I'm not sure whose
2 responsibility it was.

3 MS. KATE MCGRANN: Mr. McNalty gave
4 evidence that he was concerned about this meeting.
5 And he identified some risks that came along with it.
6 Are you familiar with that evidence?

7 MR. ED HOUGHTON: I -- I heard him say
8 that. I also sort of followed it where I'm not sure
9 if he sort of thought about timing wise. He -- he
10 might not have said that, but I heard him say it, yes.

11 MS. KATE MCGRANN: I take it you
12 didn't share his concerns?

13 MR. ED HOUGHTON: On July 11th?

14 MS. KATE MCGRANN: Yes.

15 MR. ED HOUGHTON: No.

16 MS. KATE MCGRANN: Can we turn to
17 paragraph 219 of the Foundation document, please?

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: So, this paragraph
22 describes the fact that Sprung provided estimates to
23 the Town on July 16th at 4:04 p.m. And we've heard
24 your evidence about, I think, the fact that you didn't
25 realize they were there because you were in transit,

1 heading from your offices at 43 Stewart Road over here
2 to town hall to get ready for the Council meeting.

3 Have I got that right?

4 MR. ED HOUGHTON: Yeah. I think I
5 probably would have already been here, but I would
6 have been running throughout the building, wasn't
7 looking at my computer.

8 MS. KATE MCGRANN: Okay. So, you
9 don't recall realizing that these estimates were in
10 your inbox and available for viewing until after the
11 Council meeting is over. Is that the case?

12 MR. ED HOUGHTON: I don't recollect
13 when I opened them to tell you the truth.

14 MS. KATE MCGRANN: When do you first
15 recall discussing these budgets with anyone?

16 MR. ED HOUGHTON: I don't know if I
17 had much discussion with them at all. I think
18 David McNalty had looked at them, but I don't think I
19 had much discussion about them at all.

20 MS. KATE MCGRANN: Now, on the 16th,
21 Council directs staff to get estimates for a fabric
22 building to cover the pool. You receive an estimate
23 for an insulated Sprung structure to cover the pool on
24 the 16th. So isn't your work on that front done now?

25 MR. ED HOUGHTON: Say it one (1) more

1 time.

2 MS. KATE MCGRANN: On July 16th,
3 Council instructs staff to obtain an estimate for a
4 fabric building to cover the pool. Right?

5 MR. ED HOUGHTON: That's correct.

6 MS. KATE MCGRANN: And you receive an
7 estimate for a fabric building to cover the pool on
8 July 16th. Correct?

9 MR. ED HOUGHTON: We -- we had a rough
10 estimate. Yes.

11 MS. KATE MCGRANN: Yeah. So isn't
12 your work on that front done now? You've got an
13 estimate. They were -- you were asked to get an
14 estimate. You've got one.

15 MR. ED HOUGHTON: Didn't the
16 resolution on the 16th tell us to -- to get a firm
17 price -- a detailed price?

18 MS. KATE MCGRANN: It definitely did
19 not tell you to get a firm price. Do you need to look
20 at it again?

21 MR. ED HOUGHTON: Yes, please.

22 MS. KATE MCGRANN: Paragraph 250,
23 please.

24

25 (BRIEF PAUSE)

1 MR. ED HOUGHTON: Yeah. Is says
2 "detailed."

3 MS. KATE MCGRANN: Okay. Do you
4 recall reviewing the budget that you received on
5 July 16th in determining that it wasn't detailed?

6 MR. ED HOUGHTON: It -- it had -- it
7 didn't have any of the -- like it was -- it was really
8 intended to be like a litmus test. You know, it's --
9 it's one (1) million or a hundred million. It's --
10 you know, it's kind of that.

11 We -- we hadn't looked at it at that
12 point in time. We hadn't put our minds to, you know,
13 what are the components that would need to go into
14 the -- into the facility.

15 MS. KATE MCGRANN: Looking
16 specifically at the pool after you receive this
17 direction on July 16th, who did you assign to
18 determine what elements needed to go into the pool
19 building that the Town was asking staff to look into?

20 MR. ED HOUGHTON: Just the pool part
21 you said?

22 MS. KATE MCGRANN: Yeah. Just the
23 pool for now.

24 MR. ED HOUGHTON: I -- I think that
25 both -- now, I -- I'm not sure, you know,

1 Dennis Seymour and Dave McNalty and -- and the other
2 gentleman looked at it. But certainly, I know Dennis
3 and Dave McNalty did.

4 It's certainly not something that I
5 could help them with, but they did put together a --
6 quite a list of things that needed to go in both the
7 pool and the ice rink.

8

9 (BRIEF PAUSE)

10

11 MS. KATE MCGRANN: Is there a reason
12 that you didn't circulate the July 16th estimates to
13 Council once you had opened them and taken a look at
14 them?

15 MR. ED HOUGHTON: Is there a reason I
16 wouldn't circulate -- I lost the last part.

17 MS. KATE MCGRANN: Why didn't you
18 circulate the July 16th estimates you received from
19 Sprung to Council?

20 MR. ED HOUGHTON: I -- I probably
21 could have. I don't know -- I don't know if it was
22 done or not done. It could have been easily done by
23 the deputy mayor as well, since the -- the email was
24 actually to him and to -- and the estimates were all
25 in his name.

1 MS. KATE MCGRANN: Did you think it
2 was part of your responsibility as acting CAO to
3 provide Council with information about the request
4 that they had made to you --

5 MR. ED HOUGHTON: He --

6 MS. KATE MCGRANN: -- information that
7 was responsive?

8 MR. ED HOUGHTON: -- he had -- the
9 deputy mayor had sent a letter or an email asking for
10 that which he copied all of Council. He received it.
11 Council -- nobody from Council said that they were
12 interested in finding out about it.

13 But irrespective, there was, you know,
14 myself, and the mayor, and the deputy mayor. I'm not
15 sure of whether David got a copy. I think David did.
16 But...

17 MS. KATE MCGRANN: Did you think it
18 wasn't your responsibility to share that information
19 with Council?

20 MR. ED HOUGHTON: At July 16th, what
21 we were hearing from Council now was to get detailed
22 estimates. This was a very rough estimate. We could
23 have easily done that, but I didn't -- I didn't do it.

24 MS. KATE MCGRANN: Can we look at
25 paragraph 240 of the Foundation Document, please.

1 You've been taken to this paragraph and this section
2 of the transcript before, but I have some questions
3 for you about it as well if we could scroll down.
4 Keep going.

5 And it's this last paragraph here where
6 the deputy mayor says:

7 "As chair of finance, I really would
8 like to work with staff and CAO to
9 come up with an alternative. I
10 would like to see a report back for
11 our next Council meeting which is
12 July 30th, again to look at covering
13 our Centennial pool and a new ice
14 pad at Central Park."

15 First of all, I think you've already
16 heard that the deputy mayor's evidence was that he
17 brought this up and no one stopped him. So he assumed
18 that everybody was consenting to it, and -- and he had
19 everyone's approval to work with staff.

20 You've given some evidence about how
21 excited the deputy mayor was about this prospect.
22 You've given some evidence about how he tended to be
23 involved in staff's work. You've known him for a long
24 time.

25 Based on your experience with him and

1 his interest in this project, do you think that he
2 would have refrained from involving himself if
3 somebody had objected?

4 MR. ED HOUGHTON: I --

5 MS. KATE MCGRANN: I see you laughing
6 in response to that question, so I'm...

7 MR. ED HOUGHTON: And I'm -- I'm not
8 laughing at you. I'm -- I'm laughing at the... And
9 I'm -- honestly, I'm not laughing in a disrespectful
10 way. I'm -- I'm thinking about the deputy mayor, and
11 I'd like to think that if they had said, no, that's
12 not appropriate, he would have been hands off.

13 MS. KATE MCGRANN: That's what you'd
14 like to think. What do you actually think?

15 MR. ED HOUGHTON: Well, I don't know.
16 The situation didn't arise. I'm not going to
17 presuppose. I just say I'd like to think he'd do
18 that.

19 MS. KATE MCGRANN: You referenced
20 Council committee representatives several times during
21 your evidence, and you talked about how it is
22 important for a Council committee representatives to
23 be involved because they brought the public's
24 perspective to the work that staff was doing.

25 Do you remember that?

1 MR. ED HOUGHTON: Yeah.

2 MS. KATE MCGRANN: You're aware at
3 this time that there are already two (2) Council
4 members who had been appointed to the parks, rec, and
5 culture advisory committee.

6 Why weren't they -- the Council members
7 doing the work on this?

8 MR. ED HOUGHTON: Because at this
9 point in time, it was not parks, recreation, and
10 culture that were taking the lead on it after
11 July 16th. If -- if it had of been, they could have
12 easily been involved through Marta.

13 MS. KATE MCGRANN: Well, they're
14 assigned as Council representatives to work with that
15 department. We're looking at recreation facilities.
16 Even if the EMC is taking on responsibility for the
17 staff report, aren't they the appropriate Council
18 members to be bringing the public's perspective to the
19 work that staff is doing?

20 MR. ED HOUGHTON: I -- I accept that
21 they could have easily been involved, but it wasn't a
22 parks, recreation, and culture project at this point
23 in time. It was parks, recreation, and culture
24 facilities, but because of Marta needing time, the EMC
25 was taking it over.

1 I didn't put my mind to asking
2 Councillor Hull or Councillor West to be there, and I
3 would have had no issue doing that. But I -- I didn't
4 do it, and at that point in time, the deputy mayor had
5 made the offer. There hadn't -- there wasn't -- there
6 wasn't any -- any objection to it.

7 It -- and it really is no different
8 than what Marta was thinking was the offer of
9 Councillor Gardhouse to spend the money from market
10 sounding which in fact we didn't. We -- we said we
11 would take it under advisement. But they went ahead
12 and -- and did it. So...

13 MS. KATE MCGRANN: And you noted that
14 the deputy mayor has made the offer. There's no
15 objection. We see this concept coming up with respect
16 to consensus decision making in respect of work the
17 Town's doing.

18 In your mind, was there a difference
19 between no objection to something and agreement with
20 it?

21 MR. ED HOUGHTON: I -- I think this
22 Council actually worked -- I mean, they were -- they
23 work well together. And I think if -- if it had of
24 been a divided Council, they -- somebody would have,
25 you know, very quickly jumped up and said, absolutely

1 no way. But nobody did that.

2 I -- I'm only trying to -- again, at
3 this point in time, I'm assisting the Town of
4 Collingwood by helping them in a situation where they
5 don't have a CAO. I -- I've watched how Council
6 worked. Council was working extremely well with them.

7 If -- if the mayor or seven (7) other
8 Council members had an issue with that, they would
9 have certainly said it.

10 MS. KATE MCGRANN: A couple of things.
11 So first of all is: In your mind, is there a
12 difference between not objecting and agreeing, or do
13 you see those two (2) things as being the same?

14 MR. ED HOUGHTON: I think in a
15 consensus situation, a -- a silent -- silence is a --
16 is a positive.

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: You said that at
21 this point in time, the Town didn't have a CAO.
22 Aren't you the CAO at this point in time?

23

24 (BRIEF PAUSE)

25

1 MR. ED HOUGHTON: I am the CAO, but I
2 also have significant focus on a -- on many, many
3 other projects, many other jobs. And, again, we put
4 the EMC together -- and I'm not -- I'm not -- this is
5 not deflecting blame to them.

6 But I'm -- I'm trying to get you to
7 understand that -- that I'm trying to do the job. I'm
8 trying to do the best I can to do the job.

9 MS. KATE MCGRANN: Let's look at
10 paragraph 244 of the Foundation Document.

11 You've given some evidence about this
12 email exchange as well. Deputy Mayor Rick Lloyd
13 emails you saying:

14 "The motion I have here is for a
15 staff report to be done no later
16 than August 27th. I would like it
17 for July 30th, but that might be too
18 aggressive."

19 You reply saying:

20 "Make it no later than August 27th."

21 And I believe your evidence was what
22 you meant to write was, make it no earlier than
23 August 27th.

24 MR. ED HOUGHTON: Make it later than
25 August 27th. Yeah.

1 MS. KATE MCGRANN: Okay. And then I
2 get a sense from your evidence that because you send
3 this email with a typo in it, somehow the horse has
4 left the barn, and you're not able to communicate to
5 Council that staff needs more time than this. So I
6 want to help --- I want some help understanding how
7 that came about.

8 Why didn't you write back to the deputy
9 mayor and say, whoops, I made a mistake. What I
10 really mean is we need longer. We need much more time
11 than that.

12 MR. ED HOUGHTON: I didn't type it
13 back. I said it back to him. He sits actually one
14 chair over from you. I sit behind him. He turned
15 around and said that, and I said -- I said, no, I said
16 later than August 27th. He said, that's not what you
17 said. And I looked at it, and I went, no. And then
18 the motion moved forward.

19 MS. KATE MCGRANN: Okay. At this
20 point in time, you've got a sense that Council is
21 looking at making a relatively big decision here.
22 They're starting to look at spending money on
23 recreation facilities that's likely going to involve
24 building some new buildings. You knew that?

25 MR. ED HOUGHTON: Your voice went away

1 at the very end. I -- I'm sorry.

2 MS. KATE MCGRANN: No, it's okay.

3 I'm -- I'm trying to speak up, so you just let me know
4 when you can't hear me.

5 At this point in time, you know that
6 Council is looking at making a decision that's likely
7 going to come with quite a price tag attached to it.
8 Correct?

9 MR. ED HOUGHTON: That's correct.

10 MS. KATE MCGRANN: And you knew that
11 Council was going to rely on staff's recommendations
12 and the work that staff did -- the information that
13 brought back in making that decision.

14 MR. ED HOUGHTON: And -- and Council
15 recognized the same thing, and Council was comfortable
16 with the date.

17 MS. KATE MCGRANN: My question is
18 strictly directed at you and what you understood at
19 this point in time. You knew that Council would be
20 relying on staff's work in making that decision.
21 Correct?

22 MR. ED HOUGHTON: Yes. And that's why
23 I went to twice -- on two (2) occasions and asked for
24 an extension.

25 MS. KATE MCGRANN: Let's just stick

1 with this meeting for now. We're going to come to the
2 request that you made for an extension in a second.

3 You've been asked once by the deputy
4 mayor offline just in an email between the two (2) of
5 you about how much time you need, and that hasn't
6 worked for you. You're not getting him to agree with
7 the amount of time that you know staff needs to get
8 this work done. Right?

9 MR. ED HOUGHTON: Yeah. He wanted a
10 July 30th. That's correct.

11 MS. KATE MCGRANN: So when the motion
12 is brought forward, why do you not then say, as CAO on
13 behalf of the staff, we need more time to do the work
14 that you're asking us to do to arm you with the
15 information that you need to make this very important
16 decision.

17 MR. ED HOUGHTON: I also listened to
18 Council and how excited they were, and they wanted to
19 get this done. Me throwing my body in front of it was
20 not going to stop it.

21 And on July the 16th to August the 27th
22 recognizing they wanted originally -- the comment was
23 July 30th in his -- in his original comments. If we
24 may have been able to answer the question -- well, we
25 -- eventually we did answer the question.

1 MS. KATE MCGRANN: Well, and I'm going
2 to come to the answer that you gave to the question in
3 a bit. But right now, my question is: Council brings
4 up a motion. You've advised the deputy mayor, you
5 need more time. He's let you know that he's not going
6 to listen to you.

7 Why don't you give all of Council the
8 opportunity to hear that staff needs more time and
9 make a decision about whether or not they're going to
10 give staff the time they need to do the work they're
11 being asked to do? You said you don't want to throw
12 your body in front of it. What harm would come from
13 asking all of Council for more time?

14 MR. ED HOUGHTON: It also -- I -- I
15 think that the same question, you know, could be put
16 to Ms. Proctor, and she basically said that she had a
17 little concern.

18 So it -- I understand what you're --
19 the question you're asking me. But I -- I didn't -- I
20 didn't ask for it at that point in time. We tried
21 to -- well, we -- we worked towards it. Anyway, you
22 told me not to ask a...

23 MS. KATE MCGRANN: I beg your pardon?
24 I didn't hear the end of that.

25 MR. ED HOUGHTON: I just said I -- I

1 was going to say again that I asked for an extension,
2 but you told me not to bring that up.

3 MS. KATE MCGRANN: I'm just trying to
4 understand why you didn't ask for it of Council.

5 MR. ED HOUGHTON: I -- but I -- I --

6 MS. KATE MCGRANN: And I don't think
7 you've given me an answer to that yet.

8 MR. ED HOUGHTON: I didn't do it.

9 MS. KATE MCGRANN: Why not?

10 MR. ED HOUGHTON: I don't know why I
11 didn't do it. I'm trying -- I'm saying I'm trying to
12 answer the needs, wants, and desires of Council and
13 doing my best that I can. That's what I was doing.

14 THE HONOURABLE FRANK MARROCCO: I
15 think we can move on.

16

17 (BRIEF PAUSE)

18

19 CONTINUED BY MS. KATE MCGRANN:

20 MS. KATE MCGRANN: You raise that you
21 went and asked for an extension twice, and my
22 recollection of your evidence is that one of those
23 discussions involved the deputy mayor and the mayor?

24 MR. ED HOUGHTON: Yes.

25 MS. KATE MCGRANN: And the other

1 discussion involved just the deputy mayor.

2 MR. ED HOUGHTON: That's correct.

3 MS. KATE MCGRANN: Which of those
4 discussions came first?

5 MR. ED HOUGHTON: The first one was
6 with...

7

8 (BRIEF PAUSE)

9

10 MR. ED HOUGHTON: Actually, I -- I
11 can't tell you which came first.

12 MS. KATE MCGRANN: Do you remember
13 about when the first discussion took place?

14 MR. ED HOUGHTON: Probably the --
15 around the end of the month of July.

16 MS. KATE MCGRANN: Do you remember
17 what prompted it?

18 MR. ED HOUGHTON: I was -- it -- it
19 had to be before -- sometime before the 27th. Yeah.
20 I was just too busy. I -- I couldn't -- I was doing
21 my best to try and stay on top of everything, and I
22 was having trouble.

23 MS. KATE MCGRANN: Okay. Do you
24 remember when the second discussion took place?

25 MR. ED HOUGHTON: Probably the Monday

1 or Tuesday afterwards but -- not Monday or Tuesday --
2 Monday or Thursday afterwards.

3 MS. KATE MCGRANN: Do you remember
4 what prompted that discussion?

5 MR. ED HOUGHTON: Same thing.

6 MS. KATE MCGRANN: Sandra Cooper was
7 asked about potential extensions to the timeline.

8 MR. ED HOUGHTON: Yes.

9 MS. KATE MCGRANN: Her evidence was
10 that she wasn't asked about this, and if she had been
11 asked about it, she would have extended the deadline.
12 What's your reaction to that evidence?

13 MR. ED HOUGHTON: Ms. Cooper was --
14 had trouble remembering things back seven (7) years
15 ago. I remember specifically. She didn't say
16 anything wrong. She just said, Council has spoken --
17 directed, and we should try to meet that timeline.

18 It wasn't -- it wasn't like I went in
19 there banging my fist on the table or -- I was just
20 saying, I think we should consider an extension to
21 this because (a) I'm having difficulty, but (b) we
22 need -- you know, there's lots of things going on,
23 like lots of things that I didn't know were going on
24 were going on.

25 MS. KATE MCGRANN: Deputy Mayor Rick

1 Lloyd was asked about extensions to the deadline, and
2 his evidence was that he did discuss the deadline with
3 you and the mayor and that he advised you that the
4 deadline was simply was a goal, and if the goal wasn't
5 met, that was fine.

6 What's your reaction to that evidence?

7 MR. ED HOUGHTON: He, in my recall,
8 was, no, this is the date; let's -- let's get to it.
9 You can do it; you can do it; you're good at this
10 stuff; you can get to it.

11 MS. KATE MCGRANN: Other than those
12 two (2) discussions, did you take any other requests
13 for a deadline to anybody before August 27th?

14 MR. ED HOUGHTON: Well, the odd thing
15 was nobody else was telling me that they were having
16 difficulty. Like, EMC had never said that we were --
17 they were having difficulty with timing. We were all
18 just literally putting our heads down and working.

19 I do not recollect -- I don't think she
20 even said she had spoken to me about it, but I don't
21 recollect Marta even telling me, you know, even -- I
22 mean, even though she was not around hardly at all.
23 It was me asking for the extension because it was
24 affecting me and my ability to focus on what needed to
25 be focused on.

1 MS. KATE MCGRANN: Other than those
2 two (2) discussions, did you make any other requests
3 for extensions to the deadline?

4 MR. ED HOUGHTON: No, I did not.

5 MS. KATE MCGRANN: If we look at
6 paragraph 250 again, I just have a couple more
7 questions about the instructions that -- that Council
8 gave you.

9 Now, we've been through what's in the
10 directions that Council voted to give on the 16th. At
11 any point between the 16th and the 27th of August, did
12 Council direct staff to seek or accept proposals for
13 the construction of either of those two (2) buildings?

14 MR. ED HOUGHTON: To -- to accept
15 proposals?

16 MS. KATE MCGRANN: Seek or accept
17 proposals for the construction of either of those
18 two (2) buildings.

19

20 (BRIEF PAUSE)

21

22 MR. ED HOUGHTON: I feel what we were
23 doing was fulfilling Council's request.

24 MS. KATE MCGRANN: My question is: At
25 any point between July 16th and August 27th, did

1 Council direct staff to seek or accept proposals for
2 the construction of either of those two (2) buildings?

3 MR. ED HOUGHTON: When did I accept a
4 proposal before the 27th?

5 MS. KATE MCGRANN: Sir --

6 MR. ED HOUGHTON: I'm -- I'm --

7 MS. KATE MCGRANN: -- my question:
8 Did Council give that direction?

9 MR. ED HOUGHTON: To accept proposals.

10 MS. KATE MCGRANN: Seek or accept
11 proposals for the construction for either of those
12 two (2) buildings.

13 MR. ED HOUGHTON: Isn't seeking --
14 seeking proposals or whatever -- getting project
15 timelines and detailed estimates?

16 MS. KATE MCGRANN: Did Council direct
17 staff to recommend a manufacturer, supplier, or
18 construction team? Was that direction given at any
19 point between July 16th and August 27th?

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: We -- we haven't
24 seen it in the documents. I'm just trying to make
25 sure that we didn't miss a direction that Council gave

1 to staff.

2 MR. ED HOUGHTON: Well, I believe that
3 what we did was fulfilling Council's request.

4 MS. KATE MCGRANN: At any point
5 between July 16th and August 27th, did Council direct
6 or authorize staff to negotiate any contracts in
7 respect of the construction of these two (2)
8 buildings?

9 MR. ED HOUGHTON: I never negotiated
10 the contracts.

11 MS. KATE MCGRANN: Did Council give
12 that direction or authority to staff is my question.

13 MR. ED HOUGHTON: Well, you're asking
14 as if I negotiated it. I didn't take direction to
15 negotiate. I didn't negotiate.

16 MS. KATE MCGRANN: I take it that
17 you'd agree with me that Council did not give that
18 direction.

19 MR. ED HOUGHTON: To negotiate?

20 MS. KATE MCGRANN: Yes.

21 MR. ED HOUGHTON: I did not negotiate,
22 no.

23 THE HONOURABLE FRANK MARROCCO: I
24 think we -- I think you've asked the question enough
25 times. I think you should move on.

1 CONTINUED BY MS. KATE MCGRANN:

2 MS. KATE MCGRANN: Turning to the work
3 that staff does to comply with Council's direction,
4 Ms. Leonard, Ms. Almas, and Mr. McNalty all gave
5 evidence that you were responsible for the work that
6 staff was doing following Council's July 16th
7 direction. You're in charge of the work that's being
8 done for the staff report.

9 What's your reaction to that evidence?

10 MR. ED HOUGHTON: I'm in charge for
11 the direction of the staff report? Is that what you
12 said?

13 MS. KATE MCGRANN: You are -- you are
14 in charge of the work that staff is doing to follow
15 Council's direction which includes putting together
16 the staff report. What's your reaction to that
17 evidence?

18 MR. ED HOUGHTON: Well, I think I only
19 was involved with the staff report right at the very
20 end. I think that when we -- to talk -- when we're
21 talking about direction, we -- we'd gone together as
22 EMC, and -- and everybody decided what we were going
23 to do.

24 I think Ms. Leonard took the first cut
25 at the staff report based on a discussion in a meeting

1 request that was put forth by Ms. Proctor. And at
2 that point, it was only going to be Ms. Almas,
3 Ms. Leonard, and Ms. Proctor, and then -- and then
4 Mr. McNalty joined in.

5 And she -- she did the first cut of the
6 staff report the next day on the Saturday. I don't
7 think I directed her to do that.

8 MS. KATE MCGRANN: Okay. And I heard
9 your evidence about that meeting between Ms. Leonard,
10 Ms. Proctor, and Ms. Almas. You weren't at that
11 meeting. Correct?

12 MR. ED HOUGHTON: That's correct.

13 MS. KATE MCGRANN: Did you receive a
14 report back from any of them about what took place at
15 that meeting?

16 MR. ED HOUGHTON: No. But the -- the
17 subject line was recreation facilities staff report or
18 Central Park facilities staff report or something like
19 that. And -- and they called me during the meeting
20 and -- or they emailed me, and I said, did you folks
21 try to call me?

22 Yes. So I think -- I think they --
23 she -- they may have told me what they were -- what
24 they were doing or talking about. But they were --
25 they were just moving the process forward.

1 MS. KATE MCGRANN: Is it fair to say
2 then that you're guessing that Ms. Leonard took on the
3 staff report at that meeting. You weren't there. You
4 didn't get a report back

5 MR. ED HOUGHTON: I can just tell you
6 I didn't -- I didn't direct her, so I don't -- I
7 would -- I can only make a logical conclusion.

8

9 (BRIEF PAUSE)

10

11 MS. KATE MCGRANN: Why didn't you
12 involve Ron Martin or any other town building
13 officials in the work that staff was doing on the
14 staff report?

15 MR. ED HOUGHTON: Well, I mean, from
16 a -- the staff report part, they didn't -- they didn't
17 really need to be involved.

18 I know that I had a conversation with
19 Mr. Plewes who's the chief building officer who -- who
20 Mr. Martin worked for. I spoke to him, and at that
21 point in time, he had said that, you know, Ron's
22 really busy; we're -- our department's really busy;
23 we're doing all these kinds of things.

24 In fairness, the -- what they were
25 putting together was the components of -- of what

1 would be going into the recreation facility.

2 Ron Martin has no -- no experience in the components
3 that would go into the facility.

4 The design was actually being done
5 afterwards, and -- and Mr. Martin was involved at the
6 time when -- when the designs were being complete.
7 He -- he wasn't involved in the beginning part of it
8 but -- and that was a function of the fact that it's a
9 small municipality, and everybody's doing a whole
10 bunch of other things, and he was -- he was busy.

11 And even in a -- in a -- one of the
12 department heads meetings, Mr. Plewes also mentioned
13 that if you want Ron to do this, we're going to have
14 to consider whether we hire an additional person to do
15 the inspections for buildings and things like that,
16 which I don't think every happened, but certainly,
17 it -- it was an indication that he was -- Mr. Martin
18 was busy.

19 MS. KATE MCGRANN: Okay. So a couple
20 of questions about that. Did you have any discussions
21 with Mr. Plewes before August 27th about involving
22 Ron Martin and the work that staff was doing to
23 prepare the staff report?

24 MR. ED HOUGHTON: I -- no. There was
25 no function for Mr. Martin to be involved in the staff

1 report, so I did not speak to Mr. Plewes. No.

2 MS. KATE MCGRANN: Mr. Martin's
3 evidence -- and he used the library as an example --
4 was that when he had worked previously as the project
5 manager on construction projects, he was involved from
6 the very beginning, and he was involved through all of
7 the stages.

8 So when you say that there was no need
9 to involve him, why did you make that decision?

10 MR. ED HOUGHTON: A completely
11 different kind of a project: one which is a
12 conventional construction, one which was a design
13 build where it's being done and -- and being a
14 proposal.

15 I -- I accept what Mr. Martin said, but
16 I also recognize that -- that what we were putting
17 together was just the components that would go inside,
18 you know two hundred and fifty (250) seats, forty-six
19 (46) lights, six (6) locker rooms or whatever you --
20 dressing rooms. Those kinds of things that, again,
21 Mr. Martin doesn't have a function to fill in that.

22 And if Mr. Martin was as extremely busy
23 as Mr. Plewes talked about -- and we all knew we were
24 busy; we're all very busy -- there was no need to do
25 that.

1 The deputy mayor wanted him involved as
2 well. So it wasn't like he was forgotten.

3 MS. KATE MCGRANN: You're putting
4 together -- the staff were all working on the staff
5 report or putting together the components to go inside
6 the arena and the pool. Correct? I think that's what
7 you just said?

8 MR. ED HOUGHTON: Not -- not me but
9 yeah, the people that knew -- know, yes.

10 MS. KATE MCGRANN: Okay. And as of
11 July after you received the directions from Council on
12 July 16th, that's the way that this project starts
13 progressing right away. People start putting together
14 components and things like that.

15 MR. ED HOUGHTON: That's correct.

16 MS. KATE MCGRANN: And the reason that
17 you're approaching it that way is because it's going
18 to be a design build project?

19 MR. ED HOUGHTON: Oh, I think -- I
20 think that that's the -- that's what they're
21 portraying to us in the sense that these things could
22 happen. Now, that didn't happen until I -- I believe
23 around the 27th or -- or 30th or 3rd of August even --
24 the 27th of July, 3rd of August.

25 MS. KATE MCGRANN: When you say that's

1 what they were portraying for us, who are you
2 referring to?

3 MR. ED HOUGHTON: Well, again,
4 Sprung/BLT talked about -- Sprung talked about BLT,
5 and they talked about turnkey, and you'd asked that
6 question earlier when it came into -- when did that
7 thing start entering into it. And I'm not sure
8 exactly where it came in.

9 But I know that even in the July 16th,
10 they talked about turnkey. It -- it just was starting
11 to -- everything was sort of starting to -- to change
12 and move into those directions. It was...

13 MS. KATE MCGRANN: Okay. So as staff
14 is starting to get working on responding to Council's
15 direction, are they working on -- on the assumption
16 that they're going to be proceeding with the design
17 build approach to these two (2) buildings?

18 MR. ED HOUGHTON: When they're putting
19 the components together, I don't know if anybody was
20 thinking about exactly how it was -- that was -- that
21 was the situation. I was just saying that, here are
22 the components that we need.

23 We need to have two hundred and fifty
24 (250) seats. I mean, this was the expert's from our
25 side, like our own in -- internal experts like Dennis

1 Seymour and -- and those folks.

2 So even design build isn't really from
3 that perspective, but Mr. McNalty and Dennis worked on
4 all those -- those things.

5 MS. KATE MCGRANN: M-hm. And we
6 started down this path because I was asking about why
7 Mr. Martin wasn't involved earlier in the process.

8 I understood your evidence to be
9 Mr. Martin was not involved because, one, he doesn't
10 have any expertise with design build, and, two, we're
11 putting together the components that are going to go
12 into those buildings because, three, the design
13 builder is going to do the design. Fair?

14 MR. ED HOUGHTON: Well, I think -- I
15 think at this point in time, we don't know -- you
16 know, is it a bricks and mortar building? Is it a --
17 is it a Sprung-type building? Is it -- is it a steel
18 fabricated steel building?

19 MS. KATE MCGRANN: Please continue.
20 I'm listening.

21 MR. ED HOUGHTON: So the components
22 would be exactly the same for all those types of
23 buildings. So, again, Mr. Martin doesn't know
24 about -- well, he probably played hockey and stuff,
25 but he doesn't know we need, you know, six (6)

1 dressing rooms and, you know, two (2) referee rooms,
2 or that kind of stuff.

3 That's -- that's the function of -- of
4 our internal professional staff, like Mr. Seymour
5 and -- and others.

6 MS. KATE MCGRANN: Right.
7 Mr. Martin's not a recreation professional. Right?

8 MR. ED HOUGHTON: That's right.

9 MS. KATE MCGRANN: He's a building
10 professional. Right?

11 MR. ED HOUGHTON: He is a -- he was
12 our -- one (1) of our chief building officers. Yes.

13 MS. KATE MCGRANN: And since --

14 MR. ED HOUGHTON: Not "chief" but --

15 MS. KATE MCGRANN: I'm just --

16 MR. ED HOUGHTON: Sorry.

17 MS. KATE MCGRANN: Deputy chief
18 building officer?

19 MR. ED HOUGHTON: (NO AUDIBLE
20 RESPONSE)

21 MS. KATE MCGRANN: Given that you've
22 been asked to investigate an arena, several different
23 construction types -- you've just identified bricks
24 and mortar; there's prefabricated steel; there's the
25 fabric building.

1 I'm just trying to understand why
2 Mr. Martin wasn't involved earlier. You said you
3 spoke to Mr. Plewes, but we don't see any evidence of
4 you speaking with Mr. Plewes until after the
5 August 27th meeting.

6 MR. ED HOUGHTON: I saw Mr. Plewes
7 often, and the -- there was a -- I believe, a
8 department head's meeting. I'm not sure when that --
9 what the date of that was. But -- I don't know if
10 that was after the August 27th -- but, no, I did speak
11 to Mr. Plewes.

12 MS. KATE MCGRANN: Is it your evidence
13 that you tried to get Mr. Martin involved earlier, and
14 he was unavailable?

15 MR. ED HOUGHTON: I think -- no. I
16 think -- no. I don't think I was doing that. I was
17 just saying that -- that if we're going to be moving
18 forward with recreation facilities, the deputy mayor
19 would like to see Mr. Martin involved at some point in
20 time.

21 MS. KATE MCGRANN: Your Honour, I'm
22 just looking at the clock. I'm about to move on to
23 another session.

24 THE HONOURABLE FRANK MARROCCO: Ten
25 (10) minutes.

1 --- Upon recessing at 3:03 p.m.

2 --- Upon resuming at 3:12 p.m.

3

4 MR. WILLIAM MCDOWELL: Commissioner,
5 just before My --

6 THE HONOURABLE FRANK MARROCCO: Yes.

7 MR. WILLIAM MCDOWELL: -- Friend
8 resumes, was it your intention to sit until 4:00
9 today?

10 THE HONOURABLE FRANK MARROCCO: Mr.
11 Hoffa, I was thinking of sitting until 5:00 actually.
12 I was just about to ask whether -- if -- if we sat
13 till 5:00, that would work for every -- for anybody
14 that needs to vote or anything like that.

15 MR. WILLIAM MCDOWELL: I can't
16 guarantee peace.

17 THE HONOURABLE FRANK MARROCCO: I
18 know, apparently.

19 Does -- does -- is -- does 5:00 -- is
20 5:00 too late?

21 MR. WILLIAM MCDOWELL: It's okay with
22 me, but...

23 THE HONOURABLE FRANK MARROCCO: Well,
24 most of the people from -- Mr. Bonwick, you would vote
25 around here?

1 MR. PAUL BONWICK: I actually vote up
2 in Flesherton.

3 THE HONOURABLE FRANK MARROCCO: Is --
4 is 5:00 too late?

5 MR. PAUL BONWICK: I don't think so.

6 THE HONOURABLE FRANK MARROCCO: How
7 long do you need to answer that question?

8 MR. PAUL BONWICK: I'm looking for Mr.
9 Hoffa's involvement on this one, Your Honour. I
10 thought we were sitting till 4:00 today, so I had --

11 THE HONOURABLE FRANK MARROCCO: Well,
12 the Council meeting of course is -- the Council is not
13 meeting tonight; they're meeting tomorrow, I gather,
14 and so we have to be out tomorrow by 4:00.

15 MR. PAUL BONWICK: Right.

16 THE HONOURABLE FRANK MARROCCO: So I
17 was plan -- what I would like to get your view on was
18 sitting until 5:00 and then starting at 9:00 and
19 stopping at 4:00 tomorrow --

20 MR. FREDERICK CHENOWETH: Your Honour
21 --

22 THE HONOURABLE FRANK MARROCCO: -- and
23 see if that worked for everybody.

24 MR. FREDERICK CHENOWETH: -- just --
25 just if I might make a -- a comment. I'm not

1 concerned about voting because I've already done it,
2 but I am concerned about -- about the witness. I --
3 if we could consider splitting the time between --
4 between 4:00 and 5:00, that might be --

5 THE HONOURABLE FRANK MARROCCO: Sure.

6 MR. FREDERICK CHENOWETH: -- useful,
7 and --

8 THE HONOURABLE FRANK MARROCCO: How is
9 nine o'clock tomorrow? Does that work?

10 MR. FREDERICK CHENOWETH: Yes. I have
11 no comment adverse to that.

12 THE HONOURABLE FRANK MARROCCO: So
13 then 4:30 and is that -- we'll stop at 4:30 and start
14 at 9:00 tomorrow.

15 MR. WILLIAM MCDOWELL: Well, I -- I
16 won't -- I won't be here for the crack of 9:00. Mr.
17 Breedon can -- can take a note for me, but I'm coming
18 back up from the city, so.

19 THE HONOURABLE FRANK MARROCCO: Okay.
20 Well, Mr. -- we'll proba -- probably -- who -- who's
21 doing the cross-examination to --

22 MR. WILLIAM MCDOWELL: I am.

23 THE HONOURABLE FRANK MARROCCO: Well,
24 if -- if for some reason -- well then, we'll -- we'll
25 wait, but -- why don't we do that? We'll -- we'll --

1 MR. WILLIAM MCDOWELL: Sure.

2 THE HONOURABLE FRANK MARROCCO: --
3 start at 9:00. Mr. Breedon will sit in. If we get to
4 your cross-examination, we'll stand down and phone you
5 every five (5) minutes on the phone, find out where
6 you are.

7 MR. WILLIAM MCDOWELL: That's fine. I
8 should -- I should be here by close to 9:00. I just -
9 - the odd time I've noticed on the drive to --

10 THE HONOURABLE FRANK MARROCCO: No. I
11 understand that. I don't want anybody taking any
12 chances for the sake of a few minutes. It's not worth
13 it. All right. So 4:30. Okay.

14

15 CONTINUED BY MS. KATE MCGRANN:

16 MS. KATE MCGRANN: Could we pull up
17 paragraph 276 of the Foundation Document, please?

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: This paragraph
22 describes an email exchange that you were not copied
23 on. It's an email on July 23rd, 2012, from Tom Lloyd
24 of Sprung to Dave Barrow of BLT, copying Mr. MacNeil
25 of Sprung and Abby Stec of Green Leaf.

1 In his email, Mr. Lloyd writes:
2 "Hi Dave: We are working with Abby
3 Stec and her partner, Paul Bonwick
4 on the Collingwood projects. They
5 would like to meet at your office on
6 Thursday, July 26th, at 2:00 p.m.
7 Please confirm that works with you
8 and/or Mark. Prior to Thursday
9 they'd like to have a conference
10 call. Can you please let me know if
11 you are available tomorrow. Thanks,
12 Dave."

13 My question for you is: Did you have
14 any discussions with either Ms. Stec or Mr. Bonwick
15 about their discussions with either Sprung or BLT
16 prior to July 26th?

17 MR. ED HOUGHTON: I do not believe so,
18 no.

19 MS. KATE MCGRANN: And just for the
20 sake of clarity, is it the case that you can't
21 remember whether or not you spoke with them about it,
22 or that you do remember and you know you didn't?

23 MR. ED HOUGHTON: I -- I'm 100 percent
24 positive I did not.

25 MS. KATE MCGRANN: And on July 26th --

1 if we could pull up CJI11327.

2

3 (BRIEF PAUSE)

4

5 MS. KATE MCGRANN: And if we could
6 scroll to row 875.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Starting at this
11 row, you can see that there are several calls between
12 yourself and Mr. Bonwick on the 26th. Two (2) of them
13 are for less than thirty (30) seconds. One (1) of
14 them is for about a minute. Then you've you got one
15 for five and a half (5 1/2) minutes, one for just
16 under ten (10) minutes, and one for about fourteen and
17 a half (14 1/2) minutes.

18 Do you recall if you had any
19 discussions with Mr. Bonwick on the 26th about the
20 meeting he had that day with Sprung and BLT?

21 MR. ED HOUGHTON: I don't recall
22 having a conversation with him about that. The -- who
23 instiga -- who's instigating the call - first call or
24 the second call?

25 MS. KATE MCGRANN: So the first row is

1 the instigator, so 875, you instigate that call for
2 sixteen (16) seconds; 876, you instigate that call for
3 a minute; 877, Mr. Bonwick calls you back for fifteen
4 (15) seconds; 878, you instigate that call for three
5 (3) minutes; 879, you instigate that call; it's for
6 fourteen and a half (14 1/2) minutes; and then 880,
7 Mr. Bonwick calls you at about 7:30, and that call is
8 about five and a half (5 1/2) minutes long.

9 MR. ED HOUGHTON: I -- I would think
10 what we were -- and who knows we were talking about
11 because I don't recall, but at that point in time we
12 were getting ready for the closing of the Collus
13 PowerStream deal, the transaction, so if -- I'm
14 thinking that if -- if it's calls that I'm -- I'm
15 instigating, it's more something that I -- I'm having
16 a conversation about rather than Mr. Bonwick telling
17 me that he's having meetings with somebody.

18 MS. KATE MCGRANN: You don't remember
19 what any of these conversations were about?

20 MR. ED HOUGHTON: I don't recall the
21 conversation, no, I'm sorry.

22 MS. KATE MCGRANN: Could we go to
23 paragraph 5 -- or sorry, 279 of the Foundation
24 Document?

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: This paragraph
4 describes an email that Dave MacNeil of Sprung sent to
5 you on July 27, thanking you for meeting with him that
6 day. We've heard evidence about this meeting, but I'd
7 like to hear from you.

8 Do you know who organized this meeting?

9 MR. ED HOUGHTON: This is the July
10 27th meeting that was at the Collus PowerStream
11 building?

12 MS. KATE MCGRANN: It's a meeting on
13 July 27th with Sprung and BLT, yeah.

14 MR. ED HOUGHTON: Right. And I think
15 it was at -- I think that Sprung -- Sprung -- yeah,
16 Sprung -- why does it sound funny in my mind there?

17 I think that Sprung had said that they
18 would like to bring their partner, BLT, to introduce
19 them to us as well. They wanted to talk about the
20 components that need to go into a -- a pool and to a -
21 - an ice pad.

22 MS. KATE MCGRANN: And who selected
23 the people on behalf of the Town to attend this
24 meeting?

25 MR. ED HOUGHTON: I believe that,

1 again from a staff perspective, I would have -- I
2 would have chose that Mr. Seymour, EMC, and Mr.
3 McNalty would attend.

4 MS. KATE MCGRANN: And I believe that
5 your evidence is that the Deputy Mayor was also at
6 this meeting. Have I got that right?

7 MR. ED HOUGHTON: I believe he was.
8 I'm -- I'm almost -- I'm almost a hundred percent
9 positive that he was, but I'm going by memory.

10 MS. KATE MCGRANN: Was this meeting
11 the first time that you met BLT?

12 MR. ED HOUGHTON: Yes.

13 MS. KATE MCGRANN: Was it the first
14 time that you had heard of them?

15 MR. ED HOUGHTON: No, I don't -- I
16 don't -- I don't -- no, it would not have been the
17 first time I heard of them, no.

18 MS. KATE MCGRANN: Do you remember
19 when you first heard about BLT?

20 MR. ED HOUGHTON: I -- I cannot pick a
21 date but they had talked about -- we talked -- if --
22 if I can, just for sec.

23 They -- they talked about how the --
24 how the structure goes together and how, you know,
25 it's -- it's not something that's intuitive when --

1 you know, you couldn't pick ABC Company to -- to be
2 able to do that, and that's why they -- they've
3 aligned themselves with this -- this part -- this --
4 their partner or BLT, and -- and throughout the whole
5 process, we refer to them as Sprung/BLT because I
6 don't think we ever differentiated between the two.

7 I don't think it was ever really
8 clearly explained what they did, but I'm the same as
9 some of the others who have talked about it, that it
10 was Sprung/BLT. That was -- in it, and BLT were the -
11 - the people that did the erection for them.

12 MS. KATE MCGRANN: Who told you that
13 the structure wasn't intuitive and you couldn't just
14 pick any company to construct the building?

15 MR. ED HOUGHTON: Well, I think those
16 are my words, but certainly in conversation with the
17 Sprung folks --

18 MS. KATE MCGRANN: Do you remember who
19 from Sprung gave you that information?

20 MR. ED HOUGHTON: Again, I was hoping
21 that when I saw the people like Mr. Lloyd or Mr.
22 Barrow, I would recognize people and it would kind of
23 bring back the memory of people, so I don't know
24 whether it would have been Mr. MacNeil, because I
25 don't recollect -- I can't remember what he looks like

1 anymore either, but -- or -- or Mr. Lloyd, but it
2 would be -- it would be one of those. Mr. Lloyd did,
3 I would expect, the majority of the talking.

4 MS. KATE MCGRANN: Do you remember if
5 anybody else was present when you were given this
6 information that you couldn't just hire any
7 construction company to put the buildings up?

8 MR. ED HOUGHTON: I believe that was
9 pretty much the whole group.

10 MS. KATE MCGRANN: And when you say
11 "the whole group," who do you mean?

12 MR. ED HOUGHTON: Well, if it was --
13 it -- I don't believe it would have been the -- the --
14 the June meeting, so it had -- would have had to have
15 been the July meeting or where -- where there would
16 have been -- you know, Dave -- Dave McNalty, myself,
17 and others.

18 MS. KATE MCGRANN: So we've seen you
19 involved in discussions with Sprung on -- obviously
20 your initial conversation with Mr. Mills, and there's
21 the June 21st phone call, there's a July 11th meeting,
22 there's this July 27th meeting.

23 Are you also speaking with them on the
24 phone or communicating with them via email in between
25 these meetings?

1 MR. ED HOUGHTON: I -- I don't -- I
2 don't know if I ever spoke to them on the -- I don't
3 think I spoke to them on the phone until after the
4 27th of August, but -- save and except for maybe
5 setting up a meeting or something like that, but I
6 think I probably did that mainly by email.

7 But it -- the discussion either took
8 place on -- on the -- July 11th or this meeting on
9 August twenty -- or the July 27th meeting where they
10 talked about -- it had to be before that because they
11 introduced BLT, so I don't -- I'm going to say I can't
12 help you, I'm sorry.

13 MS. KATE MCGRANN: Tom Lloyd from
14 Sprung -- appeared in his evidence -- one (1) of the
15 things that he said in his evidence is that he told
16 you that the Town didn't have to use BLT to construct
17 the pool and arena. He said he recommended BLT but he
18 told you that you didn't have to use them.

19 What's your reaction to that evidence?

20 MR. ED HOUGHTON: Well, my -- my -- I
21 -- I heard Mr. Lloyd say that. My -- my recollection
22 of that conversation was that -- that BLT is our
23 partner and that they are the people who do the
24 install.

25 The only time that there was ever a

1 discussion, which was the one that got confusing,
2 which was the August 3rd where BLT wasn't there, where
3 he kind of said, you know -- we were trying to -- you
4 know, what -- how -- what's the -- the -- you know,
5 how -- how do we put all of this together, and he made
6 a suggestion.

7 He said, well, you could buy this from
8 Sprung, and it was -- what are you talking about, and
9 he goes, well -- and he said it probably isn't --
10 doesn't make sense to do that because there's these
11 reasons, and he explained the -- the risk and those
12 kinds of things. And he said you could potentially
13 have somebody do this install but they wouldn't know
14 how to do it, they wouldn't -- you know -- and it --
15 it was a complicated thing.

16 So it really was truly a -- a very
17 short conversation but it was a confusing one.

18 MS. KATE MCGRANN: And what steps did
19 you take to address your confusion?

20 MR. ED HOUGHTON: I -- I actually
21 contacted Mr. Bonwick, because at that point in time
22 they -- they are now part of -- August the 1st I found
23 out -- I said I -- I'm -- I'm getting confused here, I
24 don't understand what the issue was, and with -- and
25 he -- he spoke to BLT about it, but I believe that at

1 some point in time I spoke as well to Tom Lloyd or
2 somebody -- it might have been Mark.

3 I can't remember which of those guys
4 because they were -- didn't have a lot of contact with
5 them about it, but it was B -- in my mind, it was
6 always BLT.

7 It was never -- there was never a
8 choice of any -- anybody else. It had to be a partner
9 that was familiar with the type -- how to erect the
10 buildings.

11 MS. KATE MCGRANN: At any point in
12 time before August 27th, did you make any enquiries of
13 Sprung or BLT directly about the nature of the
14 partnership that they had?

15 MR. ED HOUGHTON: I did not, no.

16 MS. KATE MCGRANN: At any point in
17 time before August 27th, did you go and look at the
18 BLT website?

19

20 (BRIEF PAUSE)

21

22 MR. ED HOUGHTON: I'm probably going
23 to say no, only because I don't recall a website, but
24 I typically did those things but I -- I can't help you
25 on that one either, sorry.

1 MS. KATE MCGRANN: What information
2 did you get on July 27th about BLT as a company?

3 MR. ED HOUGHTON: They did talk about
4 the -- the company. They talked about, you know, the
5 installs that they do, that they've been around for
6 quite some time. I didn't get anything different from
7 -- from them in a sense that they -- they were the
8 partner of -- of Sprung.

9 MS. KATE MCGRANN: Did you become
10 aware at any point before August 27th that BLT had not
11 built an aquatics facility before?

12 MR. ED HOUGHTON: Again, what BLT was
13 doing was the erection of the enclosure, and then it
14 kind of morphed into additional things, which was the
15 warm water therapy pool, which was done by others, and
16 as well the - the -- making a pool the six (6) lane
17 25-metre whatever -- but they -- they were really not
18 doing per se pool. They were doing the enclosure and
19 the change rooms and those things at that point.

20 But to answer your question
21 specifically, I don't think I asked if they'd ever
22 done a pool, no.

23 MS. KATE MCGRANN: Were you aware
24 before August 27th that BLT had not constructed an
25 arena before?

1 MR. ED HOUGHTON: No.

2 MS. KATE MCGRANN: What steps did you
3 take to investigate BLT as a company?

4 MR. ED HOUGHTON: Again, I -- I didn't
5 -- I did not differentiate, and I think that's why all
6 the emails right to the very end, it's Sprung/BLT. I
7 thought that they were a partner of BLT's and -- or of
8 Sprung, and -- and that they'd been around for quite
9 some time.

10 I think they told us they'd been around
11 for quite some time and Sprung had been around for a
12 hundred and twenty-five years, and -- but I didn't
13 investigate specifically into -- into BLT, no.

14 MS. KATE MCGRANN: Did you take any
15 steps to look into them as a company, their
16 reputation, prior work they had done, anything like
17 that?

18 MR. ED HOUGHTON: Well, I -- I guess I
19 took it on faith in a sense that Sprung, which was a
20 Canadian company, one that appeared to -- when I
21 googled their company, they had a lot of pride in what
22 they were doing.

23 I don't think that they would have
24 aligned or associated themselves with a company that
25 was not reputable in any way, shape, or form.

1 MS. KATE MCGRANN: So am I right that
2 you didn't take any steps to investigate them? You
3 just took it on faith that because they were
4 associated with Sprung --

5 MR. ED HOUGHTON: I felt comfortable
6 that they were a reputable company based on the fact
7 that they were a partner with Sprung.

8 MS. KATE MCGRANN: What steps did you
9 take to investigate Sprung?

10 MR. ED HOUGHTON: Just the
11 conversations we had with them in the -- and just
12 doing internet research on -- on -- I think I read
13 every page of every -- you know, they've got quite an
14 extensive website. I learned quite a bit from their
15 website.

16 MS. KATE MCGRANN: Did you read
17 anything on the internet about them, other than what
18 they put on their website?

19 MR. ED HOUGHTON: Well, I think when
20 you -- when you google "Sprung," you're going to get
21 negative stuff too, if there's negative stuff.

22 MS. KATE MCGRANN: Did you look at
23 anything other than their website on the internet?

24 MR. ED HOUGHTON: No. I googled
25 "Sprung" as well, and when you google you'll get --

1 you google my name now, all you get is this Inquiry.
2 It used to be good stuff. But you get that, so I -- I
3 googled "Sprung" as well, not just their website.

4 MS. KATE MCGRANN: How much time did
5 you spend researching Sprung on the internet?

6 MR. ED HOUGHTON: I did -- I think I
7 did quite a bit of looking at both the Sprung
8 information -- looking at their competitors. I -- I
9 did take, you know, on faith that there were others
10 that had collapsed, and when you -- when you looked at
11 it, there was, you know, quite a discussion about that
12 in -- from a fabric building.

13 It -- there appeared to be truly
14 nothing negative about Sprung. I know at one point in
15 time, they -- they did offer to send people to Calgary
16 to see their facilities. Certainly I -- I didn't -- I
17 didn't take them up on it and I didn't -- well, I
18 don't know if even their offer was to me, it was to
19 others, but...

20 MS. KATE MCGRANN: How much time did
21 you spend on the internet researching Sprung?

22 MR. ED HOUGHTON: Re -- researching
23 Sprung and others, quite -- I spent -- I'd spend time
24 here and -- you know, maybe an hour here and then
25 you'd get an hour doing something -- another time or,

1 you know, at night, those kinds of things.

2 MS. KATE MCGRANN: Did you keep any
3 notes of your research?

4 MR. ED HOUGHTON: I -- I'm not much of
5 a note -- note taker. I've got a pretty good memory
6 and don't really take a lot of notes.

7 MS. KATE MCGRANN: Did you contact any
8 Sprung clients?

9 MR. ED HOUGHTON: I believe that the
10 only place that I contacted, and I -- I know I had the
11 name wrong when we had the other interview, but there
12 was a -- there was a company that manufactured the
13 membrane for them and they -- they were purporting
14 that that membrane that they purchased was exclusive
15 to Sprung, hence the strongest, and I remember -- I
16 remember I did make a phone call just to ask that
17 question. It was a very short question to their help
18 desk or whatever it was.

19 MS. KATE MCGRANN: Did you ask Sprung
20 for any references?

21 MR. ED HOUGHTON: I did not ask --
22 well, yes. They -- they -- they had -- they have
23 multitudes of references even on their website. We --
24 we asked them for information like the pool, which is
25 in -- the Kearns pool or Carnes (phonetic) pool or

1 however you pronounce it. They -- they -- they had
2 references like from the gentleman from Hockey Canada
3 or whatever it was and those kinds of things.

4 MS. KATE MCGRANN: Are you referring
5 to the one-page letter from Hockey Canada?

6 MR. ED HOUGHTON: Yes.

7 MS. KATE MCGRANN: Did anyone on staff
8 contact any of the references that Sprung listed on
9 their website?

10 MR. ED HOUGHTON: I did not. I don't
11 --

12 MS. KATE MCGRANN: To your knowledge,
13 did anyone on staff contact any of the references
14 Sprung had on their website?

15 MR. ED HOUGHTON: To my knowledge, no.

16 MS. KATE MCGRANN: Mr. Barrow, in his
17 evidence, said that in terms of communicating with the
18 Town, BLT went through Green Leaf for everything.

19 MR. ED HOUGHTON: Well, I don't know
20 if that can be exactly true only because my
21 understanding is BL -- well, the first time I heard
22 that Green Leaf was involved was August 1st or
23 thereafter, something like that, but we did have a
24 meeting on the 27th.

25 I -- and -- and I may not have spoken

1 to him again. I -- I don't know if I differentiate
2 between Mark Watts and himself, but...

3 MS. KATE MCGRANN: Did you continue to
4 communicate with BLT directly after the July 27th
5 meeting?

6 MR. ED HOUGHTON: No. We -- we
7 actually did get told that the local contact would be
8 actually Abby Stec, but...

9 MS. KATE MCGRANN: Who told you that
10 the local contact was Abby Stec?

11 MR. ED HOUGHTON: I believe it may
12 have been Mr. Bonwick or it may have been Dave Barrow
13 after the fact. I don't -- I don't have a specific
14 recollection.

15 MS. KATE MCGRANN: At any point were
16 you told that you couldn't work directly with BLT, you
17 had to go through Green Leaf?

18 MR. ED HOUGHTON: No.

19 MS. KATE MCGRANN: Ms. Leonard and Mr.
20 McNalty both gave evidence that they didn't know that
21 Green Leaf was involved in the work that BLT was doing
22 with the Town.

23 What's your reaction to that?

24 MR. ED HOUGHTON: I -- I can accept
25 that.

1 MS. KATE MCGRANN: Who from the Town
2 was dealing with Green Leaf?

3 MR. ED HOUGHTON: Who was which?

4 MS. KATE MCGRANN: Who from the Town
5 was dealing with Green Leaf?

6 MR. ED HOUGHTON: Well, I dealt with
7 Green Leaf. I was the contact for Sprung/BLT, which
8 again I didn't differentiate.

9 I was informed that -- that Green Leaf
10 was -- had -- had some sort of an association now with
11 BLT.

12 My -- my first conversation I had with
13 Ms. Stec, she told me that she was also the contact,
14 so I dealt with her.

15 MS. KATE MCGRANN: How did you
16 communicate with Green Leaf primarily on the -- the
17 Town recreation facilities? Were you meeting with
18 them in the -- person, telephone calls, emails?

19 MR. ED HOUGHTON: I think because I
20 was so darned busy at that point in time, I think I
21 probably did a lot by telephone.

22 MS. KATE MCGRANN: Based on our review
23 of the phone records that we do have available, you
24 had fifteen (15) phone calls with Ms. Stec between
25 August 1st and August 27th.

1 Were you dealing with her on anything
2 other than Green Leaf at that point in time?

3 MR. ED HOUGHTON: I don't think so. I
4 -- well maybe I'm not sure whether or not we were --
5 where we were sitting with the solar vent project, but
6 I would expect primarily that was -- could have been
7 Sprung, the Sprung deal.

8 MS. KATE MCGRANN: What did you
9 understand Green Leaf was doing for BLT?

10 MR. ED HOUGHTON: Well again, Mr.
11 Bonwick explained to me that -- that their intent was,
12 or their -- their desire was that they were -- they
13 were going to try to make -- if Collingwood was
14 successful, that this would be something that could be
15 transferable to other locations.

16 He told me that they were going to be
17 working with BLT/Sprung and that -- that Abby was
18 going to facilitate it based on her prior knowledge of
19 Sprung, and -- and history with Sprung.

20 MS. KATE MCGRANN: What did you
21 understand Ms. Stec's history with Sprung was?

22 MR. ED HOUGHTON: I don't even know to
23 know of what the history was, but I knew that at one
24 point in time, Pretty River Academy was looking at a -
25 - a dome or a building.

1 MS. KATE MCGRANN: Did you -- what was
2 your understanding of -- of Ms. Stec's ability to act
3 as a facilitator in terms of your communications with
4 BLT, the purported design builder for Sprung?

5 MR. ED HOUGHTON: What was her --

6 MS. KATE MCGRANN: Did you understand
7 that she brought any special skills to the table? Did
8 she have a background in design build construction,
9 architecture, pools --

10 MR. ED HOUGHTON: She --

11 MS. KATE MCGRANN: -- arenas?

12 MR. ED HOUGHTON: -- she spoke a lot -
13 - sorry, I didn't mean to cut you off there.

14 MS. KATE MCGRANN: No, that's fine.

15 MR. ED HOUGHTON: She spoke a -- a lot
16 about LEED and if there was an opportunity in the
17 future from a LEED perspective, but I didn't -- I
18 didn't question it, but I don't think she had -- well,
19 maybe she had some experience because of her
20 experience at PRA, but I didn't think it -- I wasn't
21 thinking of that.

22 MS. KATE MCGRANN: In terms of your
23 interactions with Green Leaf, what did you see Ms.
24 Stec doing on behalf of BLT?

25 MR. ED HOUGHTON: She was sort of that

1 go-to person. I'd -- would speak to her -- like, as
2 an example, the one where we were trying to find out
3 whether the -- the big overhead garage doors were --
4 were included, and so it was easy for me to call her
5 and say I can't find this, can you get me the answer.
6 So it was -- it was -- it was easy and good that way.

7 MS. KATE MCGRANN: Was she effectively
8 acting as an intermediary between you and BLT, so you
9 send her questions, she sends the questions on to
10 them, comes back to you with answers?

11 MR. ED HOUGHTON: Yeah. It worked out
12 well that way because I could -- I could quickly ask a
13 question and typically knew I could get a hold of her
14 and -- and be able to ask the question.

15 MS. KATE MCGRANN: Okay. Other than
16 that, did she do anything else that you saw?

17 MR. ED HOUGHTON: No, really. She --
18 she provided that service to us from that perspective,
19 yes.

20 MS. KATE MCGRANN: And then Mr.
21 Bonwick, what did you see him doing on behalf of BLT?

22 MR. ED HOUGHTON: What I understood
23 from Mr. Bonwick, too was that he and Abby are -- are
24 working with BLT, primarily I could speak with Abby,
25 but if there was other things that I -- you know, if I

1 couldn't get a hold of Abby or -- I could -- I could
2 speak to him about it.

3 MS. KATE MCGRANN: Okay. Other than
4 sort of stepping in if you couldn't get a hold of Abby
5 to get your messages to BLT, did you see Mr. Bonwick
6 doing anything else on behalf of BLT as far as the
7 Town went?

8 MR. ED HOUGHTON: No.

9

10 (BRIEF PAUSE)

11

12 MS. KATE MCGRANN: When you said that,
13 if Sprung/BLT did this work for the Town of
14 Collingwood, it was possible that that could be
15 transferrable, what did you understand what going to
16 be transferable?

17 MR. ED HOUGHTON: Yeah. And I'm not
18 actually sure if that conversation took place then or
19 later on, but -- but probably -- probably was more
20 later on, that, you know, this is -- this -- if -- if
21 the ice pad say specifically worked out, that it might
22 be something that could be an answer to a lot of small
23 municipalities, northern municipa -- municipalities,
24 to be able to get either an ice surface or a second
25 ice surface.

1 I -- I didn't give it a lot of thought.
2 I had enough of my real job to focus on than what Mr.
3 Bonwick was thinking about.

4 MS. KATE MCGRANN: Did Mr. Bonwick say
5 anything to you about -- actually, you know what?
6 I'll come back to that later.

7 I'm going to ask you some questions
8 about WGD. And I know you said earlier today that WGD
9 was a blur. Let's just go through these questions
10 anyways and -- and see where we get.

11 Your evidence was that you didn't know
12 that WGD had been retained to work on the arena
13 because you weren't at the July 17th department head
14 meeting where that was discussed.

15 Is that fair?

16 MR. ED HOUGHTON: That's correct.

17 MS. KATE MCGRANN: Okay. Can we turn
18 up TOC189918?

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: And can we scroll
23 all the way to the bottom, please? So, if we could
24 scroll up. It's July 24th, so seven (7) days after
25 that meeting. Ms. Leonard sends an email to you, Mr.

1 Irwin, Ms. Almas, and Mr. McNalty, "Followup FYI."

2 And she writes:

3 "I just talked to Dave and asked him
4 to continue with WGD on the
5 following items."

6 And she talks about redrawing
7 schematics. And then she goes on to say:

8 "Pricing of bricks and mortar
9 building, that would be phase 1 of
10 the two (2) pad configuration, plus
11 estimating the operating costs, and
12 2) pricing a prefabricated steel
13 structure that would be phase 1 of
14 the two (2) pad configuration, plus
15 estimated operating -- operating
16 costs."

17 Do you see that?

18 MR. ED HOUGHTON: Yes.

19 MS. KATE MCGRANN: And scroll up. And
20 then you write back:

21 "The first thing we need is to have
22 the operational information for the
23 bricks and mortar building and the
24 structural steel building."

25 You write back:

1 "Actually, I'm not sure where this
2 building fits into the equation, but
3 I may have missed it."

4 Regardless of the fact that you're not
5 sure where the building fits in at this point in time,
6 you know that WGD is pricing a prefabricated steel
7 building for the Town, correct?

8 MR. ED HOUGHTON: When I was reading
9 some of this information, that's where I got the
10 information, yeah.

11 MS. KATE MCGRANN: And you knew that
12 at the time. You write back to her right away that
13 evening?

14 MR. ED HOUGHTON: Pardon me?

15 MS. KATE MCGRANN: I said you knew
16 that at the time because you write back to her about
17 it that evening?

18 MR. ED HOUGHTON: Yes, because I can
19 see what Marjory's asking for, yeah.

20 MS. KATE MCGRANN: Scroll up further.
21 And we see -- so we can see who's sending it. Mr.
22 McNalty writes back that evening in response to a
23 question to you to explain the prefab steel type arena
24 is in response to the request in our terms of
25 reference for other affordable structures as a more

1 electri -- less direct comparison to a Sprung arena.

2 And he says:

3 "This is in contrast to the bricks
4 and mortar approach which I would
5 essentially call phase 1 of the
6 overall Central Park plan."

7 Scroll up.

8 MR. ED HOUGHTON: Can we actually
9 scroll back up for a second?

10 MS. KATE MCGRANN: Sure.

11 MR. ED HOUGHTON: Thank you. I think
12 -- I think when I said this I knew that have re --
13 reading the report, the -- that WGD was involved with
14 the other report, which is the bricks and mortar, and
15 -- and that the oper -- the steel structural building.

16 I -- I still don't know if I knew
17 exactly what the heck was going on and that -- that it
18 wa -- it was always unclear to me. And it -- it's
19 either that I was totally brain dead at times or
20 whether -- or whe -- whether it was just the fact that
21 I -- I didn't have a clear understanding where this
22 was going, what WGD was doing, what the -- and -- and
23 even the terms of reference.

24 I -- I don't recollect ever seeing the
25 terms of reference. Sorry, I just wanted to read that

1 one (1) more time.

2 MS. KATE MCGRANN: That's fine. So,
3 the email in front of you, you write back that you're
4 not sure where the prefa -- or the structural steel
5 building fits into the equation, so you're explaining
6 your confusion there. Scroll up.

7 That evening, Mr. McNalty provides you
8 with an explanation as to how the prefab steel arena
9 fits in. He says:

10 "The prefab steel arena is in
11 response to our in -- to the request
12 in our terms of reference for other
13 affordable structures."

14 Scroll up. You write back, "The second
15 thing" -- you see there, the third paragraph down:

16 "The second thing is regarding the
17 structural steel building."

18 You mentioned:

19 "It is in response to the request in
20 our terms of reference for other
21 affordable structures."

22 You ask, "What do you mean our terms of
23 reference." Scroll up. Mr. McNalty writes back to
24 you that night:

25 "The terms of reference mentioned

1 was the four (4) page document that
2 you received yesterday and the table
3 within was to guide WGD's work and
4 our thoughts along the way."

5 So, at this point, July 24th, you know
6 that WGD is prifing -- pricing a prefabricated steel
7 arena for the Town in response to Council's direction,
8 correct?

9 MR. ED HOUGHTON: Well, I -- I'm not
10 sure if I do. Did I receive the -- that four (4) --
11 four (4) page document? Like, I -- I don't recall it.
12 And it -- and when I saw it in the -- in the court
13 book it seemed absolutely new to me, and I've not sure
14 if I saw it.

15 I'm not -- I've -- I've said all along
16 that it's not -- not that anybody did anything wrong
17 by not telling me this stuff, I just don't recollect
18 it. It was never clear to me. It was always -- and
19 having -- having seen it now, I think if I -- if I had
20 a better grasp and better handle, I would have
21 understood things a little bit better, but that's all
22 I said.

23 MS. KATE MCGRANN: Okay. Did you take
24 any steps at any time before August 27th to clear up
25 the confusion that you described to us?

1 MR. ED HOUGHTON: If I had had more
2 hours in the day, I might have tried to do that, but,
3 honestly, this wasn't just my only focus. I was
4 really trying to do everything and be everything to
5 everybody, and I obviously was very busy.

6 MS. KATE MCGRANN: So, I take it the
7 answer is, no, you didn't take any steps --

8 MR. ED HOUGHTON: No.

9 MS. KATE MCGRANN: -- to clear up your
10 confusion?

11 MR. ED HOUGHTON: I did not. I just
12 asked questions.

13 MS. KATE MCGRANN: Now, we've seen
14 that WGD was working on the Central Park steering
15 committee report. And there's been suggestions and
16 questions asked earlier in the Inquiry that WGD may
17 have been attached to the MURF concept.

18 So, I'll just ask you about this to
19 clear it up. Did you have any concerns about WGD's
20 ability to do the work objectively that they had been
21 asked to do on the arenas?

22 MR. ED HOUGHTON: I -- I think if I
23 had had the -- if I was a party to the conversation on
24 July 17th at department heads, I might have been able
25 to -- I would have probably said first that's not

1 exactly how Council went that night.

2 Councillor Gardhouse did suggest it.

3 We said we'd take it under advisement and we would let
4 them know. I -- I think I -- I may have -- I may have
5 drawn the same conclusions as them, that it made sense
6 to -- for them to be able to pull from their -- their
7 database all the information, but it's hindsight now,
8 so.

9 MS. KATE MCGRANN: At no point in time
10 did you tell staff stop working with WGD, cancel our
11 retainer with them, I don't want this being done,
12 right?

13 MR. ED HOUGHTON: I don't know if I
14 knew what the retainer was.

15 MS. KATE MCGRANN: You never told them
16 to stop working with WGD, did you?

17 MR. ED HOUGHTON: Well, you had -- you
18 had two (2) parts to that question, about the --
19 knowing the retainers. If I don't know if I knew the
20 retainer, I don't know if I knew what the costs were
21 they were doing.

22 Again, I'm telling you that -- that
23 there's -- there's got to be at least fifteen (15)
24 emails between Marta and WGD and Dave and WGD that I
25 was not a party to, and again, that's not wrong.

1 It just -- the whole thing was
2 confusing to me. And staff was working hard. David
3 was working with them. Marjory obviously had been
4 working with them. Marta was working with them. I
5 let -- they were -- they were moving forward. They
6 were doing that.

7 I -- I let -- you know, I -- who -- who
8 was I to question what they were -- what they were
9 doing. If they knew what they were doing, that was a
10 good thing.

11 MS. KATE MCGRANN: You never told them
12 to stop working with WGD?

13 MR. ED HOUGHTON: Why would I tell
14 them to stop working with them when I really didn't
15 understand what they were doing?

16 MS. KATE MCGRANN: Now, the question
17 that started us down this path was, did you have any
18 concerns about WGD's ability to do the work that they
19 were being asked to do objectively in light of their
20 work that they had done on the MURF proposal?

21 MR. ED HOUGHTON: Well, I think I'd --
22 I'd said, in hindsight, reading the -- the report from
23 July 17th, I may have agreed with staff. I -- I don't
24 know. I'm presupposing.

25 So, I -- for -- for me to tell you that

1 now I'm -- I think they were in conflict or whatever I
2 think would be unfair to -- to them, it'd be unfair to
3 -- to the Inquiry.

4 MS. KATE MCGRANN: In case it was
5 unclear, my question was, did you have any concerns at
6 the time? Did you have any concerns at the time about
7 their ability to do the work that they were being
8 asked to do objectively?

9 MR. ED HOUGHTON: I didn't know the
10 terms of reference, so how am I supposed to -- please,
11 I'm trying to say, if I didn't know the terms of
12 reference, how am I -- how am I going to tell them
13 that -- that they're in conflict or they're not in
14 conflict or they do -- they're doing -- if I didn't
15 know what the -- what the -- the -- their -- their
16 stipend was, or their -- their contract?

17 I can't -- I can't give you that
18 answer, I'm sorry.

19 MS. KATE MCGRANN: Did you know that
20 WGD was an architectural firm?

21 MR. ED HOUGHTON: I probably did, yes.

22 MS. KATE MCGRANN: Did you ever
23 consider sitting down with them or having staff sit
24 down with them to scope out the elements that the Town
25 needed in the arena it was looking at building? Did

1 you seek their advice about what the Town needed?

2 MR. ED HOUGHTON: I would have
3 expected that, if -- if WGD was not getting clear
4 instructions and orders from Marta or Marjory or Mr.
5 McNalty, then -- then it -- it would behoove them to
6 seek me out, not the other way around.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Can we look at
11 paragraph 27, the summary --

12 THE HONOURABLE FRANK MARROCCO: Just
13 before you do that, can you scroll down to the next
14 email? And down to the next one.

15

16 (BRIEF PAUSE)

17

18 THE HONOURABLE FRANK MARROCCO: Go
19 down to the next one. You see that email, Mr.
20 Houghton? It says --

21 MR. ED HOUGHTON: Yes.

22 THE HONOURABLE FRANK MARROCCO: --

23 "Secondly, I -- secondly, I think
24 the deputy mayor was pretty clear
25 that he didn't want David Wood

1 working on anything at this time."

2 Was it commonplace for the deputy mayor
3 to also specify whom he did not want working on
4 specific matters?

5 MR. ED HOUGHTON: Your -- Your Honour,
6 I think in this situation here was that David Wood is
7 a landscape architect, a very good one. I -- I don't
8 recall why the deputy mayor said that.

9 To answer your question, was it
10 unusual, no.

11 THE HONOURABLE FRANK MARROCCO: So, he
12 would specify who should work on a project and who
13 shouldn't?

14 MR. ED HOUGHTON: The deputy mayor
15 would -- would -- I mean, again, this is a consultant.
16 They -- they had an affliction to hiring consultants
17 and those kinds of things at this point in time.

18 This is not a reflection on David Wood
19 at all. It was just that we don't need a landscape
20 architect at this point in time. I don't recall why I
21 said that. Like, I don't know when --

22 THE HONOURABLE FRANK MARROCCO: I
23 don't know that you said it.

24 MR. ED HOUGHTON: Well, I think that's
25 --

1 THE HONOURABLE FRANK MARROCCO: Well --

2 MR. ED HOUGHTON: Yeah, that's my --

3 THE HONOURABLE FRANK MARROCCO: -- you
4 said it, but you were repeating --

5 MR. ED HOUGHTON: Yeah. Yes. Thank
6 you. I -- I'm not sure why I would have repeated what
7 the deputy mayor told me, but he did tell me. And
8 even reading what Mr. Irwin responded at another --
9 another time in here, saying that it was because of
10 the -- something to do with the arboretum or -- no,
11 something, but I don't -- I don't even recollect that.

12 When I -- when I read that, it didn't
13 twig a memory for me, sorry.

14

15 CONTINUED BY MS. KATE MCGRANN:

16 MS. KATE MCGRANN: Can we turn to
17 paragraph 329 of the Foundation Document, please?

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: This paragraph
22 describes that at 4:23 p.m. on August 17th, 2012, so
23 just under a week before the Council meeting, WGD sent
24 Ms. Proctor and Mr. McNalty a revised report titled,
25 "Central Park new arena options," which contained

1 information comparing pre-engineered buildings to
2 fabric membrane buildings.

3 It provided an estimate for a pre-
4 engineered building at seven million six thirty-two
5 one twenty-four (7,632,124) and an estimate for a
6 fabric structure at seven million one thirty-two one
7 twenty-four (7,132,124).

8 If you look at paragraph 330, Ms.
9 Proctor forwards that report on to you. Do you
10 remember receiving this report?

11 MR. ED HOUGHTON: I -- I remember my -
12 - my response more than -- more than the report, yes.

13 MS. KATE MCGRANN: All right. Why do
14 you remember your response more than the report?

15 MR. ED HOUGHTON: Because yet again I
16 was confused about what WGD was doing and -- and it
17 was a conversation that I had with somebody where they
18 were talking about that WGD was putting together
19 information for the Eddie Bush and -- and potentially
20 for a funding opportunity.

21 So, it -- I can apologize for the fact
22 that -- that I was so busy at that point in time,
23 sometimes things eluded me and sometimes I asked
24 questions that -- that maybe, you know, indicated that
25 I was somewhat confused, and this is just another

1 example of that.

2 MS. KATE MCGRANN: Well, and I've
3 heard your evidence about that. There are other
4 instances in which you query staff members about what
5 WGD is doing and they give you answers. And I haven't
6 taken you to every single one (1) of those because I
7 don't want to waste time here. The documents --

8 MR. ED HOUGHTON: Yeah.

9 MS. KATE MCGRANN: -- speak for
10 themselves. But at this point in time, Council has
11 asked staff to get estimates for a fabric building --
12 or -- well, for an arena, a single-pad arena.

13 Professional architects who were
14 consulting for the Town have given you an estimate for
15 a pre-engineered building and a fabric structure. Did
16 you review this report when you received it?

17 MR. ED HOUGHTON: I -- I remember
18 looking at the report, yes.

19 MS. KATE MCGRANN: Did you have any
20 concerns with the report at the time you reviewed it?

21 MR. ED HOUGHTON: It was -- it was
22 evident to me when I reviewed the report that they had
23 not done any review of Sprung.

24 MS. KATE MCGRANN: Did you speak to
25 anybody about that concern that you formed when you

1 reviewed the report?

2 MR. ED HOUGHTON: I believe after the
3 fact, I did speak to Mr. McNalty about -- about the
4 report, and he expressed somewhat frustration, as
5 well.

6 MS. KATE MCGRANN: When you say,
7 "After the fact," what do you mean?

8 MR. ED HOUGHTON: After I received the
9 document.

10 MS. KATE MCGRANN: Okay. So, would --
11 would that have been on or around August 17th?

12 MR. ED HOUGHTON: Well, I -- I'm sure
13 it was sometime after that, but I don't know exactly
14 when.

15 MS. KATE MCGRANN: Was it before you
16 received the first draft of the staff report?

17 MR. ED HOUGHTON: Oh, I'm sure it was
18 before the first draft, yes. Oh, wait, 21st. Yeah,
19 maybe not, sorry. I don't -- I don't -- can't tell
20 you specifically. There's only four (4) or five (5)
21 days in there, so.

22 MS. KATE MCGRANN: Was it before you
23 finalized the staff report that you were delivering to
24 Council?

25 MR. ED HOUGHTON: That I had -- that I

1 had a conversation with Dave McNalty about this
2 report?

3 MS. KATE MCGRANN: Yes.

4 MR. ED HOUGHTON: Yes.

5 MS. KATE MCGRANN: Okay. What can you
6 tell us about the conversation you had with Mr.
7 McNalty about the report?

8 MR. ED HOUGHTON: Ju -- just in the
9 report, from the perspective of the report, I said
10 that in their opening paragraphs they talk about --
11 about fabric buildings, and -- and it was clear that
12 they had not considered the Sprung type building
13 versus just a fabric building and, I think as Dave
14 kept calling it, either commercial or industrial
15 agricultural something.

16 MS. KATE MCGRANN: What do you
17 remember Mr. McNalty contributing to that
18 conversation?

19 MR. ED HOUGHTON: That he -- he was
20 frustrated, as well, because he had -- he -- he had
21 forwarded information he sent to them.

22 MS. KATE MCGRANN: What steps did you
23 take to take those concerns to WGD and have them
24 address them?

25 MR. ED HOUGHTON: At -- at this point

1 in time, I don't think them -- their consideration of
2 the -- the Sprung portion of it -- there would be no -
3 - what -- what David was taking out of this now was
4 the -- the prefabricated steel portion.

5 MS. KATE MCGRANN: Did you confirm
6 with them that their report did not consider a Sprung
7 structure?

8 MR. ED HOUGHTON: Did I confirm that?
9 No. I had no conversations with them except -- save
10 and except for when Marta forwarded -- forwarded me
11 the -- the complaint from Mr. Dabrus.

12 MS. KATE MCGRANN: You knew that the
13 Town was paying WGD to do this work?

14 MR. ED HOUGHTON: I'm assuming they're
15 not doing it for free, but I'm not a party to it.

16 MS. KATE MCGRANN: Fair enough. You
17 assumed that they weren't doing it for free, and
18 therefore, the Town was paying them. Correct?

19 MR. ED HOUGHTON: That's correct.

20 MS. KATE MCGRANN: Why didn't you take
21 steps to get the experts that the Town was paying to
22 finish doing the job that the Town had asked them to
23 do?

24 MR. ED HOUGHTON: Am I the only one
25 that makes decisions in the Town of Collingwood? I

1 believe that this report was not my report. I believe
2 that this report was either Marta's report and that --
3 that that -- that should have been the person that was
4 taking this to it.

5 At this point in time, Marta was away
6 again. I spoke to Dave McNalty. It didn't appear
7 like it was going to change what he was doing. I
8 don't think that -- that it's -- it's my job to do
9 everything.

10 MS. KATE MCGRANN: Did you see that
11 the estimate for the pre-eng building -- the fabric
12 structure building had a difference of only \$550,000
13 when you reviewed the report?

14 MR. ED HOUGHTON: Yeah. And David
15 explained to me why they were close. Yes.

16 MS. KATE MCGRANN: And what do you
17 remember Mr. McNalty explaining to you about why they
18 were close?

19 MR. ED HOUGHTON: What -- what David
20 said that was -- that there were -- there were some
21 of -- and when you look at the report, it talks about
22 a number of green products. He said we had to take
23 some of those things into consideration. So that's
24 what he did.

25 MS. KATE MCGRANN: The notion that a

1 pre-engineering steel building and a fabric structure
2 would only be \$550,000 apart, don't you think that's
3 important information that should have been provided
4 to Council if it was accurate?

5 MR. ED HOUGHTON: If it was accurate
6 and it was comparing apples to apples, I would agree
7 with you.

8 MS. KATE MCGRANN: Did you have any
9 reason to believe that WGD was not comparing apples to
10 apples?

11 MR. ED HOUGHTON: Yes.

12 MS. KATE MCGRANN: What reason was
13 that?

14 MR. ED HOUGHTON: To begin with, the
15 opening paragraphs. And what David was explaining to
16 me how he was going to take that base number and make
17 it an apples-to-apples comparison.

18 MS. KATE MCGRANN: My understanding of
19 Mr. McNalty's evidence about the adjustments that he
20 made were that he made those adjustments to make them
21 an apples-to-apples comparison to the budgets that
22 Sprung provided to the Town.

23 Is that what you understood he was
24 doing?

25 MR. ED HOUGHTON: Pardon me?

1 MS. KATE MCGRANN: My understanding
2 from Mr. McNalty's evidence is that he made
3 adjustments to WGD's pre-fabricated steel estimate to
4 make it an apples-to-apples comparison to the budgets
5 that Sprung provided to the Town for the arena.

6 MR. ED HOUGHTON: No. I don't
7 think -- I don't think -- I don't recollect that
8 conversation, but that's not what happened either.

9 What he was doing was looking at the
10 enclosure of the -- of the Sprung facility which was
11 a -- you know, an R-30 from an insulation perspective,
12 a significant reduction in air infiltration, those
13 kinds of things, and trying to make a comparison to
14 the steel fabricated building as well as the fact that
15 at this point in time, Dennis Seymour and others had
16 decided that they would like to see a second floor
17 mezzanine that would be included.

18 So that David then used some of the WGD
19 numbers as well as some of the -- of the Sprung
20 numbers to put together a price for the prefabricated
21 steel building which would give us a comparison
22 between the two (2).

23 MS. KATE MCGRANN: Can we look at
24 paragraph 331 of the Foundation Document.

25 So the next day, you forward the email

1 chain in which Ms. Proctor forwarded the WGD report to
2 you. You forwarded that on to Mr. McNalty, and you
3 wrote to him:

4 "I think you and I need to have a
5 discussion and get moving in the
6 same direction."

7 Do you remember sending that email?

8 MR. ED HOUGHTON: Yes.

9 MS. KATE MCGRANN: What did you mean
10 when you sent it?

11 MR. ED HOUGHTON: Well, because I
12 thought that WGD at this point in time was -- was only
13 doing Eddie Bush.

14 MS. KATE MCGRANN: And what did you
15 mean when you said, we need to get moving in the same
16 direction?

17 MR. ED HOUGHTON: Well, if they are
18 only supposed to be Eddie Bush, and he's doing
19 something else, we need to get going in the same
20 direction.

21 MS. KATE MCGRANN: And what direction
22 would that be?

23 MR. ED HOUGHTON: Well, if they
24 were -- if -- if they were engaged to do the
25 Eddie Bush, and they're -- and they're involved in

1 something else, he and I need to understand that.

2 He corrected me. So this isn't
3 Mr. McNalty's misunderstanding. This is mine. I -- I
4 thought that they were engaged to do Eddie Bush at
5 that point in time again.

6 MS. KATE MCGRANN: Could we scroll
7 down and take a look at Mr. McNalty's response?

8 He writes:

9 "I agree that we should discuss it.
10 I'm not sure how you want to present
11 this, and there is already a draft
12 report from Marjory."

13 What did you understand him to be
14 referring to when he said, "I'm not sure how you want
15 to present this"?

16 MR. ED HOUGHTON: I -- I think I'd
17 have to see the whole email to be able to understand
18 what...

19 MS. KATE MCGRANN: Let's pull up
20 EHH 31, please.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Scroll to the
25 bottom. So starting there on August 17th, we see

1 Mr. Dabrus from WGD send documents on to Mr. McNalty
2 and Ms. Proctor along with others from WGD. Scroll
3 up.

4 We see Marta send that report all onto
5 you. Scroll up.

6 There's your email to Ms. Proctor,
7 Ms. Leonard, and Ms. Almas asking:

8 "Is this for Central Park? I was
9 under the impression we told Dave
10 they were to work on Eddie Bush
11 only."

12 Scroll up. Ms. Proctor writes back:

13 "Sorry, Ed. I wasn't aware of that,
14 and from my discussions with Dave, I
15 don't think he was either."

16 Scroll up. You then forward that chain
17 on to Mr. McNalty on Saturday at just about 3:00. You
18 say:

19 "Dave, I think you and I need to
20 have a discussion and get moving in
21 the same direction."

22 Scroll up. And here's Mr. McNalty's
23 response to you at 7:00 p.m. on the evening of that
24 Saturday. He explains he was cutting the grass. He
25 tells you that he agrees:

1 "We should discuss it."

2 He writes:

3 "I'm not sure how you want to
4 present this, and there's already a
5 draft report of the report from
6 Marjory."

7 What did you understand him to mean
8 when he wrote to you, "I'm not sure how you want to
9 present this"?

10 MR. ED HOUGHTON: I would expect how
11 we're going to present the -- the entire -- you know,
12 the cost of the prefabricated steel, the cost of
13 the -- of the Sprung facilities, the cost of the pool.
14 I think -- I think that's basically what we're talking
15 about.

16 I mean, it all started with my not
17 remembering, not understanding that they -- they --
18 that he -- they weren't only just working on -- on the
19 Eddie Bush.

20 The other thing I had said was I'm not
21 sure why the Eddie Bush is even in this staff report
22 because Council never asked for us to consider the
23 Eddie Bush in anything that I had been involved with
24 at this point in time.

25 So there's -- there was a lot of moving

1 parts here that, you know, I'm coming into the game
2 partway through; I'm trying to pick up the pieces; I'm
3 trying to understand. And so -- and Dave -- Dave is
4 kind enough to help me out understanding.

5 MS. KATE MCGRANN: Okay. And if you
6 look at the fourth paragraph in his email, he writes:

7 "I worked on the financial
8 comparison template this morning and
9 will expect to finish it tomorrow
10 morning with plug numbers for the
11 Sprung option."

12 Had you had any discussions with
13 Mr. McNalty about the financial comparison template he
14 was working on before you received this email?

15 MR. ED HOUGHTON: I don't think so,
16 no.

17 MS. KATE MCGRANN: He writes:

18 "I think I do understand how the
19 numbers might turn out but have
20 structured so that we can manipulate
21 it, as required, or as a comparison
22 not advisable."

23 Do you remember if you responded to
24 that question from Mr. McNalty?

25 MR. ED HOUGHTON: I don't think I did.

1 MS. KATE MCGRANN: He writes:

2 "Give me a call tomorrow morning
3 sometime if you'd like. Otherwise,
4 suggest a time and place. I have
5 some commitments tomorrow
6 afternoon."

7 Did you take Mr. McNalty up on his
8 invitation to talk this through with you? Do you
9 remember?

10 MR. ED HOUGHTON: I don't recall
11 having a conversation, but I'm sure we must have had a
12 conversation.

13

14 (BRIEF PAUSE)

15

16 THE HONOURABLE FRANK MARROCCO: And do
17 I have it right that if you take the WGD estimate for
18 a pre-engineering building and the WGD estimate for a
19 fabric enclosure and you add to the estimate of the
20 fabric enclosure of the cost of the protective
21 shield -- the Sprung protective shield, they come out
22 to about the same?

23 MR. ED HOUGHTON: You're using
24 estimates from -- from WGD.

25 THE HONOURABLE FRANK MARROCCO: Seven

1 point six (7.6), seven point one (7.1), and I think
2 you told me that the -- the shield is two fifty (250)
3 to three fifty (350).

4 MR. ED HOUGHTON: Yeah. The reality
5 is though that the -- the Sprung was seven three nine
6 two plus three hundred and sixteen thousand (316,000)
7 for options which included a mezzanine. This doesn't
8 include the mezzanine.

9 And so even -- even their base price at
10 seven three nine two which included a mezzanine was
11 lower than -- than WGD's estimate. So comparing
12 estimate to estimate of WGD's, yes. But it wasn't --
13 it wasn't an accurate estimate for the -- for the
14 fabric building.

15 THE HONOURABLE FRANK MARROCCO:

16 Because of the mezzanine?

17 MR. ED HOUGHTON: No. It just wasn't
18 an accurate estimate. The -- the Sprung arena was
19 seven three nine two without the options which, you
20 know, parts of that was the Zamboni and all of those
21 kinds of things. But that included the mezzanine.

22 THE HONOURABLE FRANK MARROCCO: Okay.

23

24 CONTINUED BY MS. KATE MCGRANN:

25 MS. KATE MCGRANN: Now, I think your

1 evidence a few minutes ago was that Mr. McNalty was
2 working with WGD. Also Ms. Proctor was working with
3 WGD?

4 MR. ED HOUGHTON: I think what I had
5 said was that I'm not sure whose report this was. I
6 mean, I know that there was several in the court book;
7 there's several emails between Ms. Proctor and -- and
8 WGD about, you know, we should have a call here; we
9 should be talking about this; or can you please call
10 David 'cause I'm going to be away again; or I'm going
11 to be doing -- there's a lot of that in there. So I
12 would assume that she was working with it, yes.

13 MS. KATE MCGRANN: At the time -- so
14 pitching yourself back in time to the summer of 2012,
15 who did you believe to be working with WGD on their
16 report?

17 MR. ED HOUGHTON: I -- I actually
18 was -- again because Marta had sent me another thing,
19 so I'm assuming Marta and David and -- and obviously
20 the one with Marjory.

21 MS. KATE MCGRANN: Okay. So at the
22 time, you thought that Marta, David, and Marjory were
23 working with WGD?

24 MR. ED HOUGHTON: Why I'm not sure.
25 I -- I thought that Marjory said that she had a

1 conversation with David, and -- and here's things that
2 they should consider. But I think that -- that
3 certainly, I believe that David and Marta were -- were
4 the ones who were contacting or having any
5 communications with WGD.

6 MS. KATE MCGRANN: Your view that the
7 WGD final report didn't contemplate a Sprung
8 structure, did you discuss that with Ms. Proctor at
9 all?

10 MR. ED HOUGHTON: I'm sorry. That one
11 more time.

12 MS. KATE MCGRANN: Your view --

13 MR. ED HOUGHTON: Yeah.

14 MS. KATE MCGRANN: -- that the final
15 WGD report did not contemplate a Sprung structure.
16 Right? You thought that report didn't -- didn't
17 consider a Sprung structure. Right?

18 MR. ED HOUGHTON: Sorry. I'm not
19 following. My apologies.

20 MS. KATE MCGRANN: Okay. The final
21 report that you received from WGD --

22 MR. ED HOUGHTON: Right.

23 MS. KATE MCGRANN: -- which provides
24 an estimate for a prefabricated steel arena and a
25 fabric arena.

1 MR. ED HOUGHTON: Yes.

2 MS. KATE MCGRANN: You -- you know
3 what I'm talking about?

4 MR. ED HOUGHTON: Oh, sorry. Yes,
5 yes. Now I -- now I understand what you're saying.

6 MS. KATE MCGRANN: And I understood
7 that you reviewed that final report, and you formed
8 the view that that report didn't contemplate a Sprung
9 structure.

10 MR. ED HOUGHTON: It didn't
11 contemplate the attributes of Sprung.

12 MS. KATE MCGRANN: Did you discuss
13 your view that that report didn't contemplate a Sprung
14 structure with Ms. Proctor?

15 MR. ED HOUGHTON: Ms. Proctor was
16 hardly around.

17 MS. KATE MCGRANN: Did you discuss it
18 with her?

19 MR. ED HOUGHTON: It was difficult
20 to -- to discuss with her when she was hardly around.
21 And when she was there, she was busy doing her job
22 'cause she hadn't been there. So no.

23 MS. KATE MCGRANN: Did you discuss
24 your view that the WGD report did not contemplate a
25 Sprung structure with Ms. Leonard?

1 MR. ED HOUGHTON: I think that we --
2 we had a conversation about the WGD report the morning
3 of the 24th and, again, that they missed the mark.
4 But at -- at this point in time, it wasn't -- well, I
5 mean, we -- David was able to extrapolate the
6 information that he needed for the report out of the
7 WGD.

8 MS. KATE MCGRANN: Part of what I'm
9 trying to understand is why staff kind of reject and
10 alter a report they received from an expert
11 consultant. And so I'm trying to understand why the
12 estimate for the fabric building is not -- is not
13 shown to Council or discussed with them at all.

14 When Mr. McNalty was here, his evidence
15 was that he understood that the revised report -- so
16 the final report that WGD provided to the Town
17 contemplated an insulated fabric membrane, that it had
18 responded to the information that he had given them.

19 Mr. Dabrus from WGD was here. His
20 evidence was that that final report contemplated an
21 insulated fabric membrane structure, as well.

22 So, I'm trying to figure out how their
23 report missed the mark in your eyes. Can you help me
24 with that?

25 MR. ED HOUGHTON: Absolutely, I can.

1 What Mr. McNalty said, too, he was frustrated because
2 they were to -- they were -- the WGD report was taking
3 a commercial or an agricultural building and adding
4 insulation, which Mr. Dabrus said very quickly and
5 easily, you can just add insulation.

6 The -- the Sprung is a completely -- a
7 complete different technology of the way they built
8 it, the Tedlar, the insulation.

9 So, what I'm saying is, the WGD report
10 considered a fabric building, like, a outside sand
11 dome, and added insulation. It didn't take into
12 consideration the technology.

13 MS. KATE MCGRANN: What technology are
14 you talking about?

15 MR. ED HOUGHTON: Sprung's technology.

16 MS. KATE MCGRANN: What was it?

17 MR. ED HOUGHTON: What do you mean
18 what was it?

19 MS. KATE MCGRANN: I mean what was it?
20 Was the technology?

21 MR. ED HOUGHTON: They -- they have
22 external membrane. They have an inside membrane.
23 They have -- they have 9 inches of -- of insulation.
24 They have a way of being able to completely tighten
25 that -- that insulation, that -- that form, I'm not

1 saying doing it justice, but it -- it is an
2 interesting technology.

3 MS. KATE MCGRANN: So, two (2)
4 membranes with insulation in-between and a way to
5 tighten it?

6 MR. ED HOUGHTON: You -- you can
7 minimize it to Sprung, not me, I won't.

8 MS. KATE MCGRANN: Sir, I'm just
9 trying to understand what you thought the technology
10 was.

11 MR. ED HOUGHTON: That's -- that it's
12 a -- it's a patented technology. And they -- I
13 believe they call it Tedlar. And it is completely
14 different than what Mr. Dabrus explained in his -- his
15 comments.

16 MS. KATE MCGRANN: Okay. Anything
17 else about the Sprung technology that you understood
18 that you haven't explained to me here this afternoon?

19 MR. ED HOUGHTON: Anything that I
20 haven't explained to you?

21 MS. KATE MCGRANN: Yeah. Was there
22 anything else that you understood Sprung was offering
23 as part of its technology that you haven't explained?

24 MR. ED HOUGHTON: Well, the -- the
25 membrane itself is -- is supposed to be far superior

1 than any of the others. It's supposed to be self-
2 cleaning. In -- the inside membrane is -- is of a
3 hugely reflective nature.

4 It also has an aluminum backing that's
5 supposed to be able to reflect heat back in. Those
6 are all the things that were part of that technology
7 that we looked at.

8 And -- and when you -- when you look at
9 the -- the building, you can tell how it's -- it is
10 very tight. It allows for snow -- snow shedding.

11 I mean, even when the -- and I didn't
12 even know about this until -- until now, where the
13 Elvis parachute guy dropped his parachute belt, and it
14 only went through the outer skin, and not through into
15 the side, I thought was amazing, too.

16 MS. KATE MCGRANN: It is an amazing
17 story.

18 MR. ED HOUGHTON: Yeah.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: When Mr. Bonwick
23 disclosed to you on August 1st that he and Abby Stec
24 through Green Leaf would be working for BLT, did you
25 have any discussions about his compensation at that

1 point in time?

2 MR. ED HOUGHTON: No.

3 MS. KATE MCGRANN: Did you have any
4 discussions about why that work was being done through
5 Green Leaf as opposed to being done through Compenso?

6 MR. ED HOUGHTON: I'm not actually
7 sure if he said that, to tell you the truth. Like,
8 I'm not sure if -- if he said Green Leaf's doing this
9 or -- or Compenso. I don't know.

10 MS. KATE MCGRANN: Okay. So, as of
11 August 1st, you know that he and Ms. Stec are working
12 for BLT, but you don't know which company they're
13 working through?

14 MR. ED HOUGHTON: Yeah, I wasn't -- I
15 don't think I -- I don't know if I asked the question
16 or if it was even offered, to tell you the truth.

17 MS. KATE MCGRANN: When Ms. Stec gave
18 evidence, one (1) of the things that she said was that
19 Mr. Bonwick told her that the work was being done
20 through Green Leaf to avoid a perceived conflict of
21 interest.

22 Were you ever involved in discussions
23 about anything like that with either Mr. Bonwick or
24 Ms. Stec?

25 MR. ED HOUGHTON: No. And I heard her

1 say that, yes.

2 MS. KATE MCGRANN: At any point
3 between August 1st and August 27th, did Mr. Bonwick
4 ask you to keep the fact that he was working for BLT a
5 secret from the Town?

6 MR. ED HOUGHTON: He did not, no.

7 MS. KATE MCGRANN: Did anybody ask you
8 to keep that secret from the Town?

9 MR. ED HOUGHTON: Nobody asked me to
10 keep it secret. Abby did keep saying that she -- or
11 Abby -- not keep saying -- did say that they had
12 signed a -- I'm not sure whether they called it -- she
13 called it a non-disclosure or a confidentiality, but
14 no -- nobody said don't say anything.

15 MS. KATE MCGRANN: What did you
16 understand the NDA involved?

17 MR. ED HOUGHTON: I never asked about
18 it. I -- I just said she mentioned it.

19 MS. KATE MCGRANN: Did her mentioning
20 of the NDA affect your decision at all about whether
21 to disclose the fact of Mr. Bonwick and Ms. Stec's
22 work for BLT to the Town?

23 MR. ED HOUGHTON: I -- she just told
24 me that they had signed a non-disclosure or a
25 confidentiality agreement, but, no, it didn't -- no,

1 no.

2 MS. KATE MCGRANN: Didn't affect your
3 decision making at all?

4 MR. ED HOUGHTON: No.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: I'm trying to
9 understand why you didn't disclose the fact of Mr.
10 Bonwick and Ms. Stec's work for BLT to anyone at the
11 Town.

12 MR. ED HOUGHTON: Well, as I talked
13 about before, a year earlier, they had given full
14 disclosure to the -- to the Town of Collingwood about
15 Mr. Bonwick's participation in the PowerStream
16 transaction, and nobody seemed to care. It didn't --
17 there was no conflict of interest on Her Worship's
18 part. There was no conflict of interest if he was
19 working for somebody.

20 So, if he was working for somebody, and
21 Mr. Bonwick worked with many, many companies within
22 Collingwood, I'm not sure what the co -- like, I -- I
23 just -- I -- I put my mind to the job that I've got at
24 hand, and I did that.

25 MS. KATE MCGRANN: You gave evidence

1 that I think your former mentor, Dean Muncaster,
2 though it was great that Mr. Bonwick was working for
3 PowerStream. You remember that?

4 MR. ED HOUGHTON: I don't think he's -
5 - yeah, I don't think it's stated that way. What I
6 said was, when Dean came out of the meeting, he said,
7 if -- if Mr. Bonwick can get a better deal for the
8 Town of Collingwood, God bless, or something to that
9 nature. He didn't say, oh, this is wonderful or
10 anything like that.

11 MS. KATE MCGRANN: And there were no -
12 - and you didn't see any -- any negative implications
13 from people knowing that Mr. Bonwick was working for
14 PowerStream when you went through the -- the Collus
15 PowerStream strategic partnership?

16 MR. ED HOUGHTON: It -- at that point
17 in time, again, they had made disclosure to the -- to
18 the mayor, the deputy mayor, to the chief
19 administrative officer, to my boss, and didn't seem to
20 be an issue.

21 MS. KATE MCGRANN: Yeah. And we've
22 heard people's evidence about what that looked like.
23 But from your perspective, there was no issue, right?

24 MR. ED HOUGHTON: Well, I -- I think I
25 had said at the very beginning that I was the one (1)

1 who had sort of that -- and I -- I used the term
2 'emotional allergy', and it kind of got thrown back at
3 me a few times, but I -- I was -- I was careful.

4 But at that point in time, if -- if
5 nobody -- if there didn't appear to be an issue, there
6 didn't appear -- appear to be a conflict, then who am
7 I to -- to judge? Who am I to -- to say, like, I
8 don't -- you know, I never really told anybody that so
9 and so -- I don't -- I'm making up things here -- that
10 was working or doing concrete work or -- or electrical
11 work or other things, I -- you know...

12 MS. KATE MCGRANN: Well, sir, when you
13 asked me, who are you to -- to judge and who are you
14 to disclose, my response to you would be you're the
15 CAO of the Town and you're working with Mr. Bonwick
16 towards a potential contract for the Town.

17 So, as the CAO of the Town, the most
18 senior staff person here, why didn't you tell anybody
19 about who you were working with on the potential
20 contract for the Town?

21 MR. ED HOUGHTON: Again, if there's no
22 conflict, what -- what's the conflict that I have? If
23 there's no conflict for others, why do I have a
24 conflict?

25 And if -- if I was to -- to make a

1 suggestion that, by the way, Mr. Bonwick is working
2 for somebody and that project or that -- that deal
3 goes -- goes south, what liability do I bring onto
4 myself and what liability do I bring onto others?

5 So, if -- if somebody had said to me --
6 and -- and, again, this is seven (7) years ago and --
7 and nine (9) years ago, if the process was in place
8 where thou shalt do those things, I would have done
9 those things.

10 But -- but it was evident to me, as the
11 person from -- coming from the outside to assist, that
12 there is no conflict of interest, then -- then I
13 didn't see that I was -- I was to -- to tell anybody
14 about it.

15 MS. KATE MCGRANN: I mean, I guess
16 coming at it from a different perspective, no one's
17 asked you to keep this information a secret. Based on
18 your experience, you're telling us you don't see a
19 conflict there. You're the CAO of the Town.

20 Why not be open with staff and Council
21 as to who you're dealing with as you're working
22 towards this contract?

23 MR. ED HOUGHTON: Who --

24 MS. KATE MCGRANN: You say that you
25 were concerned about liability for yourself. What did

1 you mean by that?

2 MR. ED HOUGHTON: No, no. What I
3 said, if -- if things went -- if things went south.
4 But if -- to answer your question, I am -- I took on
5 the -- the task of -- as directed by the deputy mayor,
6 to be the contact for Sprung/BLT.

7 I continued to do that, so I was the
8 one dealing with it. The time frame between the time
9 that I knew that Mr. Bonwick was involved in the staff
10 report is three (3) weeks, so it's not like this went
11 on for six (6) or eight (8) months and I didn't tell
12 anybody.

13 The reality is that I was working and
14 doing many other things, coming in and out of this,
15 and I was the one supposed to be making the contact,
16 so.

17 THE HONOURABLE FRANK MARROCCO: Are
18 you finished with this area of questioning, well, at
19 this --

20 MS. KATE MCGRANN: For today. Yeah,
21 I'm about to move on to another section, and I don't
22 know that it makes sense to launch into it with five
23 (5) minutes left.

24 THE HONOURABLE FRANK MARROCCO: All
25 right. So, nine o'clock tomorrow morning. Oh, no,

1 no, let -- let me be -- let me be -- no confusion.

2 We're going to -- we're going to start at 9:00. Let
3 me make sure everybody's on the same page.

4 We're going to start at 9:00, but, Mr.
5 McDowell, you might not get here until 9:30 or a
6 little later. And if we come to that point in your
7 cross-examination, we'll wait until you get here.

8

9 --- Upon adjourning at 4:27 p.m.

10

11

12 Certified Correct,

13

14

15 _____

16 Wendy Woodworth, Ms.

17

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\$20 59:25	214:13	140:11,17	6	2 7:13 13:4
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