



**“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

September 23rd, 2019

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APPEARANCES

Kate McGrann ) Inquiry Counsel  
John Mather ) Associate Inquiry  
 ) Counsel  
(No Counsel) ) For Paul Bonwick  
George Marron ) For Sandra Cooper  
Frederick Chenoweth ) For Edwin Houghton  
William McDowell (np) ) For Town of Collingwood  
Ryan Breedon )  
Andrea Wheeler )  
Bill Trudell ) For BLT Construction  
Eric Neubauer )

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1 --- Upon commencing at 10:09 a.m.

2

3 THE HONOURABLE FRANK MARROCCO: Good  
4 morning, everybody.

5 MS. KATE MCGRANN: The next witness is  
6 Marta Proctor.

7

8 (BRIEF PAUSE)

9

10 MR. BILL TRUDELL: Here it is.

11 THE HONOURABLE FRANK MARROCCO: I -- I  
12 heard what you had to say. Thank you for the  
13 explanation.

14 Did you -- madam reporter, did you want  
15 it repeated?

16 Mr. Trudell, would you mind?

17 MR. BILL TRUDELL: Mr. Neubauer is in  
18 court in Toronto this morning, and he apologizes for  
19 it. Being here, I expect him this afternoon. Thank  
20 you.

21

22 (BRIEF PAUSE)

23

24 MARTA PROCTOR, Sworn

25

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

2 MS. KATE MCGRANN: Good morning, Ms.  
3 Proctor.

4 MS. MARTA PROCTOR: Good morning.

5 MS. KATE MCGRANN: I'm going to start  
6 with some questions about your background and  
7 education. I understand that you have a bachelor of  
8 arts from York University?

9 MS. MARTA PROCTOR: That's correct.

10 MS. KATE MCGRANN: And you have a  
11 diploma in public administration from the University  
12 of Western Ontario?

13 MS. MARTA PROCTOR: That's correct.

14 MS. KATE MCGRANN: In terms of your  
15 work experience, you've worked in public service with  
16 a focus on recreation services since 1987?

17 MS. MARTA PROCTOR: That's -- I  
18 believe that's correct.

19 MS. KATE MCGRANN: Would you please  
20 provide the Inquiry with a brief overview of your  
21 experience in recreation administration?

22 MS. MARTA PROCTOR: Okay, I'll start  
23 with the fact that I have over thirty (30) years of  
24 public service. My first years in municipal  
25 government were primarily in the programming end, in

1 the delivery of programs and services, but I've been  
2 very fortunate and privileged to been provided with  
3 numerous opportunities to grow in responsibility, and  
4 through that I've gained experience in managing a  
5 variety of programs, facilities, and recreation  
6 spaces.

7                   Would you like me to go through some of  
8 my positions?

9                   MS. KATE MCGRANN:    Yes, please.

10                  MS. MARTA PROCTOR:   Okay.  So I  
11 started as a recreation programmer.  I -- after  
12 spending numerous years doing programming, I moved  
13 into an area supervisor in what amalgamated into the  
14 City of Toronto.  I started in a former smaller  
15 municipality called York.

16                  As an area supervisor, I was  
17 responsible for a large geographic area that included  
18 two (2) indoor pools, two (2) outdoor pools, two (2)  
19 arenas, a variety of community space in schools, and -  
20 - and private spaces as well that we administered  
21 programs.

22                  From there, I moved into a project  
23 manager role with the City of Toronto.  That wasn't  
24 specifically in recreation, but what -- looked at  
25 strategic initiatives and integrated service planning

1 with primary emphasis on youth in marginalized  
2 communities. So I look -- worked a lot with internal  
3 departments on collaborative programming, along with  
4 community service providers and community  
5 stakeholders.

6                   After leaving the City of Toronto, I  
7 accepted a position with the Halton Conservation  
8 Authority. I started as the manager of one (1) of  
9 their largest parks, Kelso/Glen Eden. It was a  
10 significant change from my municipal urban experience  
11 to move to a more rural area, and gave me the  
12 opportunity to manage a series of programs and  
13 facilities that was very different than what I did in  
14 the City of Toronto.

15                   So Counsel Glen Eden had an open  
16 waterfront in the summer, with boats and swimming  
17 areas, as well as a large events venue, where we had  
18 huge triathlons, downhill races, all sorts of  
19 activities. And in the winter, we -- we manage one  
20 (1) of the largest urban ski centres in Southern  
21 Ontario.

22                   I was there for four (4) -- actually,  
23 was the manager for six (6) months, and then I was  
24 promoted to the director of all the parks, and once  
25 again, had the opportunity to broaden my operational



1 experience to include unique ven -- venues like  
2 Crawford Lake, which had an Iroquoian village,  
3 Mountsberg, which had the whole birds of prey  
4 component. There was rock climbing, camping, and all  
5 sorts of other interesting venues.

6           After spending just under four (4)  
7 years with the Conservation Authority, I was  
8 successful in a competition for the position here in  
9 Collingwood as what became the director of parks,  
10 recreation and culture, and I spent four (4) years  
11 here and once again had a diverse pit -- portfolio  
12 that included recreation facilities, programming, as  
13 well as cultural, and events components.

14           From here, I moved to Gravenhurst,  
15 where again, I assumed a similar position, but also --  
16 it -- it was the director initially of recreation,  
17 arts, and culture, where I was responsible for the  
18 recreation programming and operations, not capital  
19 planning and facilities in that location. And I was  
20 also asked to take on the portfolio of corporate  
21 communications and marketing while I was there.

22           I retired from Gravenhurst, and my  
23 husband and I and our children had always been  
24 interested in living in a resort community in British  
25 Columbia, and I was successful in -- in a competition

1 for a position in Fernie, BC, where I'm the director  
2 of community services. So once again I have the  
3 recreation portfolio there, but the -- it's a newly  
4 defined department with a primary focus on developing  
5 a -- a sustainable asset management program. So I'm  
6 responsible once again for coordinating internal  
7 departments and external stakeholders in the community  
8 on planning for the future of our facilities, and  
9 programs, and services. I'm also responsible for the  
10 corporate communication portfolio there.

11 MS. KATE MCGRANN: Thank you. I  
12 understand that you were the director of parks,  
13 recreation, and culture for the Town of Collingwood  
14 during the period between August 2010 and May 2014?

15 MS. MARTA PROCTOR: That's correct.

16 MS. KATE MCGRANN: And during that  
17 time, you took a personal leave for several months  
18 that started in October 2012?

19 MS. MARTA PROCTOR: That's correct.

20 MS. KATE MCGRANN: Before you began  
21 working in Collingwood, what experience did you have  
22 in -- in capital planning and facilities, in  
23 particular with respect to planning and overseeing the  
24 -- the construction of new facilities?

25 MS. MARTA PROCTOR: So my role in

1 planning and overseeing was primarily at the  
2 management level. I don't have technical expertise in  
3 engineering, or planning, or architecture, but in my  
4 role as -- first of all, in the programming end of  
5 things early in my career, we were often engaged in  
6 capital projects to give design or citizen engagement  
7 components into the process.

8                   When I assumed the role of supervisor  
9 and manager, I clearly had more responsibility,  
10 although I've always worked with either external  
11 expertise or internal expertise to develop those  
12 projects. And in many cases, if not most, it would be  
13 a combination of both. There would be external expert  
14 -- internal expertise, and we'd hire the services of  
15 external experts to do the either concept design, or  
16 the detailed design and costing of a project.

17                   MS. KATE MCGRANN: Had you been  
18 involved in the -- the construction of a new  
19 recreation facility before you moved to the Town of  
20 Collingwood?

21                   MS. MARTA PROCTOR: I have been in --  
22 I had been involved in input on projects, and my time  
23 at the Conservation Authority, we built quite a bit of  
24 infrastructure when I was there. We had plans for a  
25 new Iroquoian village. We -- we had built -- done

1 some renovations to a facility in Mountsberg, and we  
2 also executed three (3) master plans for the park  
3 redevelopments, but those wouldn't be specific to a  
4 recreation facility -- a multipurpose recreation  
5 facility. They were smaller components.

6 MS. KATE MCGRANN: When you joined  
7 staff here at the Town of Collingwood, were you  
8 provided with any training on the purchasing bylaw?

9 MS. MARTA PROCTOR: I wouldn't say  
10 that I was provided specific training. However, I was  
11 oriented to our policy and procedures manual, and that  
12 is something that by nature, I would look into, just  
13 because it's the way I administer the delivery of  
14 services.

15 MS. KATE MCGRANN: Did you recall --  
16 did you have an understanding of -- of which member of  
17 staff you would go to if you had questions about the  
18 purchasing bylaw?

19 MS. MARTA PROCTOR: Yes, I do.

20 MS. KATE MCGRANN: Who would that be?

21 MS. MARTA PROCTOR: That would have  
22 been the treasurer.

23 MS. KATE MCGRANN: I'm going to have  
24 your job description shown to you on the screen. It's  
25 at TOC600350.

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: And if we could  
4 scroll down a little bit more to see the duties and  
5 responsibilities.

6 First of all, are you familiar with --  
7 with this document?

8 MS. MARTA PROCTOR: I do recall this  
9 document.

10 MS. KATE MCGRANN: And was it  
11 available to you when you took on the role as Director  
12 of Parks, Recreation, and Culture?

13 MS. MARTA PROCTOR: Yes, it was.

14 MS. KATE MCGRANN: I want to turn  
15 specifically to the first item under Duties and  
16 Responsibilities, which says:

17 "Assess parks, facilities, and  
18 program needs, authorize and/or make  
19 recommendations to Council on same  
20 and facilitate their  
21 construction/implementation."

22 What did you understand that meant for  
23 you in terms of what you were responsible for when you  
24 came to work for the Town?

25 MS. MARTA PROCTOR: That meant to me

1 that it was my responsibility to look at the delivery  
2 of services, the facilities on which we provide those  
3 services or invite other community stakeholders to  
4 provide services on municipal property, to make sure  
5 that they are in proper working condition, and where  
6 there is an identified need or opportunity to invest  
7 in new facilities, it would be my responsibility to  
8 lead that process.

9 MS. KATE MCGRANN: I'm going to turn  
10 from this now to some of the work that you did on the  
11 Town's recreation facilities. And just for context  
12 I'm going to show you some paragraphs from the  
13 Foundation Document.

14 Could we start with paragraph 60 of the  
15 Foundation Document? This is just to -- to help  
16 orient us in space and time.

17 Paragraph 60 describes that Council  
18 established a volunteer steering committee, which we  
19 refer to as the Central Park Steering Committee, on  
20 May 2nd, 2011, to do work on proposed multi-use  
21 recreation facility at Central Park.

22 If we could turn to paragraph 63 of  
23 this document, we can see that the Central Park  
24 Steering Committee published its final report dated  
25 March 5th, 2012. That report, amongst other things,

1 contained a series of recommendations.

2 If we could turn to paragraph 69 of  
3 this document.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: The Central Park  
8 Steering Committee's final report was incorporated  
9 into a staff report that was presented to Council --  
10 if we could scroll down a little bit further -- at the  
11 March 5th, 2012, Council meeting.

12 If we could turn to -- just scroll down  
13 a little bit more so we see paragraph 70. The  
14 recommendations that staff provided to Council at that  
15 meeting were:

16 "That Council endorse the  
17 recommended scenario for the  
18 redevelopment of Central Park; that  
19 Council approve the development of a  
20 Funding Strategy with  
21 recommendations to be presented  
22 within six (6) months; and that  
23 Council authorize Town Staff to  
24 develop actions and time lines for  
25 all other recommendations as

1 outlined in the Steering Committee  
2 final report to be presented within  
3 six (6) months."

4 And what we can see is that Council  
5 unanimously voted to endorse the Central Park Steering  
6 Committee report in principle, and it authorized staff  
7 to develop actions and time lines for the other  
8 recommendations to be presented within six (6) months.  
9 Ultimately, the Council also approves the formation of  
10 a Phase 2 Steering Committee to look at funding  
11 strategies.

12 Is that consistent with what you  
13 remember about how the work of the Central Park  
14 Steering Committee was -- was brought to a close?

15 MS. MARTA PROCTOR: That is correct.

16 MS. KATE MCGRANN: Can you provide us  
17 with a very high level overview of the approach that  
18 the Central Park Steering Committee took to -- to  
19 answering the question or the mandate that Council  
20 provided it?

21 MS. MARTA PROCTOR: Could you please  
22 repeat the question?

23 MS. KATE MCGRANN: Yes. I'd just like  
24 to understand at a high level what process the Central  
25 Park Steering Committee followed to -- to address the



1 mandate that it was given by Council.

2 MS. MARTA PROCTOR: I have to start by  
3 saying that it was the first time that I've worked  
4 with volunteer committee on such an initiative, but I  
5 felt very fortunate to have some dedicated and  
6 experienced people on that committee.

7 So I felt that the process we  
8 undertook, and there were recommendations to Council  
9 to -- to -- to solicit the services of experts at  
10 certain points, and was a very comprehensive and --  
11 not extensive but adequate process to bring forward  
12 the recommendations and did involve consultation and  
13 input from the citizens, and those recommendations  
14 were reflected in the final findings.

15 MS. KATE MCGRANN: You mentioned  
16 consultation and input from the citizens.

17 Why was that an important component of  
18 the work that the committee did?

19 MS. MARTA PROCTOR: It is my belief  
20 that the role of administration is to research and  
21 bring back information based on policy or strategic  
22 directions that Council gives to staff.

23 As part of our due diligence, there is  
24 expert opinions or information, evidence-based  
25 information to support that, but also it is the

1 reflection of the citizens and how their taxpayer --  
2 tax dollars are spent, that should also inform that  
3 process.

4                   So that's why I emphasize that point,  
5 because it's both the technical expertise and the  
6 citizen input on what the proposed investment or  
7 service level is that is important for Council to  
8 understand in making final decisions.

9                   MS. KATE MCGRANN:    I'm going to show  
10 you an email at TOC131863.

11

12   (BRIEF PAUSE)

13

14                   MS. KATE MCGRANN:    Scroll down.  
15 Perfect. No, actually you can scroll down to the  
16 bottom.

17                   So this is an email chain dated March  
18 27th, 2012, after the Central Park Steering Committee  
19 has issued its final report. It's an email from Brian  
20 Sanderson, who is a member -- sorry.

21                   What we got first is an email from  
22 Brian Sanderson, who is a Co-Chair of the Central Park  
23 Steering Committee, to Pat Mills.

24                   And actually, could you scroll down  
25 even further to the bottom of the chain? Thanks.

1                   See there, it starts with an email from  
2 Patrick Mills to Brian Sanderson. He is looking to  
3 set up a meeting, and he goes on to say:

4                   "In order to make the best possible  
5 use of time, I would love you to  
6 outline needs moving forward. Am I  
7 correct that you're looking at a  
8 double arena? Any details, that  
9 will be helpful. Swimming pools,  
10 details? Covered?"

11                   And then he goes on to say:

12                   "I will be able to use your  
13 information and give you preliminary  
14 outlines of possibility re our  
15 ability to meet your needs."

16                   If you could scroll down a little bit  
17 more just so we can see the signature line.

18                   He goes on to say:

19                   "I understand that we are at the  
20 very early stages, but the project  
21 seems to fit Sprung's ability to  
22 deliver based on 12,000 buildings  
23 built in 95 countries."

24                   He goes on to -- to provide some more  
25 information about Sprung, and says:

1 "The more detail, the better."

2 And if you could scroll up. You can  
3 see that Mr. Saunderson responds to Mr. Mills, says  
4 that he'll get back shortly on the date and location.  
5 He directs Mr. Mills to a blog, where there's reports  
6 and -- and information about the work of the steering  
7 committee.

8 If you could scroll down a little bit  
9 further. And then he indicates also that the steering  
10 committee's final report is available on the blog.

11 And if you could scroll up. We can see  
12 that Mr. Saunderson then forwards this email exchange  
13 to yourself and Claire Tucker, who is the other  
14 steering committee Co-Chair.

15 He explains that he was contacted by  
16 Mr. Mills, who is -- works for Sprung. He indicates  
17 that Mr. Mills has heard about the Central Park  
18 Steering Committee, saw Mr. Saunderson's name, and  
19 thought he would give Mr. Saunderson a call to catch  
20 up. He explains that he's anxious to meet and discuss  
21 the project.

22 Mr. Saunderson expresses some concern  
23 and asked for some advice about how to respond, saying  
24 that he's wondering if he's in a conflict and he  
25 doesn't want to be connected to any particular group,

1 builder, et cetera.

2 And if we could scroll up to the top.

3 You provide a response where you say:

4 "I believe you can tell him quite  
5 honestly that the Central Park  
6 Project is not at the design phase,  
7 and once we are at that phase there  
8 will be a posted process by which  
9 appropriate design features would be  
10 considered."

11 What is the posted process that you're  
12 referring to in this email?

13 MS. MARTA PROCTOR: The posted process  
14 that I would be referring to would be some sort of RFP  
15 or RFQ process or a tender process, which is what I  
16 would have assumed would be the next phase of the work  
17 when we got there.

18 MS. KATE MCGRANN: And why did you --  
19 why did you send this suggestion to Mr. Saunderson?  
20 Why did you think this is the appropriate response?

21 MS. MARTA PROCTOR: Because that is  
22 based on all the training and experience I've had,  
23 that would be the process to follow.

24 MS. KATE MCGRANN: What did you learn  
25 from the training and experience you had about the

1 process and why is this the appropriate way to -- to  
2 address this request?

3 MS. MARTA PROCTOR: Because local  
4 government, government, should follow a transparent  
5 process that is open to multiple submissions and based  
6 on an assessment of the qualifications and experience  
7 and price, we should be picking the best or  
8 recommending to Council the best company to fill the  
9 contract.

10 MS. KATE MCGRANN: Maybe put it a  
11 different way.

12 What issues would you see arising if  
13 Mr. Saunderson engaged in a conversation with Mr.  
14 Mills, who was a representative of a supplier of a  
15 particular product?

16 MS. MARTA PROCTOR: A conflict of  
17 interest.

18 MS. KATE MCGRANN: I would like to  
19 know what conflict you would be concerned about there.

20 MS. MARTA PROCTOR: That we would be  
21 prejudicing or putting a company in an advantageous  
22 position on a bid with information that wasn't open to  
23 other submitters.

24 MS. KATE MCGRANN: Do you recall  
25 receiving any further information from Mr. Saunderson

1 about interactions with anyone from the Sprung  
2 company?

3 MS. MARTA PROCTOR: I can't recall  
4 anything specific, but I recall numerous conversations  
5 with many people that mentioned the name Sprung, but  
6 nothing specific with Mr. Saunderson.

7 MS. KATE MCGRANN: This email is dated  
8 March 27th, 2012. Do you recall the next time that  
9 you did hear the name Sprung in connection with the  
10 Town and potential recreational facility development?

11 MS. MARTA PROCTOR: I believe it was  
12 several months later. I can't recall specifically  
13 when.

14 MS. KATE MCGRANN: But leaving the  
15 timing aside, can you tell us what you remember about  
16 the next time the name Sprung came up in connection  
17 with the Town's recreation facilities?

18 MS. MARTA PROCTOR: What -- what I  
19 recall is a reference by the Deputy Mayor when we were  
20 at an opening ceremony for the fire hall, indicating  
21 that in the near future the outdoor pool will be  
22 covered by a structure.

23 I can't recall if he used the word  
24 "Sprung" in that conversation.

25 MS. KATE MCGRANN: Can you help us

1 understand why that conversation came to mind in  
2 response to the question when did you next hear about  
3 Sprung in connection with the Town?

4 MS. MARTA PROCTOR: The conversation  
5 comes to mind because I -- that was when I became very  
6 unclear on which direction we were heading with our  
7 project.

8 In my mind there were recommendations  
9 from the Central Park Steering Committee that have  
10 never been resolved and I felt we still needed to  
11 finish that process, and in the meantime some other  
12 option is being introduced to me without any process  
13 by which that direction, policy direction, strategic  
14 direction, was given from Council as a whole.

15 And from there, multiple conversations  
16 in multiple forums occurred and I can't place them  
17 chronologically or succinctly, but it became a very  
18 difficult and confusing process.

19 MS. KATE MCGRANN: If we could look at  
20 paragraph 58 of the Foundation Document. Sorry,  
21 paragraph 89.

22 This is more background information  
23 just to give us context for the questions that I have  
24 for you.

25 Paragraph 89 states that:



1 "CAO Kim Wingrove was given notice  
2 of termination on April 3rd, 2012."

3 And then if we could jump ahead to  
4 paragraph 95 of the Foundation Document, this  
5 paragraph describes that Council appointed Mr. Ed  
6 Houghton as acting CAO on April 12th, 2012. And  
7 following that, an executive management committee was  
8 formed.

9 What did you understand the role of the  
10 executive management committee was?

11 MS. MARTA PROCTOR: From what I  
12 recall, there was no detailed description shared with  
13 staff about the executive management committee role.  
14 However, Mr. Houghton did have a one-on-one  
15 conversation with me to explain his intention with  
16 forming this committee was to help him guide the  
17 organization and make good decisions and that he  
18 selected this group based on specific expertise that  
19 he felt was valuable to him, and he hoped I wasn't  
20 offended that I wasn't part of it.

21 MS. KATE MCGRANN: What did you  
22 understand the executive management committee's role  
23 was in making decisions?

24 MS. MARTA PROCTOR: Initially I didn't  
25 -- I had no context for their role. But over time,

1 there would be remarks made at -- we'd make decisions  
2 as a team or -- or things. They were just off the  
3 cuff comments, which led me to frame my own opinion,  
4 and that was that this was a group that was looking at  
5 key corporate decisions together, and sometimes that  
6 there were people would be invited, at times I was  
7 invited, and I certainly called upon the expertise of  
8 those people because they often had more intel than I  
9 did when I was trying to respond or prepare  
10 information for Council's consideration and I lacked  
11 clarity.

12 MS. KATE MCGRANN: When you say that  
13 they had more intel that you did -- than you did, what  
14 do you -- what are you referring to? What information  
15 did they have that you did not have?

16 MS. MARTA PROCTOR: In my opinion, and  
17 it was reinforced in reading the document, the  
18 background documents that I was provided in  
19 preparation for today, there were numerous  
20 conversations informally, whether in writing or one-  
21 on-one, that occurred on topic behind the scenes and  
22 funnelled through the exec -- executive management  
23 committee and didn't necessarily come as direction  
24 from Council, as a whole, to the appropriate staff.

25 MS. KATE MCGRANN: When you refer to

1 the background document, are you referring to the  
2 Foundation Document that we're looking at on the  
3 screen right now?

4 MS. MARTA PROCTOR: There were --  
5 there were numerous documents sent to me and I  
6 believe, yes. This is one of them, for sure.

7 MS. KATE MCGRANN: And then you say  
8 that you had described that there was background  
9 information that came to you through the executive  
10 management committee.

11 Did you have that experience,  
12 generally, in the work that you were doing on the  
13 Town's recreation facilities?

14 MS. MARTA PROCTOR: Absolutely.

15 MS. KATE MCGRANN: Your job  
16 description required you to report to the CAO of the  
17 Town. Did the appointment of the acting CAO and/or  
18 the formation of the executive management committee  
19 change the reporting nature of your -- of your job at  
20 all? Who you reported to?

21 MS. MARTA PROCTOR: It is my opinion  
22 that in principle it did not change that. However, in  
23 how we functioned things changed significantly.

24 MS. KATE MCGRANN: Can you describe  
25 the significant changes that you just referred to

1 there?

2 MS. MARTA PROCTOR: Prior to this  
3 change, if I had any questions I would have gone  
4 directly to the CAO to clarify the intent of Council  
5 or things that I heard occurring that did not make  
6 sense to me, and to seek direction or input or  
7 strategy or ideas about how we should approach it in  
8 an appropriate way.

9 When this change occurred, first of all  
10 Mr. Houghton had other responsibilities so his  
11 physical presence was not always here, but there was  
12 the implication that there was shared responsibility  
13 amongst the group, and I worked very closely with my  
14 colleagues here and therefore I would often call upon  
15 the clerk or the treasurer, depending on the topic, to  
16 seek their input and direction.

17 Or -- not direction. Input and try to  
18 set direction for the initiative together so that it  
19 had the greatest chance of fulfilling what I believed  
20 our responsibility was.

21 MS. KATE MCGRANN: Did you find that  
22 you were consulting the clerk or the treasurer more  
23 frequently than you would have if they weren't on the  
24 executive management committee?

25 MS. MARTA PROCTOR: Absolutely.

1 MS. KATE MCGRANN: Did you find that -  
2 - did you find that the -- the existence of the acting  
3 CAO and the executive management committee, your  
4 perception of the shared responsibility and the things  
5 you've just described affected the way that you were  
6 able to do your job?

7 MS. MARTA PROCTOR: Absolutely.

8 MS. KATE MCGRANN: How did it affect  
9 your ability to do your job?

10 MS. MARTA PROCTOR: Primarily, it  
11 created another layer of decision making that I was  
12 not accustomed to and filtering of information or  
13 requests that I also was not accustomed to.

14 And I felt like I was often translating  
15 things I was hearing non-directly. They -- they would  
16 be through comments or suggestions that we've got to  
17 do this or we're looking at this. I'm like, where did  
18 that come from.

19 So, I was always trying to clarify the  
20 ideas that were propping up out of what felt like thin  
21 air. And in reading the documents now, I see they  
22 were behind-the-scenes that were giving people  
23 direction to look into or explore certain things.

24 And I wasn't aware of those. And,  
25 therefore, I was trying to meet with people to

1 understand what was going on so that I could assume my  
2 role and provide responsible, accurate information  
3 back to all of council so they would understand the  
4 scope of some of the ideas or decisions being  
5 explored.

6 MS. KATE MCGRANN: Okay. A couple of  
7 questions about that. Focussing specifically on the  
8 work that you were doing on potential new recreation  
9 facilities for the Town, when you refer to suggestions  
10 that are -- that are coming to you that you're trying  
11 to interpret and translate, are those -- where are  
12 those suggestions coming from?

13 MS. MARTA PROCTOR: From what I re --  
14 can recall, the majority of them were coming from my  
15 colleagues and, primarily, the executive management  
16 committee.

17 MS. KATE MCGRANN: Okay. So, you're  
18 getting suggestions and information from the executive  
19 management committee.

20 And what steps are you taking to try to  
21 clarify the information you're getting?

22 MS. MARTA PROCTOR: From what I can  
23 recall, and it's not specifics, it's more the general  
24 intent, was that the Central Park steering committee  
25 work is dead and gone and we're heading in another

1 direction and stay tuned, there's more coming, and  
2 there could be other options we will be looking at and  
3 that some members of council weren't happy with the  
4 work of the committee and we will be looking at other  
5 options.

6                   So, that's when I would ask, Well, what  
7 are the options, let's get them on the table so that  
8 we can do the proper work to explore them.

9                   THE HONOURABLE FRANK MARROCCO: Before  
10 you move on, you -- you described a process that  
11 evolved as a difficult one. In relation to the  
12 facility, the -- in the -- the facilities we're  
13 talking about, what was -- how was the -- how was it  
14 difficult?

15                   MS. MARTA PROCTOR: With all due  
16 respect, I don't remember where I used the word  
17 'difficult', but I -- I ca -- I -- I -- when I reflect  
18 on this time, I would describe it as difficult.

19                   So, first of all, beginning with the  
20 work of the volunteer steering committee, that isn't a  
21 traditional process that I've seen used often. There  
22 is the work of volunteers along the way, but there  
23 usually would be technical experts leading that  
24 process.

25                   However, I -- that was the will of all

1 of council in the direction, so we took that process.  
2 And it took time to -- to put out an expression of  
3 interest for volunteers to select them and to  
4 establish terms of reference.

5                   And, as I said, we were working in  
6 partnership with the YMCA. And some of the volunteers  
7 that we had on our committee had a lot of expertise in  
8 this area, so we set a course that I felt was very  
9 appropriate for the work we were called to do.

10                   So, I didn't find the process difficult  
11 working with the steering committee. It was after the  
12 steering committee made their recommendations and we  
13 were trying to move to the next phases of the work  
14 that it became very difficult.

15                   The CAO was let go. There was no  
16 clarity or consistency in who I could speak to on  
17 direction. And there seemed to be multiple messages  
18 coming about what we're doing next and how we're to do  
19 it without a defined course of action.

20                   And I was trying to understand where  
21 these messages were coming from and how we bring them  
22 in front of council to set clear direction and policy  
23 for staff to follow.

24

25

(BRIEF PAUSE)



1

2 CONTINUED BY MS. KATE MCGRANN:

3 MS. KATE MCGRANN: Following along on  
4 -- on what you've just describe to His Honour, if we  
5 could look at the email chain at TOC155056.

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: And if we could  
10 scroll down to the bottom of this email chain so we  
11 can see the first email. This is an email dated May  
12 8th, 2012, from Councillor Kevin Lloyd to the Town  
13 councillors and -- and a name blacked out, but  
14 Proctor.

15 In his email, Councillor Kevin Lloyd  
16 descri -- goes -- describes that:

17 "We approved a new committee to  
18 investigate a funding formula for  
19 the complex."

20 And I think that's a reference to the  
21 multi-use complex. He asks:

22 "Why would we proceed with spending  
23 forty-four thousand dollars  
24 (\$44,000) on hiring a consultant  
25 before the committee responsible has

1 had time to review its value and  
2 worth?"

3 And says that:

4 "PPPs -- which I believe is public-  
5 private partnerships -- are part of  
6 the funding strategy."

7 He goes on to say that:

8 "If we are forming a fundraising  
9 committee of skilled profe --  
10 professionals, we should waive  
11 judgment until they report back to  
12 us."

13 If we could scroll down a little bit  
14 further. He goes on -- he goes on to say:

15 "Also, I believe there should be a  
16 backup scenario developed that  
17 constructs the complex in stages  
18 amortizing construction and costs  
19 over a number of years, perhaps ten  
20 (10)."

21 He suggests perhaps starting with an  
22 upgraded pool and two (2) ice pads. He talks about  
23 changes that could be made to the Eddie Bush Memorial  
24 Arena.

25 He goes on to say that he doesn't want

1 to rain on anyone's parade, but council has to be  
2 pragmatic. He doesn't believe the project will fly at  
3 a price tag of 35 million today. We can get what the  
4 public wants now and complete the vision over time.

5 And if you could scroll up, we see that  
6 you provide a response to those that Mr. Lloyd  
7 emailed. You thank Councillor Lloyd for his comments.  
8 And you go on to say:

9 "I'd like to respectfully mention  
10 that the recommendations you  
11 proposed below would be outside the  
12 current council-approved mandate and  
13 would require a new feasibility  
14 study."

15 You say:

16 "We can certainly consider this  
17 option should that be the decision  
18 and direction of council versus  
19 responding to the recommendations  
20 and directions presented in Centra  
21 Park steering committee's final  
22 report."

23 So, first of all, is this an example of  
24 the kind of message you were talking about that  
25 indicated a different direction than -- than what had

1 been recommended to -- to council?

2 MS. MARTA PROCTOR: Yes, it is.

3 MS. KATE MCGRANN: When you say that  
4 you would like to respectfully mention that the  
5 recommendations proposed below would be outside the  
6 current council-approved mandate, what are you talking  
7 about there?

8 MS. MARTA PROCTOR: I'd -- to be  
9 honest, I'd need to reread his -- Councillor Lloyd's  
10 email to answer that. And this is just one (1)  
11 example of multiple emails that came that aren't  
12 sitting very preci -- precisely in my memory bank, and  
13 it was quite some time ago.

14 MS. KATE MCGRANN: Okay. Could you  
15 scroll down to show Ms. Proctor Councillor Lloyd's  
16 email?

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: Please scroll down  
21 to show the remainder of the email.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: Okay, and just for

1 added background and context, at this point in time,  
2 May 8th, Council has voted to approve or endorse the  
3 Central Park Steering Committee report in principle;  
4 authorized staff to develop actions and time lines for  
5 the recommendations in the report; approved the  
6 formation of the Phase 2 Steering Committee to look at  
7 funding options; and deferred the retainer of a  
8 consultant to help with a market sounding for P3  
9 opportunities.

10 So that is where -- where things stand  
11 at the time that this email is sent. So if we can  
12 scroll back up to the top, my question for you was:  
13 When you said that the recommendations that Councillor  
14 Lloyd proposed would be outside the current Council-  
15 approved mandate, what were you talking about there?

16 MS. MARTA PROCTOR: When the committee  
17 did their work, we hired the services of an architect,  
18 an expert to do the costing and concept design work.  
19 That concept design work did not include -- which I'm  
20 referring to as the feasibility study, did not include  
21 all the components nor phasing as had been proposed in  
22 Councillor Lloyd's email, and that is what I believe  
23 I'm referencing.

24 MS. KATE MCGRANN: Okay, so when you  
25 say, The proposal would require a new feasibility

1 study, what were you envisioning?

2 MS. MARTA PROCTOR: Revisiting the  
3 existing concept and adjusting it and re-establishing  
4 it based on the recommendations that he was proposing,  
5 which, at this point, I can't remember what was  
6 included and what wasn't in terms of ball diamonds,  
7 how many ice pads were in that concept. So that's  
8 why, I'm -- I'm assuming, it revisits the whole layout  
9 and the components that would be included.

10 I'm also pretty sure that the concept  
11 design that the Steering Committee came up with did  
12 not include covering the outdoor rink, so -- but I --  
13 I can't say 100 percent, so that's what I believe I'm  
14 referring to.

15 MS. KATE MCGRANN: Okay, so at a high  
16 level, you're referring to retaining a consulting  
17 architect to look at the feasibility of the  
18 suggestions that Councillor Lloyd has made?

19 MS. MARTA PROCTOR: That that would be  
20 required if we were to pursue his recommendation.

21 MS. KATE MCGRANN: I'm going to turn  
22 from this email to a strategic planning workshop that  
23 Council holds on June 11th, 2012. If we could go to  
24 paragraph 140 of the Foundation Document...

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: This paragraph  
4 describes a side presentation that you circulate in  
5 advance of a strategic planning workshop that Council  
6 held on June 11th, 2012. It's a slide presentation  
7 that's going to be given at that session. And I'm  
8 actually going to ask that you be shown a copy of the  
9 slide show itself, so if we could pull up the  
10 documents at TOC170303.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: So you're looking at  
15 the first page. I'm going to be asked -- ask that you  
16 be shown the second slide. The second slide outlines  
17 the goals of the session -- to be:

18 "To develop a cohesive, go-forward  
19 plan on the development of a  
20 recreation facility at Central Park;  
21 address the insular issues of Eddie  
22 Bush; relocation of the baseball  
23 diamond; and the feature public  
24 communication."

25 And if you go down to the next slide,

1 slide 3, this slide identifies the necessary Council  
2 decisions to move forward, and they are:

3 "Is there still support for this  
4 project as presented by the Steering  
5 Committee? Commit funds to move  
6 forward with necessary steps in this  
7 project."

8 And the slide identifies architecture,  
9 engineering, legal, et cetera.

10 "Confirm locations for displaced  
11 infrastructure/ball diamonds."

12 Please scroll down a little bit  
13 further.

14 "Is the Town moving forward with  
15 market sounding, and is a Steering  
16 Committee needed to assist with next  
17 steps? Define roles and  
18 responsibilities."

19 So I show you that information by way  
20 of background. Do you recall attending this Steering  
21 Committee session?

22 MS. MARTA PROCTOR: Yes, I do.

23 MS. KATE MCGRANN: What did you  
24 understand the purpose of that session was?

25 MS. MARTA PROCTOR: From what I can



1 recall, this was my effort, working with my  
2 colleagues, to establish some clarity on a direction  
3 that I felt I was given by Council to pursue the  
4 development of a multi-use facility at Central Park in  
5 partnership with the YMCA to -- now, a bunch of  
6 information flowing out there that wasn't aligning,  
7 and I needed to re-clarify what our work was to be  
8 going forward.

9                   I do recall, and this only reinforces  
10 this further, that there were other decisions that  
11 need to be taken into consideration with whichever  
12 direction we went. If we were to redevelop Central  
13 Park, there were potential implications to ball  
14 diamonds and where we could use -- what would occur  
15 with those or where would -- they would need to be  
16 moved if, in fact, that was required. There was still  
17 the question about Eddie Bush arena and what we were  
18 going to do.

19                   And this wasn't the only project I was  
20 working on at this time. There was the whole  
21 discussion about the -- the grain terminals and the  
22 waterfront area there -- what's going to happen.

23                   So simultaneous to this, there was a  
24 whole lot of discussion about P3 grants and whether we  
25 should be applying for P3 grants for the recreation

1 facility. And I was involved, along with one (1) of  
2 my colleagues, in researching those opportunities, and  
3 we determined that although P3s are very appropriate  
4 in certain type of construction, that is, municipal,  
5 it might not be the best suited for the recreation  
6 facilities. However, it could have worked with  
7 perhaps another project that could have offset the  
8 cost of a multipurpose centre.

9                   So these were all the things we were  
10 trying to clarify and explain to Council at a time  
11 that was very busy, with numerous decisions on the  
12 table or being put on the table.

13                   MS. KATE MCGRANN:    Could you explain  
14 to us at a high level what a P3 grant is, what it  
15 involves?

16                   MS. MARTA PROCTOR:   Well, I'll first  
17 explain what a P3 partnership is. So it's a public  
18 private partnership, and again, I'm not an expert on  
19 P3s, but at a high level, it is a public private  
20 partnership where there is responsibility on the  
21 private sector through a process to be selected to  
22 construct and possibly manage a project for a  
23 designated period of time to regain some of the costs  
24 of that construction and minimize somehow the impact  
25 on the municipality.

1                   The federal government and provincial  
2 government at that time was big on supporting public/  
3 private partnerships in appropriate scenarios and,  
4 therefore, was giving grants to municipalities who  
5 chose to pursue this type of construction type, and  
6 that's why there was a lot of interest in that.

7                   However, from my experience, it's  
8 typically more appropriate for large-scale projects  
9 like a wastewater treatment plant or something more  
10 significant where it makes more sense, rather than a  
11 recreation facility where the services are highly  
12 subsidized to begin with in order to make them  
13 affordable and accessible to all.

14                   MS. KATE MCGRANN:     And when you refer  
15 to your experience, are you referring to experience  
16 that you had at this time, in June of 2012, or is that  
17 experience that you've gained since that time?

18                   MS. MARTA PROCTOR: Is the question  
19 about my experience with public/private partnerships?

20                   MS. KATE MCGRANN:     What you described  
21 to us -- that you had the view that they were more  
22 appropriate for large projects, less appropriate for a  
23 multi-use recreation facility, for example -- is that  
24 a view that you held in June of 2012?

25                   MS. MARTA PROCTOR:     That is a view

1 that I developed through attending sessions, reading  
2 information, and speaking to consultants from both the  
3 federal and provincial government, as well as the  
4 private sector on these type of initiatives.

5 MS. KATE MCGRANN: And had you had  
6 those experiences and did you hold that view as of  
7 June 2012? Did you already have that idea?

8 MS. MARTA PROCTOR: Yes.

9 MS. KATE MCGRANN: You mentioned the  
10 grain terminals, and you talked about the possibility  
11 of a public/private partnership elsewhere and those  
12 funds being used to offset costs.

13 Can you help me understand what you  
14 meant by that?

15 MS. MARTA PROCTOR: So once again, I  
16 haven't thought about this in a long time, but the --  
17 to the best of my recollection, I -- I remember  
18 thinking and having discussions that there might be  
19 more suitable municipal infrastructure that we are  
20 required to or considering investing in that might be  
21 better suited for a public private partnership.

22 So for example, the grain terminals  
23 required significant investment and the Town and  
24 Council was not sure what to do with them, so we felt  
25 that perhaps putting out an expression of interest or

1 some market sounding on the grain terminals, or Eddie  
2 Bush, which is a downtown facility that required quite  
3 a bit of investment as well, might solicit interest  
4 for more appropriate investors for a public private  
5 partnership than just the recreation facility.

6 MS. KATE MCGRANN: And I thought that  
7 I had heard you say in your answer, and you have to  
8 correct me if I'm wrong, that it's possible that the  
9 results of that public private partnership could  
10 somehow benefit the multi-use facility.

11 Was there an idea that the construction  
12 of the multi-use facility could be connected somehow  
13 to a public private partnership related to another  
14 Town asset?

15 MS. MARTA PROCTOR: That's absolutely  
16 correct. In fact, in reviewing funding strategies,  
17 other than grants, we felt this would have been  
18 perhaps one of the most viable opportunities to get  
19 significant investment into the Municipality to  
20 potentially offset the cost of the recreation  
21 facilities or any other infrastructure or debt that  
22 the -- that the Town may have.

23 MS. KATE MCGRANN: Turning from that  
24 explanation, and thank you for it, back to the slide  
25 here where you've set out the questions that Council

1 was to answer at this session, do you recall whether  
2 you got the answers that you were looking for to these  
3 questions at the strategic planning workshop?

4 MS. MARTA PROCTOR: To the best of my  
5 recollection, I don't believe I was clear after this  
6 session.

7 MS. KATE MCGRANN: If we could turn to  
8 paragraph 143 of the Foundation Document. This  
9 paragraph summarizes the minutes from that strategic  
10 planning workshop. And you can see that Mr. Houghton  
11 spoke to the goals of the session, you provided an  
12 overview of the project completed to the date and the  
13 matters that are outstanding. It looks like treasurer  
14 Marjory Leonard reviewed the internal funding options  
15 and then each member of Council provided comments on  
16 their vision for the redevelopment.

17 And then if you could scroll down,  
18 you'll see a list of -- of the comments that were  
19 recorded in the minutes.

20 If you could scroll down a little bit  
21 further to see the end of the paragraph. And then you  
22 can see at the bottom here the minutes reported that  
23 Mr. Houghton provided a brief summary and discussion  
24 on next steps. Staff will prepare options based on  
25 the discussion for consideration at a future Council

1 meeting.

2 Do you recall what you understood staff  
3 was to do after the strategic planning workshop?

4 MS. MARTA PROCTOR: It is my  
5 recollection that the purpose of this strategic  
6 planning session was to gather some of the ideas that  
7 were all being tossed around after the Central Park  
8 Steering Committee recommendations were brought  
9 forward.

10 And both myself and members of the  
11 senior executive team were struggling to identify  
12 where we should go, and thus we held this workshop and  
13 it was at this workshop where the menu grew, versus  
14 having greater clarity on direction.

15 So I believe and recall that we took  
16 away the information and were to bring back a report  
17 to Council for them to give us clear direction.

18 MS. KATE MCGRANN: Okay. And we can  
19 see from the documents that you put together -- you  
20 put together a document that set out two different  
21 directions that Council could choose from, and then  
22 there were options within those two different  
23 directions.

24 I'm going to ask you some questions  
25 about that in a second. But before we get there, I

1 just want to ask you about a meeting that you were  
2 invited to with Sprung. So if we could turn to  
3 paragraph 103 of the Foundation Document.

4 And we're moving around a little bit in  
5 the timeline, I just want to identify that for you.  
6 We were talking about a meeting that took place on  
7 June 11th. I'm now taking you back in time to April  
8 18th.

9 This paragraph describes that on April  
10 18th, Mr. Houghton sent you a calendar invitation for  
11 an April 27th meeting with Pat Mills, Sprung building.  
12 You indicate that you had a scheduling conflict and  
13 asked if you should reschedule and Mr. Houghton  
14 responds:

15 "No, this is a salesman but I didn't  
16 want to say no to him, considering  
17 Ameresco."

18 And if we scroll down, the documents  
19 indicate that it looks like the meeting happened. You  
20 see at paragraph 105 on April 26th, Mr. Mills' emails  
21 Mr. Houghton to thank him for taking the time to chat  
22 about Sprung buildings. He also thanks Mr. Houghton  
23 for offering to let Mr. Mills know when the Town will  
24 be welcoming expressions of interest.

25 And then he talk about potentially



1 meeting the Central Park Committee.

2                   Did you attend the meeting that Mr.  
3 Houghton had with Mr. Mills?

4                   MS. MARTA PROCTOR:    I don't believe I  
5 did.

6                   MS. KATE MCGRANN:    Do you know if Mr.  
7 Houghton came back to you and -- and described to you  
8 what happened at his meeting with Mr. Mills, or did  
9 you hear anything further from Mr. Houghton about his  
10 discussions with Sprung at this time?

11                  MS. MARTA PROCTOR:    I can't recall any  
12 specific conversation about Mr. Mills, but I do recall  
13 having a conversation with Mr. Houghton and the  
14 executive management team about a Sprung option.  But  
15 I can't place it in the appropriate time.

16                  MS. KATE MCGRANN:    Okay.  We're now  
17 going to move back ahead in time, back to June.  So if  
18 we could turn to paragraph 155 of the Foundation  
19 Document.

20                  This paragraph described an -- an email  
21 that Deputy Mayor Rick Lloyd sent to Mr. Houghton on  
22 June 12th, so the day after Council's strategic  
23 planning workshop we've been discussing.

24                  And we see the Deputy Mayor ask Mr.  
25 Houghton:

1 "Would you get a price for a fabric  
2 cover to completely go over the  
3 Centennial Pool and building at  
4 Heritage Park and please get a cost  
5 for a fabric building to go over the  
6 outdoor ice pad at Central Park."

7 If we scroll down to paragraph 157, he  
8 describes that -- the next day, so June 13th, 2012,  
9 Sprung representative Pat Mills emails Mr. Houghton.  
10 Mr. Mills notes that Ms. Hogg, Mr. Houghton's  
11 assistant, had suggested Mr. Mills follow up after the  
12 June 11th, 2012 Council meeting. And Mr. Mills asks  
13 about meeting with the Central Park redevelopment  
14 team.

15 Mr. Houghton responds, writing:

16 "I've been asked by a number of  
17 Council to get a rough estimate for  
18 the installation of two fabric  
19 buildings. Can we discuss this?"

20 I'm going to stop there for a second.  
21 Do you remember if you were aware of Deputy Mayor  
22 Lloyd's June 12th request that staff get prices or  
23 this exchange that Mr. Houghton had with Mr. Mills?

24 MS. MARTA PROCTOR: I don't believe I  
25 was aware of this discussion. But I do recall, and it

1 could have been at the fire hall opening or after  
2 that, that the Deputy Mayor did throw out the idea of  
3 this membrane cover and that we should be looking at  
4 those options, as staff.

5 MS. KATE MCGRANN: I'm going to turn  
6 your attention to paragraph --

7 THE HONOURABLE FRANK MARROCCO: Can  
8 you just hold on for a second?

9 At -- at the strategic planning  
10 session, was there any discussion of putting -- of  
11 putting fabric buildings over facilities that you can  
12 remember?

13 MS. MARTA PROCTOR: I can't honestly  
14 answer yes or no without looking back at the list of  
15 options, because there was so many things discussed  
16 and it's a little bit hazy for me at this time.

17

18 CONTINUED BY MS. KATE MCGRANN:

19 MS. KATE MCGRANN: Can we turn back to  
20 paragraph 143 of the Foundation Document, please?

21

22 (BRIEF PAUSE)

23

24 MS. MARTA PROCTOR: If we could scroll  
25 down a little.

1 (BRIEF PAUSE)

2

3 MS. MARTA PROCTOR: A little further.

4

5 (BRIEF PAUSE)

6

7 MS. MARTA PROCTOR: A little further.

8

9 (BRIEF PAUSE)

10

11 MS. MARTA PROCTOR: To answer your  
12 question, Your Honour, based on reading this document,  
13 I don't believe the Sprung structure was mentioned  
14 that day.

15 I know there had been previous  
16 discussion and occurred there to put some sort of  
17 cover over the outdoor ice surface and there had been  
18 previous concepts of that looked at, but I don't  
19 believe it was the Sprung structure that was named.

20 MS. KATE MCGRANN: If we could turn to  
21 paragraph 159 of the Foundation Document.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: This paragraph

1 describes an email that Deputy Mayor Lloyd sent to Mr.  
2 Houghton, council, yourself, and the EMC on June 14th,  
3 2012. The subject is, "Centennial pool/outdoor rink."

4 And in his email, Deputy Mayor Lloyd  
5 writes:

6 "I would like to request if at all  
7 possible to have a price for a  
8 building that would enclose the  
9 complete Centennial pool. A  
10 building structure that I would be  
11 interested in is the building  
12 produced by Sprung Building  
13 Products."

14 He goes on to say that he knows that  
15 they have representatives in Ontario. He also says:

16 "As well, I would recommend to get a  
17 price, as well, for one (1) of their  
18 structure -- structures to cover the  
19 outdoor rink.

20 Sprung Building Systems are used for  
21 ice rinks, single, double, and  
22 triple ice rinks as well as swimming  
23 pools."

24 And he gives some information about the  
25 kind of warranty he thinks they might have.

1 Do you recall receiving this email?

2 MS. MARTA PROCTOR: Yes, I do.

3 MS. KATE MCGRANN: If we'd turn to  
4 paragraph 166. While we're going there, what was your  
5 reaction to receiving that email a couple of days  
6 after the strategic planning workshop?

7 MS. MARTA PROCTOR: The email you just  
8 showed me. In going back to what I describe as a  
9 difficult time, this is an example where, based on my  
10 experience and my commitment as a public servant, my  
11 responsibility was to take direction from council as a  
12 whole.

13 And here we had various individuals on  
14 council directing staff work without that information  
15 coming before council as a whole.

16 And that's when I would turn to the  
17 executive management team, because I no longer had a  
18 single layer to report to in a CAO as to why we're  
19 responding to individual requests when we should be  
20 receiving information from council as a whole.

21 And in my opinion, staff should be  
22 recommending decisions to council based on industry  
23 best practices and research, based on priorities or  
24 direction council gives as a whole. Instead, we were  
25 scattering around looking at every option possible.

1                   And I feel that executive management  
2 team was trying to help me frame responses to all of  
3 these to come to council as a whole, but no one was  
4 stopping the individual requests from bouncing around  
5 behind the scenes.

6

7   (BRIEF PAUSE)

8

9                   MS. KATE MCGRANN:     Deputy Mayor  
10 Lloyd's June 14th email is to yourself, members of  
11 council, and the EMC. We can see that certain members  
12 of council reply to everybody on the chain, voicing  
13 support for the idea.

14                   Does that change your view of -- of the  
15 nature of the instructions that you were receiving and  
16 the difficulty that you -- that you saw with them?

17                   MS. MARTA PROCTOR:     No.

18                   MS. KATE MCGRANN:     Paragraph 166,  
19 which is on the screen in front of you, describes a  
20 step that you took in response to the deputy mayor's  
21 June 14th email.

22                   It says here that you forwarded that  
23 email to Town manager, recreation facilities, and  
24 arena supervisor, Dennis Seymour, and coordinator of  
25 registration and permits, Darin Potts. And you wrote:

1 "Saw this one coming. Can you  
2 please confirm some approx pricing  
3 and what specifically it would in  
4 cou -- /could include for both?"

5 Scroll down a little bit further. And  
6 this paragraph describes that you also emailed Mr.  
7 Houghton writing:

8 "We've done some preliminary work in  
9 this area for the ice rink; there  
10 are some limitations. We'll expand  
11 for the pool and I'll provide you  
12 with an update once we've compiled  
13 the info."

14 I have a couple of questions for you  
15 about the emails you sent that are described in this  
16 paragraph. If we could scroll back up to the top.

17 When you said that you saw this one (1)  
18 coming, do you remember what you were referring to?

19 MS. MARTA PROCTOR: Yes. And this is  
20 where I felt I got caught in the kafuffle behind the  
21 scenes. And I -- I was referring to the message that  
22 I heard at the opening of the fire hall that told me,  
23 mark my words, in several months you'll see that pool  
24 covered.

25 And once again, once the processes



1 started doing a lot of behind-the-scenes emails,  
2 giving direction, that when I started going to my  
3 colleagues saying we can't do our business this way,  
4 it needs to be in front of all of council, and we need  
5 to have open, accountable direction transparent that  
6 we then take away and provide the appropriate research  
7 and response to.

8                   So, I do recall this very clearly. And  
9 I don't feel good about this one (1).

10                   MS. KATE MCGRANN: When you said that  
11 you were going to colleagues to say we need to be  
12 approaching this is an open, transparent way, who were  
13 you speaking to?

14                   MS. MARTA PROCTOR: The executive  
15 management committee, but primarily the clerk and the  
16 treasurer and Ed, and Mr. Houghton.

17                   MS. KATE MCGRANN: And what reaction  
18 or response did you get from them when you -- when you  
19 brought that to them?

20                   MS. MARTA PROCTOR: In short, I would  
21 often get a response that, Marta, this is Collingwood,  
22 and that's not how we do things here.

23                   MS. KATE MCGRANN: Turning back to the  
24 email on the screen, you ask Mr. Seymour and Mr.  
25 Potts:

1 "Can you please confirm some approx  
2 pricing and what speci -- and what  
3 specifically it would/could include  
4 for both?"

5 What did you envision them doing to  
6 confirm approximate pricing in response to the deputy  
7 mayor's request?

8 MS. MARTA PROCTOR: Could you please  
9 scroll up to the original email, and -- and I might  
10 have better context?

11 MS. KATE MCGRANN: That paragraph 159  
12 of the Foundation Document.

13

14 (BRIEF PAUSE)

15

16 MS. MARTA PROCTOR: Thank you. That  
17 helps.

18 MS. KATE MCGRANN: So, we'll go back  
19 down to 166 which is the paragraph that sets out the  
20 email that I'm asking you about right now.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: So, the question  
25 is: Do you remember what you envisioned Mr. Seymour

1 and Mr. Potts doing when you asked them to confirm  
2 some approximate pricing?

3 MS. MARTA PROCTOR: Yes. I -- I  
4 recall that the membrane structures was something that  
5 I was not familiar with, especially in this type of  
6 scenario, and that I asked them to just do some  
7 research because it implied for both the outdoor pool  
8 and the outdoor rink to be covered and to get some  
9 preliminary research on has somebody done it, what  
10 have been the results and what were the approximate  
11 costs so that we could enter the discussions with some  
12 relevant background if there was some available.

13 MS. KATE MCGRANN: In terms of the  
14 research that you asked them to do, do you remember if  
15 you talked specifically about what that research would  
16 involve?

17 MS. MARTA PROCTOR: I don't recall  
18 specifically, but I vaguely recall that it wasn't in-  
19 depth analysis, it was just to find out some  
20 information on industry relevant projects in Ontario  
21 that we might be aware of.

22 MS. KATE MCGRANN: Do you recall if  
23 there was any discussion about reaching out to any  
24 particular supplier of that kind of a building or  
25 limiting research to the internet or anything like

1 that?

2 MS. MARTA PROCTOR: I can't recall.

3 MS. KATE MCGRANN: Do you recall how  
4 you saw the Deputy Mayor's request to look into  
5 pricing for these kinds of buildings. How did you see  
6 that request fitting into the work that staff was  
7 going to do further to the strategic planning  
8 workshop?

9 MS. MARTA PROCTOR: I felt that the  
10 email made -- or started making conclusions or  
11 providing direction prior to us coming back to Council  
12 as a whole to make recommenda -- or to -- to make  
13 direction -- to provide staff with direction on what  
14 we should be working on next.

15 MS. KATE MCGRANN: If we could turn to  
16 paragraph 152 of the Foundation Document. This  
17 paragraph describes minutes from a department head  
18 meeting from the same week. It took place on June  
19 12th, the day after the strategic planning workshop.  
20 And the minutes state that:

21 "Mr. Houghton confirmed that staff  
22 will draft fact sheets to clarify  
23 the requested motions, which would  
24 be considered by Council at the June  
25 25th meeting. Mr. Houghton

1 suggested that in order to provide  
2 Council with a comprehensive report,  
3 it may have to be delayed to the  
4 following meeting."

5 And if we scroll down a little bit  
6 further, this paragraph describes an email that Mr.  
7 Houghton sends to Council in the EMC about the  
8 strategic planning session after the department heads  
9 meeting. He reports that:

10 "At the department heads' meeting  
11 this morning, we discussed the  
12 commitments we made to Council and  
13 the best way to deliver on those  
14 commitments. As well we've taken  
15 note of the recent emails requesting  
16 further information and  
17 clarification regarding Central Park  
18 project and commitments made to the  
19 Y."

20 He says:

21 "All of these request will be  
22 reviewed with Marta and the  
23 Executive Management Team, and we  
24 will prepare a thorough response and  
25 provide fact/data sheets to support

1 the requested resolution."

2 Do you remember working on fact/data  
3 sheets in response to the ideas that were brought  
4 forward at the strategic planning workshop?

5 MS. MARTA PROCTOR: No, I don't.

6 MS. KATE MCGRANN: Do you recall  
7 anyone on staff doing work further to the ideas that  
8 were brought forward at the strategic planning  
9 workshop?

10 MS. MARTA PROCTOR: Yes, I do, and I  
11 recall myself and the Executive Management Team doing  
12 a report to summarize and present recommenda --  
13 options for Council to give direction on, but again,  
14 this was contrary to any other process I've ever taken  
15 in this type of circumstance. And no, we did not, to  
16 the best of my recollection, provide data/fact sheets  
17 on all the options, nor could we in the time -- in the  
18 turnaround time that was proposed.

19 THE HONOURABLE FRANK MARROCCO: Did --  
20 did you express the view at the time that this was  
21 contrary to the generally accepted practices in your  
22 experience?

23 MS. MARTA PROCTOR: Amongst my  
24 colleagues?

25 THE HONOURABLE FRANK MARROCCO: Yes.

1 MS. MARTA PROCTOR: On numerous  
2 occasions.

3 THE HONOURABLE FRANK MARROCCO: And --  
4 all right.

5

6 (BRIEF PAUSE)

7

8 CONTINUED BY MS. KATE MCGRANN:

9 MS. KATE MCGRANN: And just to follow-  
10 up on that question, what response did you get when  
11 you -- when you brought it up -- when you brought  
12 these things up?

13 MS. MARTA PROCTOR: On numerous  
14 occasions, I was told that that's not how we do things  
15 in Collingwood, and I was... I felt appreciated by my  
16 colleagues but not my City process perspectives. It  
17 was clearly stated that we do things differently here.

18 MS. KATE MCGRANN: Did those responses  
19 have any impact on the kinds of concerns or issues  
20 that you would raise with your colleagues as you went  
21 forward?

22 MS. MARTA PROCTOR: Absolutely, and  
23 that's why often I would call on them to sit and at  
24 least put all the background pieces that were  
25 fluttering around in one (1) document so all of

1 Council could see them and vote on them and give  
2 direction to staff, especially when we were shifting  
3 direction from what was to explore a multi-purpose  
4 centre and now to do multiple projects at multiple  
5 sites.

6 MS. KATE MCGRANN: Your Honour, I'm  
7 looking at the time, and I'm about to move to a new  
8 section that will take some time to move through.

9 THE HONOURABLE FRANK MARROCCO: We'll  
10 take a short break.

11 MS. KATE MCGRANN: Thank you.

12

13 --- Upon recessing at 11:18 a.m.

14 --- Upon resuming at 11:31 a.m.

15

16 (BRIEF PAUSE)

17

18 CONTINUED BY MS. KATE MCGRANN:

19 MS. KATE MCGRANN: Before the break,  
20 we had been talking, amongst other things, about a  
21 strate -- a strategic planning workshop that Council  
22 held on June 11th, 2012. We see that you bring a  
23 document forward as a result of that workshop at the  
24 July 16th, 2012 Council meeting. I'm going to ask  
25 that it be shown to you on the screen. It's at



1 CJI8028, and it begins on page 135 of that document.

2

3

(BRIEF PAUSE)

4

5 MS. KATE MCGRANN: Please feel free to  
6 -- to direct the court operator to scroll through  
7 this. My first question for you is: Do you remember  
8 drafting this document?

9

MS. MARTA PROCTOR: Yes, I do.

10

MS. KATE MCGRANN: You can see from  
11 the -- the very beginning of this document, which  
12 we're looking at right now, that you've got two (2)  
13 directions, here, Direction A, Central Park  
14 redevelopment options, and Direction B, other projects  
15 options.

16

Before we delve into the contents of  
17 the document, just a high-level question, is the  
18 summary of resolutions -- it's not in the form of a  
19 staff report. Do you remember why you created this  
20 document in this way?

21

22

(BRIEF PAUSE)

23

24

MS. MARTA PROCTOR: I know I said this  
25 before, but the process which we were undertaking was

1 unfamiliar to me, and there was information coming  
2 from multiple sources that I required clarity on, so I  
3 would seek the input of members of the Executive  
4 Management Committee to help me get clear direction  
5 from Council, and based on the discussions we had, we  
6 determined that this might be the clearest way of  
7 seeking direction, because there were open resolutions  
8 on -- from Council confirming one thing, yet there  
9 were other indications that were doing different work,  
10 and we needed to give either closure or continue along  
11 the path that was already approved, or then clarify  
12 formally new direction.

13                   So that's why, but again, this is an  
14 unfamiliar process to me, but given the circumstances,  
15 it felt like the most appropriate way to address all  
16 the outstanding pieces.

17                   MS. KATE MCGRANN:    You referenced  
18 having discussions with members of the Executive  
19 Management Committee about putting this document  
20 together.

21                   Do you remember which members of the  
22 Executive Management Committee you spoke with?

23                   MS. MARTA PROCTOR:    I definitely spoke  
24 with the Clerk, the Treasurer, and Mr. Houghton. I  
25 know Mr. Irwin was also on the committee. He may have

1 been at a meeting where we discussed this as a group.

2 But I know I had numerous off-line  
3 conversations, and I know this consumed a lot of our  
4 time on top of other important work that needed to  
5 continue for everybody, and it -- that's why I refer  
6 to it as difficult, because we were juggling a lot of  
7 balls and trying to set some clarity on, as you can  
8 see, a lot of different directions that were being  
9 proposed.

10 MS. KATE MCGRANN: Other than the --  
11 the consultation that you had with the members of the  
12 Executive Management Committee, did anyone else from  
13 staff assist you in preparing this document?

14 MS. MARTA PROCTOR: I'm sure there  
15 were other staff on my team that would have helped me,  
16 primarily the administrative person, but I would have  
17 likely included the manage -- the Manager of  
18 Facilities, and discussions as well.

19 MS. KATE MCGRANN: If we could turn to  
20 paragraph 234 of the Foundation Document, and actually  
21 let's start with paragraph 233.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: With respect to

1 Direction B, we -- we've reproduced the resolutions  
2 that were put forward under "Direction B," and they're  
3 -- they're right here. If we look at ...

4                   Can you scroll down so we can take a  
5 look at that entire box there? You can see the -- the  
6 resolutions include construct a single pad arena,  
7 enclose the outdoor rink with a fabric building.  
8 That's number 6. Number 7, cover the outdoor rink  
9 with a restructure. Number 8, enclose the outdoor  
10 pool with a fabric building.

11                   Go on to paragraph 234 of the  
12 Foundation Document. This highlights that -- the  
13 document that you prepared with respect to the options  
14 under "Direction B" said:

15                   "Adding new or different components  
16                   would require additional  
17                   architectural/engineering work."

18                   It goes on to say:

19                   "Council will need to provide staff  
20                   with clear direction and resources  
21                   on the priority options to be  
22                   explored."

23                   And it goes on to add:

24                   "Additional public/stakeholder  
25                   engagement may be required, as well

1 as the development and costing of  
2 conceptual drawings and a five-year  
3 business plan."

4 I have some questions about that. What  
5 additional architectural/engineering work did you  
6 foresee if options under Direction B were selected by  
7 Council?

8 MS. MARTA PROCTOR: In my experience,  
9 any capital project that we would undertake should  
10 have appropriate drawings, costing, and an operating  
11 business plan associated with it. So there were  
12 numerous options on the table for which none of those  
13 existed, and that's why I believe I stated and  
14 repeated that message.

15 MS. KATE MCGRANN: And the information  
16 that you've identified there, the drawings, the  
17 costing, business plan, is that all work that Town of  
18 Collingwood staff could do in-house or would you  
19 expect that you would need to retain some external  
20 assistance to get that work done?

21 MS. MARTA PROCTOR: The majority of  
22 that work would require external expertise. There  
23 could be some work on the business plan that staff  
24 could have assisted with, but certain -- certainly not  
25 if they were doing it for multiple options.

1                   It would take them away from their day-  
2 to-day duties, and our resources were already  
3 stretched with what we were currently trying to do,  
4 never mind we didn't have a whole capital planning  
5 team to do this type of work.

6

7                   (BRIEF PAUSE)

8

9                   MS. KATE MCGRANN:    I'll ask you more  
10 questions about this later, but where we're at right  
11 now, we know that a staff report goes to Council on  
12 August 27th, with some recommendations.

13                   To your mind, was the additional  
14 architectural/engineering work that you envisioned  
15 needing to be done, was that work done in advance of  
16 the preparation of that staff report?

17                   MS. MARTA PROCTOR:    There was some  
18 analysis of options, but in my opinion, no, there was  
19 no detailed conceptual design and costing done.

20                   MS. KATE MCGRANN:    And this paragraph  
21 references additional public/stakeholder engagement  
22 that may be required.

23                   What was your view on whether public  
24 stakeholder engagement was -- the required public  
25 stakeholder engagement was met in advance of that

1 August 27th staff report?

2 MS. MARTA PROCTOR: I believe the  
3 reason I chose the word "may" is because if we were  
4 moving away from any concept that was different than  
5 the one we already consulted the stakeholders and  
6 public on, in my opinion we should have done new  
7 stakeholder engagement. And, no, I don't believe that  
8 was done prior to the 20 -- August 27th report.

9 MS. KATE MCGRANN: I'll take you back  
10 to the summary resolutions document itself, which is  
11 at CJI8028 on page 135.

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: I'm going to turn  
16 to what this document says about the Direction B  
17 options, and that starts at page 140.

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: There's a -- an  
22 introductory paragraph that -- that talks about:

23 "As a result of the recent Council  
24 workshop, numerous -- numerous other  
25 considerations have been raised."

1                   And then it says that:

2                   "The options include the following."

3                   And as you can see, you've got a chart  
4 here that sets out the option with some benefits and  
5 some challenges.

6                   I would like to look at a couple of  
7 specific entries within this chart, starting on page  
8 143. Perhaps it's 142.

9

10   (BRIEF PAUSE)

11

12                   MS. KATE MCGRANN:    So for starters,  
13 this list of options, do you recall if staff reviewed  
14 the options that were generated at the strategic  
15 planning workshop and otherwise and selected a subset  
16 that they were recommending that Council consider, or  
17 was this a list of all of the options that had been  
18 generated by Council at and since that meeting?

19                   MS. MARTA PROCTOR:    To be honest, this  
20 is the first time I'm seeing this document since it  
21 was presented, and I didn't even recall the detail we  
22 got into on this, so I'm pleased we at least had this  
23 much detail given the turnaround time, and I recall  
24 now us working on this.

25                   How we chose which options we were



1 going to focus on, I believe it was through the work  
2 of several senior management. So myself, likely the  
3 Clerk, the Treasurer, and Mr. Houghton. But I can't  
4 recall how we specifically made the decision which one  
5 stayed, which one didn't.

6 I think it was by what we determined to  
7 be the greatest interest based on what we had heard to  
8 date.

9 MS. KATE MCGRANN: And what you had  
10 heard from whom?

11 MS. MARTA PROCTOR: What various  
12 members of Council.

13 MS. KATE MCGRANN: So the selection  
14 criteria you used was the greatest Council interest as  
15 opposed to information you had from public and  
16 stakeholder contacts and things like that?

17 MS. MARTA PROCTOR: Yes.

18 MS. KATE MCGRANN: If you look at Item  
19 8. So we'll have to scroll down a little bit. This -  
20 - this part of the chart considers covering the  
21 outdoor pool with a fabric building. For benefits it  
22 lists:

23 "Create additional year-round access  
24 to a 25 metre swimming pool,  
25 expanded programming opportunities."

1 Under "challenges" we've got:

2 "Requires further investigation to  
3 determine feasibility."

4 Do you remember what you were referring  
5 to there?

6 MS. MARTA PROCTOR: I believe I was  
7 referring to understanding this construction type,  
8 understanding the costs, and understanding any  
9 concerns with covering this type of application in our  
10 scenario.

11 The bullet below it speaks to related  
12 concerns, the fact that it was an older pool and did  
13 it make sense or was there a benefit.

14 So there was a whole series of analysis  
15 that I believe needed to occur before we made that  
16 type of commitment.

17 MS. KATE MCGRANN: To your knowledge,  
18 did any of that analysis that you have described to us  
19 take place before Council voted on how to proceed with  
20 the rec facilities on August 27th?

21 MS. MARTA PROCTOR: In my opinion, no  
22 it didn't. And I expressed concern about that.

23 MS. KATE MCGRANN: When did you  
24 express concern about that?

25 MS. MARTA PROCTOR: I expressed

1 concern -- I -- I expressed the need to do that as the  
2 report was being framed, and I expressed concern when  
3 the report was completed that we omitted that piece of  
4 work.

5 MS. KATE MCGRANN: What was the  
6 response you received to -- to the concerns that you  
7 expressed?

8 MS. MARTA PROCTOR: Why am I being  
9 resistant, why am I not a team player?

10 MS. KATE MCGRANN: And who were you  
11 having that conversation or those conversations with?

12 MS. MARTA PROCTOR: The CAO.

13 MS. KATE MCGRANN: What can you tell  
14 us about the context in which that conversation took  
15 place? How did -- how did it start?

16 MS. MARTA PROCTOR: After we were  
17 given direction to explore the two options and come  
18 back with more information, I was clear that there was  
19 work that requ -- was required that we would need  
20 external resources to do because of the timeline and  
21 the expertise.

22 And I did have commitments that --  
23 coming up in the next few weeks and I was not  
24 comfortable in meeting a tight turn-around time.

25 At some point the CAO assured that the

1 executive team could assist me with this and that they  
2 will meet the -- that turn around timeline.

3                   So I was assigned to work with Dave  
4 McNalty and given resources to have external expertise  
5 assist us in the analysis. Mr. McNalty and I drafted  
6 terms of reference together to provide to a consultant  
7 who we had -- who we had hired during the Central Park  
8 work and was familiar with a lot of our  
9 infrastructure, information to date and we went  
10 through a proper procurement process and we felt that  
11 adding this to their contract was within our  
12 procurement allowance.

13                   So we had them do the work to expedite  
14 it which -- no, we checked with them if they could do  
15 the work and tried to prepare a clear outline on  
16 expectations.

17                   Through that process, not directly  
18 through me, Dave McNalty was told numerous times by  
19 the CAO, questioned and told about what was to be in  
20 that report and what was not to be in that report.  
21 And it became kind of a dance, very similar to the  
22 difficult circumstance that I've been referring to,  
23 that I was not familiar with.

24                   And I kept trying to emphasize the  
25 importance of the scope of information we require so

1 that all of Council can make an appropriate decision.

2 I was -- I had a commitment for my  
3 vacation with my family, but I said I would be -- make  
4 myself available and I communicated by phone and  
5 somehow the report was shared with me, and I can't  
6 even remember how to be exact, but I know that I had  
7 concerns that the report did not reflect the full  
8 scope of information that I felt was important and Mr.  
9 Houghton and I had a very uncomfortable conversation  
10 where he was very angry and annoyed and yelling at me  
11 why I wouldn't just sign off on the report.

12 And I indicated I won't sign off that I  
13 agree with the report, but I will sign off that I read  
14 the report, because I don't agree with all the  
15 information that was there.

16 MS. KATE MCGRANN: We'll come to some  
17 -- some more detailed questions about the process that  
18 you described working with Mr. McNalty and the  
19 consultant.

20 Just so that it's clear, you're  
21 referring to -- who is the consultant that you're  
22 referring to?

23 MS. MARTA PROCTOR: I believe their  
24 name is WGD Architects.

25 MS. KATE MCGRANN: From what we can

1 see in the documents, you're on vacation from August  
2 22nd to August 24th. During that week drafts of the  
3 report are circulated during that week and the report  
4 is finalized on August 24th. Council meeting is on  
5 August 27th.

6 Do you recall where in the course of  
7 that week you had this conversation with Mr. Houghton?

8 MS. MARTA PROCTOR: I recall it was  
9 very close to the report deadline, but I can't recall  
10 the day.

11 MS. KATE MCGRANN: Do you remember if  
12 the report had already been finalized and distributed  
13 to Council or if it was still in draft form?

14 MS. MARTA PROCTOR: I believe it was  
15 prior to it being circulated because he was asking if  
16 I would put my name to the report.

17 MS. KATE MCGRANN: Okay. We'll likely  
18 come back to that conversation with a couple of  
19 further questions, but for now I'd like to turn our  
20 attention back to the July 16th meeting.

21 We had been talking about some of the  
22 challenges that are identified in the table for  
23 covering the outdoor pool.

24 One (1) of the things that isn't  
25 discussed here, at least explicitly, is the concept of

1 covering the outdoor pool with a fabric building as  
2 opposed to other construction types to be used for the  
3 pool building.

4 Do you know if staff ever investigated  
5 other construction types for the building to go around  
6 the pool or to enclose the pool?

7 MS. MARTA PROCTOR: No, we didn't.

8 MS. KATE MCGRANN: Do you know why  
9 that work was not done?

10 MS. MARTA PROCTOR: Because we were  
11 not given direction to do that, however, I assumed we  
12 would have investigated the benefits and the potential  
13 challenges associated with this type of structure, and  
14 we didn't do that either.

15 MS. KATE MCGRANN: But at this point  
16 in time, when -- when this document is distributed to  
17 Council, to your knowledge did staff have any  
18 information that enclosing the outdoor pool with a  
19 fabric building was a good choice or the best choice  
20 for the Town?

21 Did it have any information that  
22 compared fabric buildings to other construction types  
23 already in-hand?

24 MS. MARTA PROCTOR: Could you please  
25 repeat the question?

1 MS. KATE MCGRANN: Yes.

2 Did staff have any information in its  
3 possession, by July 16th, about covering the outdoor  
4 pool with a fabric building and whether that was a  
5 good idea?

6 MS. MARTA PROCTOR: As far as I  
7 recall, there seemed to be several conversations that  
8 occurred with Sprung representatives who represented a  
9 company that did fabric-covered structures.

10 And the only information we had was the  
11 information -- the marketing materials from that  
12 company.

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: I'm going to have  
17 some questions for you about conversations that took  
18 place with Sprung in advance of this meeting, but I  
19 just want to close off our discussion about what  
20 happened at this meeting first.

21 If we go to paragraph 250 of the  
22 Foundation Document.

23

24 (BRIEF PAUSE)

25



1 MS. KATE MCGRANN: This paragraph  
2 describes the council vote that took place at the July  
3 16th meeting. And if we scroll down, we see that  
4 council directed staff to pursue two (2) recommended  
5 options. Option number 1, construct a single pad  
6 arena that could be phased into a double pad, and  
7 option number 8, enclose the outdoor pool with a  
8 fabric building.

9 The council direction is for staff to  
10 pursue those two (2) recommended options and develop a  
11 project time line and detailed estimates and bring the  
12 report back to council not later than August 27th,  
13 2012.

14 Do you remember receiving this  
15 direction from Council?

16 MS. MARTA PROCTOR: Yes, I do.

17 MS. KATE MCGRANN: Do you remember  
18 what you envisioned the staff report to contain in  
19 terms of information that you were going to bring back  
20 to council?

21 MS. MARTA PROCTOR: It was my  
22 recollection that I thought we were going to explore  
23 the options associated with a single-pad arena and the  
24 estimated costs, both construction and operational,  
25 and the potential impacts on the rest of the park for

1 -- in terms of infrastructure implications.

2           And I also thought we were going to  
3 explore the benefits and concerns with covering the  
4 pool with the membrane structure. So, I thought there  
5 were two (2) components to the work.

6           MS. KATE MCGRANN: Did you envision  
7 staff making a recommendation to council about a final  
8 decision for how to proceed with constructing either  
9 of these two (2) buildings at the report that was  
10 going to be brought back on August 27th?

11           MS. MARTA PROCTOR: Not at all.

12           MS. KATE MCGRANN: Where in the  
13 process towards a final decision did you think the  
14 August 27th report was going to put staff and council?

15           MS. MARTA PROCTOR: I felt that, based  
16 on the information provided in those reports, that  
17 staff would be directed on one (1) or both options to  
18 move into the detailed design phase, which would  
19 include further costing and fine-tuning of components  
20 and features, to include engaging citizens and  
21 stakeholders on the direction we were heading in.

22

23   (BRIEF PAUSE)

24

25           MS. MARTA PROCTOR: Can I just add

1 something? And that that do -- final dollar amount  
2 would come back as a capital infrastructure project  
3 for all of council to approve after that was all  
4 costed.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: Turning from the  
9 July 16th meeting, you had mentioned that you  
10 understood that there had been conversations with  
11 Sprung. I want to ask you some questions about what  
12 we can see in terms of conversations between the Town  
13 and Sprung in advance of the July 16th meeting.

14 If we could turn to paragraph 175 of  
15 the Foundation Document.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: This paragraph  
20 describes an email that Tom Lloyd, from Sprung  
21 Structures, sends to Town manager of recreation  
22 facilities and arena supervisor, Dennis Seymour, with  
23 a copy to Dave MacNeil, of Sprung, and Patrick Mills,  
24 of Sprung.

25 In his email, Mr. Lloyd thanks Mr.

1 Seymour for meeting yesterday. And he writes:

2 "We look forward to assisting you  
3 with your plan, so please do not  
4 hesitate to ask if you need any  
5 further information. Pat, Dave, and  
6 I look forward to our further  
7 discussions."

8 Were you aware that Mr. Seymour was  
9 meeting with representatives from Sprung on June 19th,  
10 2012, or thereabouts?

11 MS. MARTA PROCTOR: I had no  
12 recollection of this until I saw the email. And I  
13 still am not clear if I was aware of it or not.

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: If we move ahead to  
18 the next paragraph, paragraph 176, this describes an  
19 email that Dave MacNeil, of Sprung, sent to Mr.  
20 Seymour on June 20th in which he also references the  
21 meeting and says:

22 "I look forward to coming up with a  
23 design that will not only meet, but  
24 exceed, the needs of both your Town  
25 council and your user groups."

1 He says:

2 "I've created an FTP site with some  
3 Sprung drawings and renderings for  
4 you to take a look at and I will  
5 begin putting some budget numbers  
6 together shortly."

7 Do you recall if you were aware that  
8 Sprung was providing the Town with drawings,  
9 renderings, and budget numbers towards the end of June  
10 going forward?

11 MS. MARTA PROCTOR: Once again, no, I  
12 was not.

13 MS. KATE MCGRANN: Were you surprised  
14 when -- when you discovered that this had been taking  
15 place at the time?

16 MS. MARTA PROCTOR: I just had no  
17 recollection of it, so I was surprised to see this  
18 information in the report. But there were other  
19 things that also surprised me in the report.

20 MS. KATE MCGRANN: And just so I can  
21 clarify your answer, are you able to advise whether,  
22 you know, you didn't remember that this was taking  
23 place, but once you read these paragraphs in the  
24 Foundation Document you had some recollection that  
25 these kinds of conversations were happening, or is it

1 that you don't think that you knew that they were  
2 happening at the time?

3 MS. MARTA PROCTOR: I had no  
4 recollection of them happening. But I had a lot on my  
5 plate at that time, so I don't want to say a hundred  
6 percent that I was not aware.

7 MS. KATE MCGRANN: One (1) final  
8 question about -- about this. If you look at the next  
9 paragraph, paragraph 177, here we see manager of fleet  
10 facilities and purchasing, Dave McNalty, sending Dave  
11 MacNeil, of Sprung, an email on June 25th.

12 And Mr. McNalty writes:

13 "Further to our conversation last  
14 week, we have been piecing together  
15 some background information for the  
16 two (2) sites."

17 And he goes on to provide Mr. MacNeil,  
18 of Sprung, a series of aerial photos of Heritage Park,  
19 information about intent for the arena, drawings for  
20 the outdoor rink, and photos of Central Park.

21 Do you recall if you knew that this  
22 kind of information was being provided to Sprung at  
23 this time?

24 MS. MARTA PROCTOR: No, I do not.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: If we could move  
4 ahead to paragraph 183 of the Foundation Document.  
5 This paragraph describes steps that are taken to set  
6 up and confirm a meeting between Patrick Mills, Tom  
7 Lloyd, and David MacNeil, or Sprung Buildings, with  
8 Deputy Mayor Rick Lloyd, Dave McNalty, and Sandra  
9 Cooper.

10 Were you aware that that meeting took  
11 place?

12

13 (BRIEF PAUSE)

14

15 MS. MARTA PROCTOR: I was not aware of  
16 that specific meeting and those specific parties  
17 attending. However, I had heard in conversations that  
18 people were meeting with people from Sprung. And  
19 that's when I would ask questions.

20 THE HONOURABLE FRANK MARROCCO: Were -  
21 - were you ever given a reason why you were not  
22 included in these meetings?

23 MS. MARTA PROCTOR: To be quite  
24 honest, I did not want to be included in the meetings  
25 because it would have gone against a process that I

1 felt was in accordance with good municipal business  
2 practice.

3 THE HONOURABLE FRANK MARROCCO: And  
4 what was that?

5 MS. MARTA PROCTOR: Meeting with a  
6 contractor about drawings and quotes without a formal  
7 bid process or having direction to have that work  
8 awarded that way.

9

10 (BRIEF PAUSE)

11

12 CONTINUED BY MS. KATE MCGRANN:

13 MS. KATE MCGRANN: The conversations  
14 that you referenced in which you learned that people  
15 were speaking to people, I think is -- is how you put  
16 it.

17 What can you tell us about those  
18 conversations, starting with who did you have those  
19 conversations with?

20 MS. MARTA PROCTOR: I wish I could be  
21 crisper and clearer on it, but there were a lot of  
22 conversations at the senior management team about the  
23 direction we need to be heading, and it's different,  
24 and a lot of them reference direction from the Deputy  
25 Mayor. And I can't chronologically or succinctly put



1 them in places or time or names, but for me to say  
2 that I was not aware would be inaccurate also because  
3 I heard things, and I tried to understand or reframe  
4 them, but it was not easy to do.

5 MS. KATE MCGRANN: Okay. When you  
6 said that these were conversations with the senior  
7 management team, are you referring to the Executive  
8 Management Team -- the EMC, as we refer to it -- or  
9 are you talking about other people as well?

10 MS. MARTA PROCTOR: Speci -- there  
11 were specific conversations with the EMC, but I know  
12 this was a topic of discussion at the leadership --  
13 or, I can't remember what we were called here. Every  
14 municipality has a slightly different -- where we were  
15 all in the room as well.

16 MS. KATE MCGRANN: Okay. Department  
17 heads?

18 MS. MARTA PROCTOR: Department heads.  
19 Yeah.

20 MS. KATE MCGRANN: In those  
21 conversations with department heads, do you remember  
22 if they were the context of the formal department head  
23 meetings, which we understood took place weekly, or  
24 more in informal conversations with members of that  
25 group?

1 MS. MARTA PROCTOR: I believe it was  
2 informal meetings, but I know Dave McNalty and I --  
3 because we were trying to find our way through  
4 providing information. He was not at department head  
5 meetings, but he and I would have conversation about  
6 what I've heard and what he's heard and try to frame  
7 it somehow. So those happened informally.

8 MS. KATE MCGRANN: Was there ever --  
9 ever any discussion of formally going back to Council  
10 to seek clarification of the directions that had been  
11 provided to staff to seek clear information about who  
12 was taking which steps or to ask for additional time  
13 to meet Council's request for the staff report?

14 MS. MARTA PROCTOR: There were  
15 definitely a lot of conversations about going back and  
16 seeking clarity, which is -- even though it may have  
17 not been as clear to you today, that is exactly what  
18 we were trying to do.

19 But there was resistance from the  
20 Executive Management Committee to say to members of  
21 Council that their behaviour is inappropriate and we  
22 need to do our business differently, because our  
23 former CAO tried to do that, and there was fear in the  
24 organization that there would be repercussions, and  
25 that is not how we do things in Collingwood, is what I

1 was told.

2 MS. KATE MCGRANN: Can you be any more  
3 specific about who those conversations took place  
4 with?

5 MS. MARTA PROCTOR: The Executive  
6 Management Committee members, specifically with the  
7 Treasurer, at times the Clerk as well, and Mr.  
8 Houghton.

9 THE HONOURABLE FRANK MARROCCO: And  
10 the former CAO was Ms. Wingrove?

11 MS. MARTA PROCTOR: Correct.

12

13 CONTINUED BY MS. MCGRANN:

14 MS. KATE MCGRANN: So we'd talked  
15 about conversations about going back to seek clarity  
16 about Council direction. In some of the information  
17 you've given us somewh -- so far this morning, you've  
18 referenced other things that were on your plate as  
19 Director of Parks, Recreation, and Culture. You've  
20 also referenced prior commitments you had made to  
21 family vacation.

22 Do you recall any discussion about  
23 going back to Council to ask for an extension of time  
24 to come back to them with the information that they  
25 had asked to staff to provide?

1 MS. MARTA PROCTOR: At that Council  
2 meeting, I clearly stated that that time line would be  
3 problematic for me. As far as I was aware, I reported  
4 to the CAO still, and the CAO indicated right away  
5 that -- that not to worry, that the Executive  
6 Management Committee will assist me and will ensure  
7 they meet that time line. It was not my position to  
8 question his decision to do that. That's how I felt.

9 MS. KATE MCGRANN: Okay. And so I  
10 take it that was not a topic that you raised after the  
11 July 16th meeting, the notion of asking for additional  
12 time.

13 MS. MARTA PROCTOR: I may have raised  
14 it offline with them, but I wasn't going to raise it  
15 in Council with them.

16 MS. KATE MCGRANN: Do you have a  
17 specific recollection of raising the idea of asking  
18 for additional time offline with -- with anyone?

19 MS. MARTA PROCTOR: Absolutely. I  
20 didn't understand what the rush was. We -- this was  
21 very important information. This is where I kept  
22 restating these things, and I was viewed as being  
23 resistant.

24 MS. KATE MCGRANN: Where did you get  
25 the impression that you were viewed as being resistant

1 from?

2 MS. MARTA PROCTOR: The Executive  
3 Management Committee, specifically mostly Mr.  
4 Houghton, but even the Clerk and Deputy -- the Clerk  
5 and the Treasurer would say, Get on board. This is  
6 how we do things here. And so.

7 MS. KATE MCGRANN: Could we turn to  
8 paragraph 196 of the Foundation Document?

9 THE HONOURABLE FRANK MARROCCO: Just  
10 before you do that, were you ever given a reason for  
11 why there was a rush?

12 MS. MARTA PROCTOR: No.

13

14 (BRIEF PAUSE)

15

16 CONTINUED BY MS. MCGRANN:

17 MS. KATE MCGRANN: This paragraph and  
18 the paragraphs that follow describe an exchange  
19 between -- some -- there's some information provided  
20 by some people associated with the Collingwood  
21 Clippers, a swim team in Town.

22 Paragraph 196 describes Linda Simpson,  
23 a parent of one (1) of the swimmers on the Collingwood  
24 Clippers, sending an email to Mayor Cooper and Deputy  
25 Mayor Lloyd on July 3rd, 2012, in which she expresses

1 support for the proposal to cover the Centennial Pool.  
2 She says that the Clippers had independently  
3 researched the possibility of covering the pool in  
4 2010. She offered to provide the research and related  
5 files and proposed a meeting to discuss their  
6 research.

7                   So this is a contact that is being had  
8 with the Mayor and the Deputy Mayor in advance of the  
9 July 16th meeting. Did you know that -- were you  
10 aware that the Clippers had looked at covering the  
11 outdoor pool? Is this information you were aware of  
12 before the July 16th meeting?

13                   MS. MARTA PROCTOR: I was aware that  
14 the Clippers were interested in a cover for the pool.  
15 Upon starting, I had a delegation of stakeholders that  
16 wanted to meet with me about infrastructure  
17 improvements that range -- the range was huge, which  
18 is why I came forward to Council to talk about a  
19 multi-purpose community centre, along with other  
20 infrastructure upgrades, and to try to strategically  
21 prioritize them in the most cost-effective way for the  
22 greater good of this community.

23                   So when I met with the Clippers, and it  
24 was not Linda Simpson who I met with in one (1) of  
25 those preliminary delegations, I indicated that we

1 will be looking at aquatic and all our needs in due  
2 time, and you will be part of that process. So I did  
3 not look at the details of the type of structures they  
4 were proposing at that time.

5 MS. KATE MCGRANN: Okay. When you  
6 said "upon starting," were you referring to starting  
7 the role of Director of Parks, Recreation, and  
8 Culture?

9 MS. MARTA PROCTOR: Correct.

10 MS. KATE MCGRANN: So it was around  
11 the beginning of your time in that role that you had  
12 that discussion with -- about covering the pool.

13 MS. MARTA PROCTOR: Correct.

14 MS. KATE MCGRANN: Were you aware that  
15 at the beginning of July, some people associated with  
16 the Clippers were speaking with members of Council  
17 about covering the outdoor pool?

18 MS. MARTA PROCTOR: Yes, I was.

19 MS. KATE MCGRANN: Okay. Were you  
20 involved in those discussions?

21 MS. MARTA PROCTOR: No, I was not.

22 MS. KATE MCGRANN: How did you become  
23 aware of the fact that they were taking place?

24 MS. MARTA PROCTOR: Same way I was  
25 learning everything else. I would hear tidbits of

1 information in meetings from a colleague.

2 MS. KATE MCGRANN: Did you ever  
3 receive copies of any information that the Clippers  
4 provided to the Town about covering the outdoor pool?  
5 Did you ever see any of that information?

6 MS. MARTA PROCTOR: Yes. At some  
7 point there was -- I was brought into the loop and  
8 asked to work with the Clippers on what potential  
9 contributions they could make, because they implied  
10 that they could raise some funds or donate some money  
11 should there be a cover put on the pool.

12 But at this point I can't recall if  
13 that was after the Sprung structure had been approved  
14 or before.

15 MS. KATE MCGRANN: If we could turn to  
16 paragraph 219 of the Foundation Document.

17

18 (BRIEF PAUSE)

19

20 MS. KATE MCGRANN: This paragraph  
21 describes that on July 16th at 4:04 p.m., so in  
22 advance of the July 16th Council meeting in which  
23 Council directs staff to pursue that you're building  
24 an outdoor arena, covering the outdoor pool with the  
25 fabric building, Dave MacNeil of Sprung emails Deputy



1 Mayor Rick Lloyd, Mayor Sandra Cooper, Dave McNalty  
2 and Mr. Houghton, a link to budgets for three Sprung  
3 turnkey structures. And if you look at the sub-  
4 paragraphs below, there's a budget for a cover for  
5 existing Centennial pool, there is an insulated Sprung  
6 structure to cover an existing outdoor arena, and then  
7 there's a budget for new stand-alone performance  
8 arena.

9                   Do you recall, were you aware that the  
10 Town had received these budgets from Sprung at this  
11 point in time?

12                   MS. MARTA PROCTOR: No, I don't recall  
13 that.

14                   MS. KATE MCGRANN: Do you recall if  
15 you ever became aware that the Town received these  
16 three budgets from Sprung?

17                   MS. MARTA PROCTOR: I don't believe I  
18 did.

19

20                   (BRIEF PAUSE)

21

22                   MS. KATE MCGRANN: Going forward,  
23 staff has been tasked with pursuing constructing an  
24 outdoor arena that could be phased into a double pad  
25 arena, enclosing the existing outdoor pool with a

1 fabric building.

2 Who was in charge of overseeing the  
3 work that staff did to put together the requested  
4 staff report?

5 MS. MARTA PROCTOR: Could you repeat  
6 the question, please?

7 MS. KATE MCGRANN: Yes. At the end of  
8 the July 16th Council meeting, Council directs staff  
9 to pursue building a single pad arena that could be  
10 phased into a double pad, and enclosing the existing  
11 outdoor pool with a fabric building. Staff is to come  
12 back with a staff report by August 27th.

13 Who on staff was overseeing or managing  
14 the work that was being done to put that report  
15 together?

16 MS. MARTA PROCTOR: I felt that it was  
17 my responsibility to frame and ensure that report  
18 provided all the necessary information.

19 However, I indicated that I could not  
20 complete that work without external resources and I  
21 had concerns about the timeline, especially because I  
22 would be going away.

23 And that is when Mr. Houghton said that  
24 he and the executive team would assist, so I still  
25 took the response -- and that Dave McNalty would help

1 with this report and that -- and we also got resources  
2 approved.

3                   So Dave McNalty and I worked hard to  
4 set the foundation for WGD to provide us with the  
5 information that we would put in that report, but as I  
6 previously said, he was all -- Dave McNalty was also  
7 getting direction from Mr. Houghton about what should  
8 or should not be in that report.

9                   So although I would have seen it my  
10 responsibility, I indicated I couldn't complete that  
11 report fully in the timeframe, and so therefore Mr.  
12 Houghton took it upon himself and the senior -- I'm  
13 sorry, their name --

14                   MS. KATE MCGRANN:     The Executive  
15 Management Committee?

16                   MS. MARTA PROCTOR:     Yes, Executive  
17 Management Committee to complete that report.

18                   MS. KATE MCGRANN:     Was there a  
19 specific point person designated to head up the  
20 report, assign tasks to the people that were working  
21 on it, respond to questions, and provide direction?  
22 Was that ever --

23                   MS. MARTA PROCTOR:     I believed the  
24 work that WGD was going to assist us with was my  
25 responsibility, along with Dave McNalty, to frame.

1                   But clearly there were messages layered  
2 on top that they were to do this, but not this, or why  
3 are they doing this. So there were other people  
4 intervening.

5                   MS. KATE MCGRANN:   Who were the other  
6 people that you saw to be intervening?

7                   MS. MARTA PROCTOR:   Namely Mr.  
8 Houghton, but based on -- and it was stated and I  
9 don't know how, that other people told them that, for  
10 example, WGD is not to contact Sprung. That was  
11 stated clearly to us and to WGD.

12                   MS. KATE MCGRANN:   And I'm going to  
13 come to some more specific questions about the work  
14 that WGD did for the Town in a minute. Just a couple  
15 more general questions to understand what you've  
16 describe to us so far.

17                   You said that other people were -- were  
18 layering messages on top, you've identified Mr.  
19 Houghton as one of those people. Was there anybody  
20 else that you saw who was providing direction or  
21 management to the people who were working on putting  
22 this staff report together?

23                   MS. MARTA PROCTOR:   I certainly have a  
24 greater perspective now because I've read all the  
25 documents and have seen some of the background emails

1 on this topic, but I did not know those things at that  
2 time.

3                   So as far as I was concerned, the  
4 clearest source of information that was coming down on  
5 this topic was through the Deputy Mayor. He was the  
6 champion behind this and was giving direction to the  
7 CAO.

8                   MS. KATE MCGRANN: Did you have any  
9 direct interactions with the Deputy Mayor about the  
10 work that was being done on the staff report?

11                   MS. MARTA PROCTOR: No.

12                   MS. KATE MCGRANN: Do you remember how  
13 you formed the view that -- that he was involved in  
14 the directions that were being given to staff?

15                   MS. MARTA PROCTOR: His name was  
16 referenced by staff.

17                   MS. KATE MCGRANN: Are you able to  
18 tell us specifically who referenced him?

19                   MS. MARTA PROCTOR: Pretty much  
20 everybody on the Executive Management Committee.

21                   MS. KATE MCGRANN: Anybody else?

22                   MS. MARTA PROCTOR: Not that I can  
23 recall.

24                   MS. KATE MCGRANN: One (1) final  
25 general question before we get into the specifics of

1 the work that you were involved in doing for the  
2 report.

3 Do you recall at any time whether there  
4 was a discussion about the criteria that would be used  
5 to evaluate the different kinds of construction  
6 options for the arena to help pick what -- what was a  
7 better or worse option for the Town?

8 MS. MARTA PROCTOR: Yes, I remember  
9 numerous discussions on that topic, and when Dave  
10 would -- Dave McNalty and I would work on that  
11 together and then he would go away and often that  
12 would be changed by Mr. Houghton.

13 MS. KATE MCGRANN: Okay. What can you  
14 tell us about the discussions about the -- the  
15 criteria that would be used to evaluate the -- the  
16 options for the arena?

17 MS. MARTA PROCTOR: It felt like -- it  
18 felt to me like nobody really wanted good information  
19 on all the options.

20 MS. KATE MCGRANN: Why did it feel  
21 that way to you?

22 MS. MARTA PROCTOR: Because it felt  
23 like it was already being slanted to a decision to  
24 cover it with a Sprung structure.

25 MS. KATE MCGRANN: And what led you --

1 what led you to forming that -- that view?

2 MS. MARTA PROCTOR: Because from what  
3 I can recall, when we tried to outline criteria and  
4 what you would normally analyse in a feasibility  
5 study, that was being shut down from other places,  
6 which I couldn't -- I wasn't always part of and  
7 couldn't fully understand.

8 MS. KATE MCGRANN: What other places  
9 were shutting down the work you were trying to do to  
10 set up the feasibility study?

11 MS. MARTA PROCTOR: From what I  
12 recall, it was the CAO in direction communication with  
13 Mr. McNalty.

14 MS. KATE MCGRANN: Okay. I'm going to  
15 turn to some specific questions about the work that  
16 you did with WGD and Mr. McNalty to look at some  
17 options.

18 If we could turn to TOC548266.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: These are the  
23 minutes of a department head meeting that took place  
24 on July 17th, 2012, so the day after the July 16th  
25 council meeting where staff were given direction about

1 what options to pursue for the Town's recreational  
2 facilities.

3 If we could scroll down to page 2.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: -- to the bullet  
8 identified as, "Central Park." The minutes report  
9 that:

10 "Council requested they be provided  
11 with a staff report for their August  
12 27th meeting. The staff report is  
13 to provide substantiated estimates  
14 for building a covered single ice  
15 pad at Central Park and cover  
16 Centennial pool with a bubble-type  
17 fabric cover."

18 Is that what you recall staff was  
19 instructed to do?

20

21 (BRIEF PAUSE)

22

23 MS. MARTA PROCTOR: I'm reading the  
24 words for the details, sorry.

25 MS. KATE MCGRANN: Take your time.



1 Take your time.

2 MS. MARTA PROCTOR: Staff report is...

3

4 (BRIEF PAUSE)

5

6 MS. MARTA PROCTOR: In reading the mim

7 -- minutes, I don't totally agree with bubble;

8 however, a membrane cover would be appropriate for

9 what cou -- the direction council gave for the pool.

10 And I would say the rest is accurate.

11 MS. KATE MCGRANN: Does the phrase

12 'substantiated estimates' mean anything in particular

13 to you?

14 MS. MARTA PROCTOR: Yes. That --

15 that's the analysis part that I was trying to ensure

16 was reflected in the terms of reference of the work.

17 MS. KATE MCGRANN: Okay. And if you

18 look at the next paragraph, it reports that you're

19 grateful that there is a recommendation to allow the

20 existing market sounding budget to be used for this

21 purpose.

22 And it goes on to explain that -- your

23 reasoning for -- for working with WGD. It also says:

24 "Marta, Marjorie agreed to talk

25 offline and invite Marcus and Brian

1 to assist with those discussions as  
2 they need to determine whether  
3 council's desire is to abandoned the  
4 original concept or whether the  
5 project is being modified and staged  
6 for future expansion."

7 Do you -- a couple of things. Do you  
8 know who Marcus and Brian are who's being referred to  
9 there?

10 MS. MARTA PROCTOR: Yes. They are  
11 members of the senior team. They were department  
12 heads. And they were present in the meeting. And I  
13 believe the reason why we were going to talk with them  
14 is because nowhere have we had discussions about  
15 servicing and site preparation and parking lots and  
16 all that.

17 And I believe there was interest to do  
18 that work in-house and, therefore, it was  
19 intentionally left from some of the costing.

20 MS. KATE MCGRANN: Okay. Is "Marcus"  
21 Marcus Firman?

22 MS. MARTA PROCTOR: Correct.

23 MS. KATE MCGRANN: And would he have  
24 been part of the conversation because he would be  
25 providing input about --

1 MS. MARTA PROCTOR: Water servicing.

2 MS. KATE MCGRANN: Okay. Is "Brian"  
3 Brian Macdonald?

4 MS. MARTA PROCTOR: Correct.

5 MS. KATE MCGRANN: And what was his --  
6 what would his involvement in those conversations have  
7 been?

8 MS. MARTA PROCTOR: So, he was the  
9 dire -- I can't remember his title. But his -- his  
10 involvement would have been from appropriate access  
11 points, parking lots, potentially even lighting and --  
12 and all the exterior components, traffic flow, where  
13 the best access point.

14 None of that site development work had  
15 been done for any of these projects.

16 MS. KATE MCGRANN: Do you recall if  
17 you did consult with Marcus Firman and Brian Macdonald  
18 to -- to start to look into those questions that  
19 you've identified?

20 MS. MARTA PROCTOR: I don't believe I  
21 specifically initiated those discussions. But through  
22 the executive management committee they were involved  
23 to some degree.

24 MS. KATE MCGRANN: Do you remember if  
25 the kind of site design and preparation questions that

1 you've identified for us were answered before the  
2 August 27th staff report was finalized?

3 MS. MARTA PROCTOR: No, I don't  
4 believe they were.

5 MS. KATE MCGRANN: If we could look at  
6 paragraph 261 of the Foundation Document.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: This paragraph  
11 describes a draft memorandum that Dave McNalty sent to  
12 you on July 19th titled, "Ice arena feasibility  
13 study." And in his email he indicated, "Draft terms  
14 of reference attached."

15 If you can scroll down, there's an  
16 excerpt from his memo that describes background to  
17 work that had already been done by the Central Park  
18 redevelopment committee.

19 And then if you move down further,  
20 we've reproduced a table that was set out in that  
21 memo. And the -- at the top it says -- could you just  
22 scroll up a second?

23 "The following scenarios are to be  
24 considered as a minimum.

25 Alternatives may be provided should

1                   they enhance the opportunity for  
2                   part of the project to go forward."

3                   And Mr. McNalty has set out a draft  
4 table indicating scenarios that WGD was con -- was to  
5 consider. This memorandum was limited to the area.

6                   Do you recall if WGD was asked to do a  
7 similar exercise for the pool?

8

9   (BRIEF PAUSE)

10

11                   MS. MARTA PROCTOR:    When I was  
12 reviewing these documents, that was a question I asked  
13 myself, what happened to the pool. And I was trying  
14 to recall. And I can't say a hundred percent, but I  
15 feel that was part of where the work got switched on  
16 us.

17                   And we weren't allowed to work -- look  
18 at the pool because somebody else was going to do  
19 that.

20                   MS. KATE MCGRANN:    Do you remember who  
21 else was going to look at the pool?

22                   MS. MARTA PROCTOR:    Not specifically.

23                   MS. KATE MCGRANN:    If we turn to the  
24 email at TOC188039.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: This is an email  
4 from Dave McNalty to Brian Gregersen, at WGD  
5 Architects. It's dated July 20th, 2012, and attach a  
6 Word document titled, "Ice arena feasibility study."

7 Mr. McNalty says, "Brian, as  
8 discussed..." If we could turn to that attachment.  
9 It's at TOC0188040.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: In this memo that's  
14 provided to WGD there's an introduction. And if we  
15 could scroll down, it talks about work done by the  
16 joint steering committee. It provides a background --  
17 background information. Keep going. And then there's  
18 terms of reference.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: If you look at the  
23 second paragraph, it states that:

24 "The Town would like to explore the  
25 feasibility of moving forward with

1 specific components of the projects  
2 in the preferred location of Central  
3 Park either as a standalone or  
4 interim project or as the initial  
5 phase of the overall redevelopment  
6 project."

7 It talks about retrofitting the  
8 existing Eddie Bush Memorial Arena. And it goes on to  
9 say:

10 "The addition of a year-round ice  
11 arena at Central Park provides the  
12 opportunity to transition the  
13 existing arena towards a winter  
14 facility."

15 If you look at the next paragraph, it  
16 says:

17 "The feasibility of several options  
18 should be examined in terms of a  
19 comparison to the overall Central  
20 Park redevelopment project scope.  
21 This will allow the costs and  
22 benefits of the various  
23 opportunities to be compared  
24 directly while also enabling the  
25 preparation of operating estimates

1 and the exploration of anticipated  
2 social improvements."

3 Is this the kind of work that you  
4 thought WGD was going to be doing for the Town?

5

6 (BRIEF PAUSE)

7

8 MS. MARTA PROCTOR: Yes, it is.

9 MS. KATE MCGRANN: And if we can  
10 scroll down to the top of page 3, again, we're looking  
11 at:

12 "The following scenarios should be  
13 considered at a minimum."

14 And then you see there's:

15 "The proposed Central Park  
16 redevelopment project components,  
17 initial phase of a single-pad arena  
18 necessary, park improvements, and  
19 the concept of a standalone single  
20 pad arena with a potential to twin  
21 in the future, minimal park  
22 improvements."

23 And then, finally, the upgrade of the  
24 Eddie Bush Memorial Arena.

25 Do you remember asking WGD to



1 investigate these concepts?

2 MS. MARTA PROCTOR: I do recall  
3 working with Dave, and we landed on this in some shape  
4 or form.

5 MS. KATE MCGRANN: Other than you and  
6 Mr. McNalty, was there anybody else at the Town who  
7 was working with WGD on this project?

8 MS. MARTA PROCTOR: Not that I'm aware  
9 of.

10 MS. KATE MCGRANN: It's our  
11 understanding that you went on vacation from the  
12 period from July 23rd to in or about August 3rd of  
13 2012, so shortly after this email was sent across.

14 What involvement did you have in the  
15 work that was being done to prepare the staff report  
16 while you were on vacation?

17 MS. MARTA PROCTOR: I can't recall  
18 completely, but I know it is my practice to be  
19 available when needed, and I know on numerous  
20 occasions while I was on vacation, if there were  
21 critical decision points or issues that came up, I  
22 would make myself available, and I believe I did  
23 through this process.

24 MS. KATE MCGRANN: Okay. Do you have  
25 any specific recollection of speaking with anyone

1 about the work that was being done for the staff  
2 report while you were on vacation between July 23rd  
3 and August 3rd?

4 MS. MARTA PROCTOR: I can't recall  
5 specific items or conversations while I was on  
6 vacation, but I know there were several things I had  
7 to follow up on on this project, even concerns about  
8 meeting time lines and obligations according to the  
9 work we needed. So I recall that, and I recall seeing  
10 that reinforced through emails I saw in the documents.

11 MS. KATE MCGRANN: Okay. You recall  
12 there were things that needed to be done. You recall  
13 that you -- your practice was to make yourself  
14 available. You don't specifically recall any  
15 particular thing that happened?

16 MS. MARTA PROCTOR: No.

17 MS. KATE MCGRANN: Okay. You could  
18 turn to paragraph 270 of the Foundation Document.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: And actually, if we  
23 could just scroll back up to 269 for some context.  
24 Paragraph 269 describes that Brian Gregersen of WGD  
25 sent Mr. McNalty architectural drawings on July 24th,

1 2012. Mr. Gregersen described those drawings as the  
2 current concept for a single-pad arena, and the  
3 drawings included a drawing labelled Pre-Eng Structure  
4 and a drawing labelled Sprung Structure. And in a  
5 follow-up email, Mr. Gregersen confirmed that the  
6 drawings included a Sprung structure.

7                   It doesn't appear that you were copied  
8 on that email. Do you remember being aware that these  
9 drawings had been provided?

10                   MS. MARTA PROCTOR: I can't recall  
11 either way.

12                   MS. KATE MCGRANN: If we could turn  
13 down to paragraph 270, on the same day, so we're still  
14 talking about July 24th, Marjory Leonard sent an email  
15 to the EMC and Dave McNalty. You're not copied on  
16 that email. I'm going to ask that you be shown the  
17 full email. It's at TOC189770.

18

19                   (BRIEF PAUSE)

20

21                   MS. KATE MCGRANN: So this email -- in  
22 this email, Ms. Leonard says:

23                   "Follow-up FYI, I just talked to  
24 Dave and asked him to continue with  
25 WGD on the following items."

1                   So she asks for redrawing some  
2 schematics to save different ball diamonds; pricing of  
3 bricks-and-mortar building that would be part of a  
4 phase 1 of a two-pad configuration, plus estimating  
5 the operating costs; pricing of prefabricated steel  
6 structure that would be phase 1 of a two-pad  
7 configuration, plus estimating operating costs. She  
8 goes on to say:

9                   "Leave the Sprung building pricing  
10                   for now until the management team  
11                   and Dave McNalty can meet with the  
12                   Sprung people. Once we have the  
13                   pricing and operating cost for the  
14                   buildings from WGD, somebody [and  
15                   she identifies Dave] and Dave and  
16                   the management team will contact  
17                   Sprung to get pricing to ensure that  
18                   we are comparing apples to apples."

19                   Were you aware that these directions  
20 were being provided in terms of how to work with WGD  
21 and the work that they would be doing?

22                   MS. MARTA PROCTOR: No, I was not.

23                   MS. KATE MCGRANN: I think that you  
24 are on vacation at this time. Did you become aware  
25 that these instructions had been given after you

1 returned?

2 MS. MARTA PROCTOR: Nobody ever shared  
3 the full contents of this email, but when I asked  
4 questions about -- how did we determine where the  
5 building was going to be situated, or where did all  
6 this come from, I learned that those decisions were  
7 made by members of the EMC, and specifically, Marjory  
8 was named.

9 MS. KATE MCGRANN: Do you remember who  
10 -- who identified Marjory as the person who was  
11 involved in that process to you?

12 MR. FREDERICK CHENOWETH: Sorry, Your  
13 Honour. I didn't hear that question. I wonder if  
14 counsel could re --

15

16 CONTINUED BY MS. KATE MCGRANN:

17 MS. KATE MCGRANN: Who told you that  
18 Marjory Leonard was involved in making decisions about  
19 where on the site the arena would be placed?

20 MS. MARTA PROCTOR: When I asked  
21 questions of the EMC, they didn't withhold information  
22 that they knew, and they would have all answered  
23 freely to include Marjory.

24 MS. KATE MCGRANN: Do you remember  
25 specifically who told you that Marjory was involved in

1 the placement of the arena on the site?

2 MS. MARTA PROCTOR: I recall Marjory  
3 telling me. I recall the Clerk telling me, Sara. Ms.  
4 Almas.

5 MS. KATE MCGRANN: Do you recall  
6 becoming aware that Sprung was going to be involved in  
7 -- in discussions leading to the staff report,  
8 including to ensure that staff is comparing apples to  
9 apples when it came to the WGD estimates?

10 MS. MARTA PROCTOR: No. This is -- I  
11 -- I haven't -- I didn't -- I scrolled through most of  
12 the documents, but I didn't get through every one, and  
13 that's the first time I'm seeing that written the way  
14 it is.

15 MS. KATE MCGRANN: Okay. The concept  
16 more generally, though, that Sprung would be involved  
17 in helping staff ensure that they were comparing  
18 apples to apples when it came to the arena -- is that  
19 something that you knew was happening at the time?

20 MS. MARTA PROCTOR: No. I was -- I  
21 just understood that nobody was to contact Sprung or  
22 their information wasn't to be included. Somewhere,  
23 that message got through to us.

24 MS. KATE MCGRANN: Do you remember who  
25 that message came from?

1 MS. MARTA PROCTOR: A lot of my  
2 information I would hear through Dave McNalty because  
3 he and I were working closely, and then I would go  
4 back and ask the questions of my colleagues on the  
5 Executive Management Committee. And my first point of  
6 contacts were usually the Clerk or the Treasurer  
7 because they were in closer proximity to me, and they  
8 would answer me, saying, No, you're not allowed to do  
9 that. We've been told.

10 MS. KATE MCGRANN: Okay. I understand  
11 you to be describing how communication went generally  
12 as you were working with Mr. McNalty on this project.

13 Specifically with reference to the  
14 notion that staff is not to contact Sprung, do you  
15 remember how you came to know that that was the case?

16 MS. MARTA PROCTOR: The only clear  
17 person that I recall telling me that was Dave McNalty.

18 THE HONOURABLE FRANK MARROCCO: You --  
19 who did he say told him that that was the way it was  
20 supposed to be?

21 MS. MARTA PROCTOR: I believe it was  
22 the CAO.

23 THE HONOURABLE FRANK MARROCCO: All  
24 right. Would it have -- in terms of what you said  
25 earlier about not wanting to meet with a prospective

1 bidder prior to the bid, did -- did it -- when -- when  
2 did you get the sense that there wasn't going to be a  
3 bid?

4 MS. MARTA PROCTOR: At this point, I  
5 still had no sense that there wasn't going to be a  
6 bid, and may --

7 THE HONOURABLE FRANK MARROCCO: Well,  
8 when --

9 MS. MARTA PROCTOR: Can I --

10 THE HONOURABLE FRANK MARROCCO: Excuse  
11 me. When you say "at this point," do you -- what do -  
12 - what do you -- what's this point?

13 MS. MARTA PROCTOR: When we were  
14 drafting the report.

15 THE HONOURABLE FRANK MARROCCO: All  
16 right. And, sorry, you were going to say?

17 MS. MARTA PROCTOR: Sprung was not the  
18 only company that came into contact with us during  
19 this time, and it was awkward, and we tried to push --  
20 I felt we shouldn't be meeting with anybody along the  
21 way, but there were other companies that wanted to  
22 meet and clo -- and talk about options, and I kept  
23 trying to frame, as I had in the email to Mr.  
24 Saunderson, who was the Chair of -- one of the Vice-  
25 Chairs of our committee -- that we're not at that



1 point yet. But sometimes, I would get invited to  
2 meetings with what I deemed to be vendors that we  
3 shouldn't have been meeting with at that point in  
4 time.

5

6 CONTINUED BY MS. MCGRANN:

7 MS. KATE MCGRANN: What -- what  
8 vendors do you recall being invited to meet with?

9 MS. MARTA PROCTOR: Ameresco.

10

11 (BRIEF PAUSE)

12

13 MS. MARTA PROCTOR: They were --  
14 Ameresco and Greenland were together. And I recall  
15 the Sprung ones asking as well.

16 MS. KATE MCGRANN: Anybody else?

17 MS. MARTA PROCTOR: Not that I can  
18 recall at this time. I recall others asking and us  
19 saying, We're not at that point.

20 MS. KATE MCGRANN: What do you  
21 remember about the other vendors that sought to meet  
22 with the Town and were told, We're not at that point?

23 MS. MARTA PROCTOR: They took that  
24 information and were waiting patiently for the time  
25 that we were going to put out the RFQ.

1 MS. KATE MCGRANN: Can you  
2 specifically identify which companies or -- or  
3 entities those were?

4 MS. MARTA PROCTOR: I can't recall  
5 their names offhand. I know there was one (1) I  
6 recall, even reviewing an email in the documents.

7 MS. KATE MCGRANN: Generally, do you  
8 remember the nature of the -- of -- of the kinds of  
9 things that they wanted to -- to talk to the Town  
10 about? What kind of buildings, what -- what kind of  
11 project design?

12 MS. MARTA PROCTOR: They were  
13 potential solutions to the infrastructure we were  
14 looking to replace or build.

15 MS. KATE MCGRANN: Do you know how the  
16 decision was made to meet with certain companies like  
17 Ameresco, Greenland, or Sprung, but not with others  
18 that were seeking meetings?

19 MS. MARTA PROCTOR: If the meeting  
20 request came through me, I -- I said, We're not at  
21 that point. Unfortunately, other people invited me to  
22 certain meetings.

23 THE HONOURABLE FRANK MARROCCO: Who --  
24 who assigned Mr. McNalty to this project?

25 MS. MARTA PROCTOR: I believe Mr.

1 Houghton did.

2 THE HONOURABLE FRANK MARROCCO: Is  
3 that typical that the CAO would assign a specific  
4 person to a specific project?

5

6 (BRIEF PAUSE)

7

8 MS. MARTA PROCTOR: Not many things  
9 were typical then, and at -- and Mr. McNalty, I  
10 believe at that point, reported to the -- Brian -- I'm  
11 trying to --

12 MS. KATE MCGRANN: Brian MacDonald...?

13 MS. MARTA PROCTOR: Brian MacDonald.

14 THE HONOURABLE FRANK MARROCCO: That -  
15 - that doesn't mean anything to me.

16 MS. MARTA PROCTOR: Yeah. So I -- no,  
17 in my opinion, it should have been through Mr.  
18 MacDonald that the CAO would have assigned work.  
19 Yeah.

20

21 CONTINUED BY MS. KATE MCGRANN:

22 MS. KATE MCGRANN: What was Mr.  
23 McNalty's skill set that he was using to assist in the  
24 work that you were doing for the staff report?

25 You know, what was his area of

1 expertise that he was -- he was bringing the work you  
2 were doing?

3 MS. MARTA PROCTOR: so I don't recall  
4 his training and background, but he was hired as our  
5 facilities manager for all corporate facilities, and  
6 to assist with our capital program. So I know he had  
7 skills related to that, however, like in many  
8 municipalities, you would have skilled individuals  
9 take the lead, but they would not have the capacity to  
10 do all the work. So a lot of that detailed work would  
11 be contracted out, and he would manage those  
12 contracts.

13 MS. KATE MCGRANN: And was it your  
14 understanding in this case that Mr. McNalty was there  
15 to work with you in managing the work that WGD was  
16 doing assessing the options for the Town?

17 MS. MARTA PROCTOR: Yes.

18 MS. KATE MCGRANN: Turning back to the  
19 email that's on the screen in front of you, email  
20 TOC189770, looking at the second last bullet point, it  
21 says:

22 "Dave, JP, Wendy, and potentially  
23 Dave Wood will work on Heritage Park  
24 and enclosing the outdoor pool."

25 Do you know who those individuals are?

1 (BRIEF PAUSE)

2

3 MS. MARTA PROCTOR: I am assuming Dave  
4 is Dave McNalty. I am vaguely familiar with JP. I  
5 believe he was a -- a staff person in the public works  
6 department, but I can't say for sure. I believe Wendy  
7 is our -- is that -- our parks manager who reported to  
8 me, and David Wood is the landsc -- is a contractor  
9 landscape architect, I believe, that did a lot of our  
10 park development plans. But that's the first time  
11 I've seen that phrase the way it is.

12 MS. KATE MCGRANN: At any point before  
13 the staff report was finalized, were you aware that  
14 this group of people had been tasked with working on  
15 Heritage Park and enclosing the outdoor pool?

16 MS. MARTA PROCTOR: No, I was not.

17 MS. KATE MCGRANN: Do any of those  
18 abili -- individuals have, to your knowledge, the kind  
19 of experience or expertise that you envision would be  
20 required to do a feasibility assessment of enclosing  
21 the outdoor pool?

22 MS. MARTA PROCTOR: No, they do not.

23 MS. KATE MCGRANN: The last bullet  
24 point in this email is:

25 "We will not ask for any further

1 work to be done in relation to any  
2 pool amenities at Central Park."

3 So it appears that the notion of -- of  
4 doing anything to the pool in Central Park is being  
5 stopped, at least for the time being.

6 Were you aware that that instruction  
7 had been provided?

8 MS. MARTA PROCTOR: No, I was not.

9

10 (BRIEF PAUSE)

11

12 MS. KATE MCGRANN: Did you have any  
13 interactions with anyone from Sprung during the time  
14 leading up to the Council meeting on August 27th?

15

16 (BRIEF PAUSE)

17

18 MS. MARTA PROCTOR: No, I believe I  
19 did not.

20 MS. KATE MCGRANN: Did you have any  
21 interactions with anyone from the construction company  
22 BLT during the work that was being done in the summer  
23 leading to the August 27th Council meeting?

24 MS. MARTA PROCTOR: Again, I believe I  
25 did not.

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: In terms of the  
4 limitations that were placed on who could be in  
5 contact with Sprung, who did you understand from staff  
6 was allowed to contact Sprung?

7 MS. MARTA PROCTOR: The CAO.

8 MS. KATE MCGRANN: Were you aware that  
9 WGD had been given instructions that they were not to  
10 contact Sprung?

11 MS. MARTA PROCTOR: Yes, I was told  
12 that by Dave McNalty.

13 MS. KATE MCGRANN: Did that  
14 instruction cause you any concern?

15 MS. MARTA PROCTOR: Yes.

16 MS. KATE MCGRANN: What concerns did  
17 it cause you?

18 MS. KATE MCGRANN: I was concerned  
19 that we were trying to respond to the direction that  
20 we were given by Council, by giving them accurate and  
21 as comprehensive information on the options as  
22 possible, given the time limit, and now limitations  
23 were being placed on that work, and I couldn't  
24 understand them.

25 MS. KATE MCGRANN: Did you ask any

1 questions about why those limitations were being  
2 placed on the work that was being done?

3 MS. MARTA PROCTOR: Yes.

4 MS. KATE MCGRANN: Who did you speak  
5 to about -- about that.

6 MS. MARTA PROCTOR: I recall speaking  
7 to both the clerk, and the treasurer, and probably Mr.  
8 Houghton not as much, and I was once again told,  
9 Marta, that's not how things are done here.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: If we could turn to  
14 --

15 THE HONOURABLE FRANK MARROCCO: Just  
16 before you do that, how long had you been there by  
17 this time?

18 MS. MARTA PROCTOR: I started in the  
19 summer or in the fall of 2010, so please help me,  
20 which time we're in --

21 THE HONOURABLE FRANK MARROCCO: Well,  
22 I think 2012, I think.

23 MS. MARTA PROCTOR: Yeah. So getting  
24 close to two (2) years.

25 THE HONOURABLE FRANK MARROCCO: And up



1 until you were told this, had you the impression that  
2 this was -- there were peculiar practices here that as  
3 far as -- that -- that were peculiar somehow to  
4 Collingwood?

5 MS. MARTA PROCTOR: When I started,  
6 there was a different Council, and a different CAO,  
7 and at that time, there were no flags for me about  
8 peculiar practices. It was after there was a change  
9 in Council, and there was a change -- and the CAO was  
10 dismissed, or in that time leading up to her  
11 dismissal, there was clarity that things were  
12 shifting, and the way we were doing our business was  
13 going to change.

14 THE HONOURABLE FRANK MARROCCO: Thank  
15 you.

16

17 CONTINUED BY MS. KATE MCGRANN:

18 MS. KATE MCGRANN: If we could turn to  
19 summary document 2-4, specifically, paragraph 24.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: So we had been  
24 looking at a July 24th email in which Ms. Leonard  
25 provided -- or confirmed instructions that had been

1 given to Mr. McNalty with respect to the work WGD was  
2 doing.

3                   This is a July 20 -- this paragraph  
4 describes a July 25th email from Brian Gregersen at  
5 WGD to Mr. McNalty and Richard Dabrus of WGD.

6                   "Thank you, Mr. McNalty, for the  
7                   phone call and direction."

8                   In his email, Mr. Gregersen provided a  
9 summary list of what had been discussed on that call.  
10 With respect to Sprung, Mr. Gregersen writes that:

11                   "The arena design concept will focus  
12                   on the pre-eng structure and a  
13                   generic roof membrane system.  
14                   Sprung is not to be contacted at  
15                   this time."

16                   And he confirms that the full -- the  
17 pool is not to be included.

18                   I think we've largely been over this,  
19 but were you aware that these limits had been placed  
20 on WGD's work?

21                   MS. MARTA PROCTOR:    Yes, I was aware,  
22 but I -- it was through Dave McNalty, and I had never  
23 seen Marjory's email outlining those specific things.

24                   MS. KATE MCGRANN:    If we could look at  
25 paragraph 275 of the Foundation Document.

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: This paragraph  
4 describes efforts to set up a meeting on July 27th  
5 with Sprung. The invitation is sent to Dave McNalty,  
6 Larry Irwin, Marjory Leonard, and Tom Lloyd.

7 Do you recall if anyone provided you  
8 with information about what took place at that  
9 meeting?

10 MS. MARTA PROCTOR: I don't recall  
11 anybody providing information about what took place at  
12 that meeting. However, I do recall at some meeting,  
13 Mr. Houghton came and had product samples of the  
14 Sprung materials, and talked about how wonderful they  
15 are.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: I'm looking at the  
20 area that I intend to start next, and the time. I'd  
21 suggest that this might be an appropriate time for the  
22 lunch break.

23 THE HONOURABLE FRANK MARROCCO: All  
24 right, 2:00.

25

1 --- Upon recessing at 12:55 p.m.

2 --- Upon resuming at 2:09 p.m.

3

4 CONTINUED BY MS. KATE MCGRANN

5 MS. KATE MCGRANN: Good afternoon, Ms.  
6 Proctor.

7 MS. MARTA PROCTOR: Good afternoon.

8 THE HONOURABLE FRANK MARROCCO: Just  
9 one sec, before -- we have to leave by four o'clock so  
10 that they can get set up for the council meeting. I  
11 just want to remind you all of that.

12

13 CONTINUED BY MS. KATE MCGRANN:

14 MS. KATE MCGRANN: If we could turn to  
15 paragraph 293 of the Foundation Document.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: This paragraph  
20 describes emails that were exchanged on August 2nd, so  
21 while you were away on vacation.

22 You're not copied on them. I just want  
23 to ask if you were aware that this was being done. So  
24 on the morning of August 2nd, Mr. McNalty sends Mr.  
25 Seymour two (2) documents entitled Centennial Pool

1 Enclosure Design Components and Central Park Arena  
2 Design Components.

3 Later in the morning, Mr. McNalty  
4 circulates drafts of those documents to the EMC and  
5 Mr. Seymour, looking for comments.

6 If you can scroll down to paragraph  
7 294, we see that there's an -- an email from Megan  
8 Schollenberger, acting coordinator clerk services to  
9 Mr. Houghton, advising that "Tom and Dave from Sprung  
10 are here for your meeting."

11 And then paragraph 295 on the screen is  
12 an email from EMC member Larry Irwin to Dave MacNeil  
13 with a copy to Mr. Houghton, Mr. McNalty, and Ms.  
14 Leonard. Mr. Irwin is sending two documents, they are  
15 a document pertaining to the arena and a document  
16 pertaining to the pool.

17 So my first question for you is: were  
18 you aware that design components were being assembled  
19 to be shared with Sprung at this time?

20 MS. MARTA PROCTOR: No, I was not.

21 MS. KATE MCGRANN: I'm going to ask  
22 you a question about the design features for the  
23 arena, and they're at TOC195146.

24 And if you could scroll down to the  
25 bullet-point list of design components towards the

1 bottom of the stage, I'll give you a second to read  
2 them, but I'll just let you know what my two questions  
3 about this document are.

4                   One, do you know if this -- this kind  
5 of detailed information was provided to WGD to assist  
6 in its work on the estimates it was putting together.  
7 And in particular, if you look at the last three (3)  
8 bullet points that are shown on the screen right now,  
9 do you know if WGD was ever asked to price out a  
10 second floor mezzanine and elevator to get to that  
11 second floor mezzanine and other things associated  
12 with it?

13                   MS. MARTA PROCTOR:     From my  
14 recollection, we were not at the detailed design  
15 component. We were costing out different  
16 construction-types based on square footage.

17                   These components are all part of a  
18 detailed design phase and so therefore I would have  
19 never provided this detail to WGD.

20                   MS. KATE MCGRANN:     Okay. And with  
21 respect to the specific question about the second  
22 floor, do you know if WGD was asked to price out a  
23 second floor within the -- the building that they were  
24 looking at?

25                   MS. MARTA PROCTOR:     I cannot recall

1 that they were.

2 MS. KATE MCGRANN: If we could pull up  
3 TOC 549 -- 548961.

4 These are the minutes of a department  
5 head meeting that took place on August 7th, 2012. If  
6 you scroll down to see the list of members, you were  
7 in attendance at this meeting.

8 If we could go to page 2 of this  
9 document, see the third bullet point under staff  
10 reports and other business is Centennial Pool/Central  
11 Park.

12 The minutes describe that:

13 "The Chair", and Mr. Houghton was  
14 chairing this meeting, "showed a  
15 cut-away of one of the hoop-type  
16 supports (column/beam) provided by  
17 Sprung. The Chair noted that in  
18 order to compare competing quotes  
19 and technologies the amenities,  
20 square footage and physical layout  
21 needed to be included."

22 He provides some information about the  
23 structure to cover the pool and the ice pads.

24 Do you remember, from reviewing these  
25 minutes, attending this meeting?

1 MS. MARTA PROCTOR: Yes, I do.

2 MS. KATE MCGRANN: What do you  
3 remember about being shown the cut away of one of the  
4 hoop-type supports that is described here?

5 MS. MARTA PROCTOR: This is what I  
6 mentioned previously, that I recall this information  
7 being shared as a promo of this product and how great  
8 it is.

9 MS. KATE MCGRANN: What was your  
10 reaction to being shown this model at this meeting?

11 MS. MARTA PROCTOR: It's interesting,  
12 but it's still not the full scope of -- it's talking  
13 about a specific component of that building, not its  
14 application. It's not a fulsome analysis of its  
15 performance in what we were looking for, so I just  
16 took it as information.

17 MS. KATE MCGRANN: If you look where  
18 we left off in this paragraph, so just beyond halfway,  
19 it says:

20 "Sprung buildings can attain  
21 equivalent to LEED's silver standard  
22 certification but will not be  
23 certified as the process and the  
24 attributed costs cannot be  
25 justified."



1                   Do you remember any discussion about  
2 whether the Town would be pursuing either a LEED's  
3 silver certification or building a structure that  
4 could attain LEED's silver certification for either  
5 the pool or the arena?

6                   MS. MARTA PROCTOR:    I believe in our  
7 Central Park steering committee discussions.  We  
8 discussed the possibility of doing a LEED  
9 certification or shadow, but we were not at that  
10 point, in my opinion, of sourcing a design.

11                  So, I recall hearing this, but it was  
12 just for information purposes, in my opinion.

13

14   (BRIEF PAUSE)

15

16                  MS. KATE MCGRANN:    What do you  
17 remember understanding about Sprung buildings being  
18 able to obtain equivalent to LEED silver standard  
19 certification?  Do you remember being provided any  
20 information beyond what's reflected in these minutes?

21                  MS. MARTA PROCTOR:    No, and nor did I  
22 inquire about any further information on that.

23                  MS. KATE MCGRANN:    Finally, the last  
24 sentence you can see on the bottom of the page there  
25 it says:

1 "Marta will join the executive  
2 management team at their Wednesday  
3 meeting to be brought up to date on  
4 developments with respect to both  
5 Central Park and Centennial Pool."

6 Do you recall attending that meeting?

7 MS. MARTA PROCTOR: I recall attending  
8 a meeting.

9 MS. KATE MCGRANN: Do you remember  
10 what took place and what was discussed?

11 MS. MARTA PROCTOR: Without seeing any  
12 documents, which I haven't seen for that, I recall  
13 being brought up to speed, but I -- I can't remember  
14 exactly what was discussed.

15 MS. KATE MCGRANN: These are minutes  
16 from an August 7th meeting. I now want to turn to an  
17 August 9th email exchange with WGD. It's in summary  
18 document 24 at paragraph 29.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: This paragraph  
23 describes that at -- just before 1:00 p.m. on August  
24 9th, 2012, Mr. Gregersen, from WD -- WGD, emailed you,  
25 quotes, "to recap our conversation." And he wrote a

1 number of points. The one (1) that I'm interested in  
2 is point number 3 there, "Green/efficiency  
3 initiatives."

4 Do you remember having a conversation  
5 with WGD around this time about green effici --  
6 green/efficiency initiatives for the arena that it was  
7 -- it was working on estimates for?

8 MS. MARTA PROCTOR: I vaguely recall  
9 this. I believe it related to a grant submission and  
10 us requiring that level of detailed information to be  
11 incorporated into the grant.

12 MS. KATE MCGRANN: Under the heading,  
13 "For the new arena," you can see there's two (2)  
14 points there. You've got:

15 "Costing for the relo -- for  
16 relocation of ball diamonds and  
17 remove all references to Sprung  
18 anywhere on the drawings."

19 Do you remember why you provided the  
20 instruction to remove references to Sprung from the  
21 drawings?

22 MS. MARTA PROCTOR: I can't refer  
23 specifically, but likely because somebody asked me to.

24 MS. KATE MCGRANN: If we could go to  
25 paragraph 31 in summary document 2-4. This email

1 describes an August 5th -- or this paragraph, sorry,  
2 describes an August 15th email that you send to Mr.  
3 Gregersen and Mr. Dabrus, at WGD, along with Mr.  
4 McNalty.

5                   And you write to them saying that you  
6 spoke with Mr. McNalty and understand the information  
7 we expected today may be delayed.

8                   You advise him that:

9                   "We are on a very critical time line  
10                   and we need to compile an internal  
11                   report in at least draft format by  
12                   the end of the day Monday with final  
13                   information completed by the end of  
14                   the day Wednesday."

15                   What do you recall about the time line  
16 that you felt you were on at this point in time?

17                   MS. MARTA PROCTOR:    When I read this  
18 recently, I was trying to recall whether it related to  
19 a grant deadline or the report deadline, and it was  
20 not clear to me.

21                   MS. KATE MCGRANN:    The grant that  
22 you're talking about, is that the CIIF grant to assist  
23 with funding for the refurbishment of the Eddie Bush  
24 Memorial Arena?

25                   MS. MARTA PROCTOR:    That is correct.

1 MS. KATE MCGRANN: Mr. Gregersen's  
2 response is set out at paragraph 32 of this summary  
3 document. He writes back saying:

4 "Not sure if you received the  
5 drawings. We are presently doing  
6 the costing."

7 And you respond:

8 "Yes, I got the drawings last week,  
9 but I understand the costing is  
10 delaying. Can you please confirm  
11 how quickly we can get the rest of  
12 the information? I've outlined our  
13 time requirements below."

14 And he responds that costing would be  
15 finished by Monday August 20th with a report issued  
16 the following day. And he notes that operational  
17 costs may be delayed by a few days.

18 Can you provide any more or does this  
19 help you at all in recalling what was being discussed?

20 MS. MARTA PROCTOR: Once again,  
21 without going back to see when the CIIF grant was due,  
22 I would assume this would have been for the August  
23 27th report, but I'm not a hundred percent sure.

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: Having looked at  
2 the email itself, which I'm happy to show you, the  
3 subject line is, "The Eddie Bush Arena." So, does  
4 that provide you with any additional -- that help job  
5 your memory at all?

6 MS. MARTA PROCTOR: It -- it could  
7 have been either report. It could have been the grant  
8 or the report --

9 MS. KATE MCGRANN: I -- sorry. Please  
10 go ahead.

11 MS. MARTA PROCTOR: -- unless you know  
12 when the grant was due. And that's -- I can't recall  
13 that.

14 MS. KATE MCGRANN: Is it the case that  
15 WGD is working for you on two (2) rather urgent items  
16 at the same time in August of 2012 then; the work that  
17 is being done on the -- the potential new arena and  
18 the work that's being done to apply for a grant to  
19 refurbish the Eddie Bush Arena?

20 MS. MARTA PROCTOR: I believe, yes.  
21 And they did overlap because the information was also  
22 being used in the report.

23 MS. KATE MCGRANN: If we could turn to  
24 paragraph 36 of summary document 2-4. This paragraph  
25 reports that on August 16th, 2012, WGD sends yourself

1 and Mr. McNalty several documents, including a Central  
2 Park new arena options report.

3 And if you scroll down to paragraph 37,  
4 we don't have the attachment to that email, but we do  
5 have a document titled, "Central Park new arena  
6 options," with metadata that indicates that it was  
7 dated on August 16th.

8 I'm going to ask that we take a look at  
9 it. It's at TOC9284.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: And if we could  
14 just scroll down a couple of pages to the section  
15 titled:

16 "Pre-engineered structure versus  
17 membrane envelope energy usage."

18 You'll have to keep going.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: So, here's some  
23 information that WGD provides to you on August 16th  
24 about comparison between a pre-engineered structure  
25 and a membropes -- membrane envelope with respect to

1 energy usage. They report:

2 "Normal insulation values for a pre-  
3 engineered sandwich panel structure  
4 is R-19 for roofs and R-12 for  
5 walls. Membrane structures by their  
6 nature have no inherent thermal  
7 resistant 'R' value."

8 And then it goes on to provide some  
9 opinions about how that would play out with respect to  
10 energy usage.

11 If we turn to paragraph 39 of summary  
12 document 2-4...

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: This describes that  
17 the next day, in the morning, at nine o'clock, Mr.  
18 McNalty sends WGD a Sprung slide show presentation  
19 about its performance arenas.

20 And in the covering email Mr. McNalty  
21 writes that he's attached a brochure on insulated  
22 fabric membrane arenas.

23 "In terms of thermal performance,  
24 their claim is R-30. The aluminum  
25 extrusions are placed in a range of



1                   10 to 12 feet part. In between each  
2                   is outside membrane, 9-inch  
3                   insulation, inside membrane. There's  
4                   no thermal break in the aluminum  
5                   extrusions, but they are spaced  
6                   quite far apart."

7                   And he goes on to write:

8                   "Remember, you are not to contact  
9                   the manufacturer in conjunction with  
10                  this project at this time."

11                  Do you recall receiving an initial  
12                  report from WGD and then providing them with  
13                  additional information about -- about Sprung to assist  
14                  in their work?

15                  MS. MARTA PROCTOR: I recall Dave  
16                  McNalty sending this email.

17                  MS. KATE MCGRANN: At this point, did  
18                  you have any discussions with anyone about whether it  
19                  made sense to permit WGD to speak directly to Sprung  
20                  about their structures or fabric membrane structures  
21                  more generally?

22                  MS. MARTA PROCTOR: I recall asking  
23                  several times, Why the restriction here?

24                  MS. KATE MCGRANN: But I just want to  
25                  make sure that I understand your answer clearly. I --

1 I know that you remember raising that several times.  
2 Do you specifically recall raising that question when  
3 WGD sends over a report that says, Fabric, you know,  
4 membrane doesn't have any inherent insulation value --  
5 and that's is a bad misquote, but -- and then the  
6 response from -- from staff is to send a slide show  
7 about a product from a particular supplier.

8 Did you raise the question of allowing  
9 WGD to talk to Sprung none (sic)?

10 MS. MARTA PROCTOR: I cannot confirm  
11 that either way.

12 MS. KATE MCGRANN: If we turn to  
13 paragraph 45 of this document, summary document 2-4,  
14 we see that WGD sends a revised report to you at 4:23  
15 p.m. on August 17th, and you pass that information on  
16 to Mr. Houghton, Ms. Leonard, and Ms. Almas shortly  
17 thereafter, at about five o'clock p.m. writing:

18 "Please find attached a revised  
19 package with the information  
20 compiled into one report. I believe  
21 the only piece we are now awaiting  
22 is the estimated operating --  
23 operating costs. Will forward that  
24 as soon as I receive."

25 This report contains information about

1 comparing a pre-engineered structure to an  
2 architectural membrane structure, so we're going to go  
3 take a look at this report now. It's at TOC201266.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: If we could scroll  
8 down to page 9. Here under the heading Pre-engineered  
9 Structure versus Membrane Structure Comparison, we see  
10 that there's further information provided. It  
11 discusses energy -- energy use and thermal performance.  
12 It discusses enclosure durability, and if you scroll  
13 down a little bit further, it discusses mechanical and  
14 electrical systems and constructability. So, more  
15 information than was in the preliminary report.

16 If we could scroll back up to the top  
17 of page 9, sorry. Under the heading Energy Use and  
18 Thermal Performance, the section now says -- it's got  
19 the information we saw before about the normal  
20 insulation value for a pre-engineered structure and  
21 notes that greater R values can be achieved with  
22 insulated panels and roofs. By increasing the  
23 thickness and providing more insulation, values as  
24 high as R-30 are achievable. And it goes on to say  
25 that membrane structures, by their nature, have no

1 inherent thermal resistant R value; however, by  
2 creating a cavity, higher R values can be obtained.  
3 With a 6 inch cavity and thermoplastic or similar  
4 insulation R-30 is achievable.

5                   And then it goes on to give a view  
6 about the performance of each of those two (2)  
7 options, and if you look at the -- starting from the  
8 second-last sentence of the second paragraph, it says:

9                   "While the avoidance of thermal  
10                   breaks is not possible with a  
11                   membrane structure..." [and it goes  
12                   on to explain why].

13                   "It's for this reason the  
14                   performance of a pre-engineered  
15                   structure with an equivalent amount  
16                   of insulation to that of a membrane  
17                   structure would be expected to be  
18                   superior."

19                   Do you remember reading this conclusion  
20 when you received the WGD report?

21                   MS. MARTA PROCTOR:    Yes, I recall  
22 that.

23                   MS. KATE MCGRANN:    Do you remember if  
24 there were any discussions among staff, including the  
25 EMC, about whether there were any concerns about that

1 conclusion?

2 MS. MARTA PROCTOR: I can't recall any  
3 that I was involved in.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: If we could scroll  
8 down to the next section with the heading Enclosure  
9 Durability. The first paragraph addresses insulated  
10 metal panel -- panels typical for a pre-engineered  
11 building system. It talks about the fact that they  
12 come with a variety of finishes and coating systems.  
13 It talks about the coating systems themselves, and it  
14 goes on to say:

15 "Still, even as coatings have  
16 improved, it is expected that at  
17 some point, repainting may be  
18 required. The expected life span of  
19 panel coatings is dependent upon the  
20 environment but warrantied for 20 to  
21 40 years. On a pre-engineered  
22 structure typically the roofing is  
23 TPO or PVC and is warrantied for 20  
24 years."

25 The next paragraph addresses membrane

1 structures, and it concludes:

2 "As the main part of the enclosure  
3 is a membrane, it is expected that  
4 its life expectancy before  
5 replacement would be in the range of  
6 20 years, as with PVC roofing."

7 And it notes that the product often  
8 comes with pro-rated guarantees for approximately that  
9 time.

10 Do you remember discussing WGD's  
11 conclusions about the durability of each of these  
12 building types when this report was received or  
13 afterwards?

14 MS. MARTA PROCTOR: I recall reading  
15 it and understanding what they were indicating and  
16 perhaps discussing it with Dave McNalty but not with  
17 anybody else.

18 MS. KATE MCGRANN: Stepping back from  
19 the specific conclusions that we've reviewed in this  
20 report, do you remember any discussions about whether  
21 there were concerns with the accuracy of the  
22 conclusions that WGD reached in this report?

23 MS. MARTA PROCTOR: I recall Dave  
24 McNalty indicating there may be questions about the  
25 information in this report.

1 MS. KATE MCGRANN: And I'm going to be  
2 a little bit more specific in what I ask you, because  
3 we've seen it from the documents that after Council  
4 votes to proceed with Sprung Structures for the arena  
5 and pool, a copy of the WGD report is circulated, and  
6 Mr. McNalty drafts a memo that addresses that report.

7 Before Council voted on August 27th, do  
8 you remember any discussion about any concerns or  
9 questions that arose from the WGD report?

10 MS. MARTA PROCTOR: I can't recall  
11 when what was discussed.

12 MS. KATE MCGRANN: To your memory, did  
13 anyone on staff go back to WGD with questions about  
14 its report or further questions before the August 27th  
15 Council meeting?

16 MS. MARTA PROCTOR: I can't recall  
17 anything other than the R-30 discussion.

18 MS. KATE MCGRANN: And what was -- was  
19 the R-30 discussion the discussion that led to Mr.  
20 McNalty sending the Sprung PowerPoint to WGD on August  
21 17th?

22 MS. MARTA PROCTOR: Correct.

23 MS. KATE MCGRANN: Do you remember any  
24 discussion about whether the WGD report ought to be  
25 shared with Council as a -- as a standalone document

1 or appended to the staff report?

2 MS. MARTA PROCTOR: I vaguely recall a  
3 discussion, but I cannot recall the conclusion.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: If we could scroll  
8 down to page 10 in this document. Keep going to the  
9 heading Project Costs. Here, WGD has set out a table  
10 with its estimates -- its estimated site costs common  
11 to building types to be \$1,164,281. And then at the  
12 bottom, it's set out building cost, pre-eng building  
13 option A, and the estimate is 7,632,124.29. And  
14 building cost for fabric structure option D,  
15 7,132,124.29.

16 Do you remember seeing these estimates  
17 when you reviewed this report?

18 MS. MARTA PROCTOR: I recall seeing  
19 this report. I can't recall the specific numbers I  
20 saw, but I'm assuming they haven't changed in this  
21 report.

22 MS. KATE MCGRANN: To your knowledge,  
23 did anyone on staff go back to WGD at any point with  
24 questions about these numbers at all?

25 MS. MARTA PROCTOR: Not that I can



1 recall.

2 MS. KATE MCGRANN: We can turn to  
3 paragraph 333 of the staff report.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: Of the Foundation  
8 Document. I'm getting ahead of myself. I'm turning  
9 to ask you some questions about the drafting of the  
10 staff report now.

11 This paragraph describes Ms. Leonard  
12 sending a draft of the staff report to the EMC,  
13 yourself, and Mr. McNalty on August 18th, 2012. Her  
14 email indicates that it's the first attempt at the  
15 report, and that:

16 "There are several items,  
17 particularly cost estimates, pros,  
18 cons, and other considerations that  
19 most definitely need fleshing out,  
20 since we don't have all of them  
21 yet."

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: If we can scroll

1 down further, she indicates that she wants to break  
2 the operating costs out into fixed and variable. She  
3 discussion -- she discusses how she envisions the  
4 recommendation section. It's going to contain various  
5 options. She lists some of them do nothing, do  
6 nothing but establish a reserve for future  
7 construction, do nothing but the Eddie Bush Memorial  
8 Arena, do nothing but the Eddie Bush Memorial Arena  
9 and establish a reserve for future conduct --  
10 construction, do nothing at Central Park, do  
11 Centennial Pool and Eddie Bush Memorial Arena, et  
12 cetera.

13 She says:

14 "There's a significant number of  
15 permutations on these  
16 recommendations that should be  
17 discussed with Council or some  
18 members of Council before the 27th."

19 Do you remember receiving this email?

20 MS. MARTA PROCTOR: It looks familiar  
21 to me.

22 MS. KATE MCGRANN: Do you remember  
23 having any discussions about the draft staff report or  
24 the items that Ms. Leonard's identified in her emails  
25 here at this point in time around August 18th?

1 MS. MARTA PROCTOR: I recall having a  
2 lot of conversations, but I cannot recall the specific  
3 detail of any of them.

4 MS. KATE MCGRANN: I'm happy to turn  
5 up the document, if you'd like to look at it. I can  
6 tell you that it envisions a potential RFP process for  
7 each of the arena and the pool, if Council chooses to  
8 proceed.

9 Do you remember any discussions about  
10 procurement options for the Town and respective  
11 buildings for the pool or the arena at this point in  
12 time?

13 MS. MARTA PROCTOR: At no time did we  
14 discuss a procurement method, but we -- I was under  
15 the assumption there would be some sort of procurement  
16 process.

17 MS. KATE MCGRANN: And when you say,  
18 "some kind of procurement process," does that include  
19 a sole source procurement, or are you talking about  
20 something else?

21 MS. MARTA PROCTOR: No, I envisioned a  
22 tender process.

23

24

(BRIEF PAUSE)

25

1 MS. KATE MCGRANN: I understand that  
2 you were on vacation from August 22nd to August 24th.  
3 We haven't seen any emails providing you with drafts  
4 of the staff report during that period of time.

5 Do you recall if you received drafts of  
6 the staff report while you were on vacation during the  
7 week of August 22nd?

8 MS. MARTA PROCTOR: I know I heard the  
9 content of the report. I'm not sure how I got it,  
10 whether somebody read it to me, or somehow I received  
11 a copy. I -- I can't recall, but it is what I had a  
12 con -- com -- follow-up conversations on about my  
13 concerns with some of the report.

14 MS. KATE MCGRANN: When you say that  
15 you don't know if someone read it to you, are you in -  
16 - is somebody reading to you over the phone?

17 MS. MARTA PROCTOR: Correct.

18 MS. KATE MCGRANN: Do you have any  
19 recollection that suggests to you that somebody might  
20 have read it to you over the phone?

21 MS. MARTA PROCTOR: I've tried to  
22 remember this, and I can't. I cannot remember this  
23 piece.

24 MS. KATE MCGRANN: Speaking more  
25 generally, what was your understanding when you went

1 on vacation on August 22nd about what your involvement  
2 would be in the staff report? It's not finalized when  
3 you leave. What did you think you would be doing with  
4 respect to it while you were gone?

5

6 (BRIEF PAUSE)

7

8 MS. MARTA PROCTOR: From what I can  
9 recall, I felt that I would confirm that WGD provided  
10 us with the information we expected out of their  
11 contract, and that it was accurately reflected in the  
12 report.

13 MS. KATE MCGRANN: You've already told  
14 us a bit about the telephone conversation that you  
15 recall having with Mr. Houghton. I understand that  
16 you can't recall precisely when that took place or how  
17 you had information about the contents of the staff  
18 report when you spoke to him.

19 Do you remember what the version of the  
20 staff report that you discussed with him said about  
21 the procurement that was envisioned for -- for Council  
22 going forward -- or for the Town going forward?

23 MS. MARTA PROCTOR: Unfortunately, I  
24 cannot recall.

25 MS. KATE MCGRANN: Do you remember if

1 you compared the information about the work that WGD  
2 did that was in the report to the report that WGD  
3 provided to staff?

4 MS. MARTA PROCTOR: No, I don't  
5 believe I had the ability to do that.

6 MS. KATE MCGRANN: You told us earlier  
7 when you were describing the conversation that you had  
8 with Mr. Houghton, that he was suggesting to you that  
9 you weren't a team player, or he -- he was asking you  
10 to be a team player. Have I -- have I - am I  
11 describing that conversation accurately, for starters?

12 MS. MARTA PROCTOR: Yes.

13 MS. KATE MCGRANN: During that  
14 conversation, or at any other time before Council  
15 voted to proceed with Sprung, did Mr. Houghton ever  
16 suggest to you that he was concerned about your  
17 ability to be objective about the new direction  
18 because of the work you had done with the Central Park  
19 Steering Committee or otherwise?

20 MS. MARTA PROCTOR: He may have, but I  
21 can't recall specifically.

22 MS. KATE MCGRANN: Do you recall  
23 anybody raising that kind of concern with you before  
24 Council voted to proceed with Sprung on August 27th?

25 MS. MARTA PROCTOR: They may have, but

1 I can't recall specifically.

2 MS. KATE MCGRANN: Is there any reason  
3 that you think that they may have?

4

5 (BRIEF PAUSE)

6

7 MS. MARTA PROCTOR: No.

8 MS. KATE MCGRANN: Could we turn to  
9 paragraph 338 of the Foundation Document, please.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: This paragraph  
14 describes that Mr. Houghton sent Ms. Leonard's draft  
15 of the staff report to Deputy Mayor Rick Lloyd on  
16 August 19th, writing to him:

17 "Take a look at this. I've not read  
18 it yet, but I'm going to ask Marjory  
19 to flip it to you as well."

20 Were you aware that the Deputy Mayor  
21 was reviewing a draft of the staff report at this  
22 point in time?

23 MS. MARTA PROCTOR: No, I was not.

24 MS. KATE MCGRANN: Did you become  
25 aware at any point after the fact that he had been

1 given the opportunity to review a -- the draft of the  
2 staff report?

3 MS. MARTA PROCTOR: Not that I can  
4 recall.

5 MS. KATE MCGRANN: In your experience,  
6 was it -- was it normal or usual practice to share  
7 drafts of a staff report like this with -- with  
8 certain members of Council, not Council as a whole?

9 MS. MARTA PROCTOR: No. This is  
10 exactly the type of process that I would find changed,  
11 and I would ask questions about. We should be sharing  
12 information -- the same information with all of  
13 Council.

14 MS. KATE MCGRANN: Can we turn up  
15 paragraph 447 of the Foundation Document.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: This paragraph  
20 describes an email exchange that you had with Mr.  
21 Houghton on August 25th, after the -- the draft staff  
22 report was -- was finalized. You write to him:

23 "I was wondering if you and/or  
24 someone from the executive  
25 management team would have some time



1 to review the arena and pool report  
2 on Monday's agenda. I reviewed the  
3 information and was hoping to  
4 clarify some of the numbers so I'm  
5 prepared to respond to any  
6 questions."

7 And if you look at paragraph 448, Mr.  
8 Houghton responds that you could call him the  
9 following day.

10 First of all, does this help you place  
11 in time the conversation that you had with Mr.  
12 Houghton that you've described to us in which he was  
13 asking you why you couldn't be a team player with  
14 respect to the staff report?

15 MS. MARTA PROCTOR: This suggests to  
16 me exactly the conversation I'm referen -- I -- I've  
17 referenced before.

18 MS. KATE MCGRANN: Okay. It appears  
19 to us that the report is finalized and circulated as  
20 part of the agenda on August 24th. You email him on  
21 August 25th. You're going to speak to him on the  
22 26th. Council meets on the 27th.

23 Do you remember which numbers you  
24 wanted to clarify with him that were set out in the  
25 staff report?

1 (BRIEF PAUSE)

2

3 MS. MARTA PROCTOR: I can't res -- I  
4 can't recall specifically, but what I believe I recall  
5 is that it didn't have the breadth or scope of the  
6 information I had thought we would present, and  
7 therefore I was concerned, and that's what I needed to  
8 clarify. But the order of things at that time is --  
9 is unclear to me.

10 MS. KATE MCGRANN: I'm going to take  
11 you to a copy of the final staff report now. I had  
12 some questions about that document for you. It's at  
13 CJI6146.

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: I asked you a  
18 question along these lines before, but just for the  
19 sake of completeness, at any point before this report  
20 was presented to Council at the August 27th, 2012,  
21 Council meeting, did you compare its contents to the  
22 report that WGD provided to staff?

23 MS. MARTA PROCTOR: I cannot recall.

24 MS. KATE MCGRANN: If we could go to  
25 page 6 of this report. And scroll down a little bit

1 to the heading, Department Head Review.

2 Here it indicates that this report was  
3 reviewed by the Executive Management Committee,  
4 Director of Parks, Recreation, and Culture, and  
5 Manager of Fleet Facilities, Purchasing, August 21.

6 Do you have any recollection of  
7 reviewing a version of this report on August 21st?

8 MS. MARTA PROCTOR: I cannot confirm  
9 that I reviewed it on August 21st.

10 MS. KATE MCGRANN: And if you can  
11 scroll down to page 7. All -- yeah. To the -- below  
12 the signature line.

13 It indicates that it was submitted by  
14 the Executive Management Committee with input from  
15 yourself, Mr. McNalty, Mr. Seymour. I don't see  
16 anything in the staff report that indicates that you  
17 refused to sign off on it.

18 Do you recall if you ever advised  
19 anyone other than Mr. Houghton that you were refusing  
20 to sign off on this report?

21 MS. MARTA PROCTOR: No. The only  
22 person I had the conversation with was Mr. Houghton,  
23 and I agreed to have my name that I had reviewed it  
24 and had input on it, like it says -- the wording here.

25 MS. KATE MCGRANN: Why didn't you ever

1 advise anybody else on staff or -- or Council that --  
2 that you wouldn't sign off on the contents of this  
3 report?

4 MS. MARTA PROCTOR: Probably because  
5 the person I reported to was the CAO.

6 MS. KATE MCGRANN: Can you remember  
7 any other reason why you didn't advise anybody else  
8 that you wouldn't sign off on this report?

9

10 (BRIEF PAUSE)

11

12 MS. MARTA PROCTOR: I can't say I  
13 didn't tell other people that I wouldn't sign off. I  
14 just can't recall if I did and who those people would  
15 be.

16 MS. KATE MCGRANN: If we could turn  
17 back --

18 THE HONOURABLE FRANK MARROCCO: I take  
19 it the logical person for you to express that kind of  
20 a concern to would be the person to whom you reported.  
21 Would that be correct?

22 MS. MARTA PROCTOR: That would be  
23 correct.

24 THE HONOURABLE FRANK MARROCCO: And --  
25 and you did that.

1 MS. MARTA PROCTOR: That would have  
2 been --

3 THE HONOURABLE FRANK MARROCCO: That's  
4 what prompted --

5 MS. MARTA PROCTOR: -- Mr. Houghton.

6 THE HONOURABLE FRANK MARROCCO: -- the  
7 discussion.

8 MS. MARTA PROCTOR: That's correct.

9 THE HONOURABLE FRANK MARROCCO: Was --  
10 there's an inter -- there's a communication back and  
11 forth that's reflected in the fact that these draft  
12 reports are circulated to individual Council members  
13 and so on. I can see that in the documents.

14 Were -- was it ever the experience that  
15 Council members lobbied the staff over their position?  
16 Did Council members ever talk to the staff about the  
17 position that would be taken in these staff reports?

18 MS. MARTA PROCTOR: In my experience  
19 that does happen, but good governance practice would  
20 suggest there -- that they don't influence it, and  
21 that would be where a CAO would work with the mayor,  
22 because the mayor is the one that is responsible for  
23 Council to avoid those circumstances, but things  
24 changed here and that happened quite a bit.

25 THE HONOURABLE FRANK MARROCCO: Did

1 that happen with respect to this report or the reports  
2 concerning the membrane and the pool?

3 MS. MARTA PROCTOR: As far as messages  
4 that I heard and from reading the documents I've seen  
5 since, I believe it did.

6

7 (BRIEF PAUSE)

8

9 CONTINUED BY MS. KATE MCGRANN:

10 MS. KATE MCGRANN: One (1) more  
11 question about your conversation with Mr. Houghton,  
12 about your refusal to sign off on the staff report  
13 before I ask you some further detailed questions about  
14 it.

15 What was your reaction to being told by  
16 the person you reported to -- what was your reaction  
17 to -- to not having your concerns addressed by him?  
18 You explained to him that you think things are  
19 missing. He asks you why you can't be a team player.

20 What was your response to that?

21 MS. MARTA PROCTOR: Well, first of  
22 all, his behaviour in that conversation was extremely  
23 aggressive. There was yelling, which I'm not used to  
24 from a person in his position.

25 I tried to indicate that it's not that

1 I'm not trying to be a team player, I'm trying to do  
2 what I believe is my job as a department head to  
3 collect accurate information to the best of my ability  
4 and to present that to all of Council, and I'm  
5 concerned the report does not reflect that.

6 MS. KATE MCGRANN: How did that  
7 conversation end?

8 MS. MARTA PROCTOR: Abruptly.

9 MS. KATE MCGRANN: Do you remember who  
10 ended the conversation?

11 MS. MARTA PROCTOR: No.

12 MS. KATE MCGRANN: Did that  
13 conversation have any effect on -- on how you  
14 approached your job after -- after the conversation?

15 MS. MARTA PROCTOR: The whole  
16 experience had an effect on how I approached my job.  
17 Yes, it did.

18 MS. KATE MCGRANN: How did it affect  
19 the approach you took to the work you were doing?

20 MS. MARTA PROCTOR: I was not new to  
21 the public service, and I chose this career path  
22 because I'm very committed to local government, good  
23 governance, and building strong and healthy  
24 communities, and community service is a commitment I  
25 made very seriously, so I was not going to run away

1 from this circumstance, but I need, like everybody, to  
2 adjust and evolve in their circumstance and do the  
3 best that you can.

4                   And I recall working very closely with  
5 my team of staff, trying to teach them through this  
6 process, how we have to adjust but not give in to what  
7 we believe to be true and right.

8                   So I came to the table asking questions  
9 and tried to be respectful and professional, but  
10 always framing an alternate perspective that I  
11 believed to be important to consider without imposing  
12 saying that I know it all.

13                   That was very difficult and it went on  
14 for months, and I had to do a lot of soul searching  
15 about what type of environment I want to be part of  
16 and do I continue.

17                   MS. KATE MCGRANN:    I'm going to turn  
18 from -- from those questions back to the staff report.  
19 If we could scroll up to page 2.

20                   THE HONOURABLE FRANK MARROCCO:    And  
21 actually, just before we do that, you -- you knew what  
22 had happened to Ms. Wingrove?

23                   MS. MARTA PROCTOR:    Yes.

24                   THE HONOURABLE FRANK MARROCCO:    A  
25 person could reason that it stands to reason that from



1 time to time people will get dismissed for whatever,  
2 because they should be, let's say.

3 MS. MARTA PROCTOR: M-hm.

4 THE HONOURABLE FRANK MARROCCO: Is  
5 there a way that can happen that doesn't result in  
6 people becoming concerned, you know, that they could  
7 be next?

8 There -- is there a way of doing that  
9 that allows -- that doesn't have that kind of an  
10 effect on -- on the people who are left behind?  
11 Because it seems to me there's not a lot of difference  
12 between a heated conversation in which you're told  
13 you're not a team player and your dismissal.

14 So you don't dismiss anybody or if you  
15 do dismiss anybody, what I'm asking about is -- is,  
16 have you any thoughts on whether there's a way of  
17 doing that which kind of preserves the independence of  
18 the people who are committed to public service?

19 MS. MARTA PROCTOR: I believe, and I  
20 say this with --

21 THE HONOURABLE FRANK MARROCCO: I'm  
22 asking you what you --

23 MS. MARTA PROCTOR: Yeah.

24 THE HONOURABLE FRANK MARROCCO: I am  
25 asking you --

1 MS. MARTA PROCTOR: -- with -- with  
2 humble respect, that that is what I tried to do, to  
3 have integrity, to be true to the calling that I came  
4 to and be true to the residents of Collingwood by  
5 framing the right information and the right  
6 considerations.

7 I was -- I understood that I was  
8 walking a fine line and if people didn't like that,  
9 it's -- a lot of people were worried about their jobs  
10 around me and felt they needed to comply.

11 I was worried I might lose my job.  
12 That was definitely a consideration, but I believed  
13 that I had to stay true to myself and what I believed  
14 was the right thing for this community and was willing  
15 to take that risk.

16

17 CONTINUED BY MS. KATE MCGRANN:

18 MS. KATE MCGRANN: Turning back to the  
19 -- the contents of the -- the staff report. If we  
20 could scroll up to page 2 and look under the heading  
21 "Enclose the outdoor pool with a fabric building",  
22 which I think you'll have to scroll down a little bit  
23 to get to.

24 This section starts with the statement:

25 "In researching a year-round

1 enclosure for the existing outdoor  
2 pool"

3 What research are you aware that staff  
4 did about enclosing the existing outdoor pool?

5 MS. MARTA PROCTOR: I believe the only  
6 research was on the Sprung structure through Sprung.

7 MS. KATE MCGRANN: If you could scroll  
8 down to the last paragraph on this page, and it spills  
9 over to the following page, it says:

10 "We are aware of one supplier of the  
11 type of insulated architectural  
12 membrane structure that would allow  
13 for satisfactory year-round swimming  
14 pool use."

15 Then it goes on to say:

16 "In future it would be possible to  
17 relocate or re-purpose the insulated  
18 architectural membrane structure at  
19 another location, adapt it to  
20 another use or otherwise re-  
21 commission it to a new owner within  
22 this expanding market."

23 Are you aware of any information that  
24 staff had about the practicality of relocating, re-  
25 purposing or -- or selling the fabric membrane

1 structure being proposed here to put up around the  
2 pool?

3 MS. MARTA PROCTOR: Once again, I  
4 don't believe there was any independent research done  
5 on this topic, it was information that was presented  
6 to certain staff through the supplier.

7 MS. KATE MCGRANN: If you could go to  
8 page 4 of this document. Scroll down a little bit  
9 more.

10 The paragraph said:

11 "The estimated cost for the supply  
12 and construction of the basic  
13 insulated architectural membrane  
14 arena is \$7,392,000 as compared to  
15 11.1 million to 12.3 million,  
16 (estimates provided by WGD) for the  
17 pre-engineered steel arena built  
18 using conventional construction."

19 When we looked at the WGD report, the  
20 estimate for the pre-engineered steel building was  
21 \$7,632,124.29 million.

22 I'm going to ask that that report be  
23 turned up for a moment. It's at TOC201266.

24 And if we could scroll down, keep  
25 going. Stop for a second. I'm going to ask you a

1 couple of questions to help with our comparison.

2 In the introduction section this says  
3 the design of the new arena will respond to climatic  
4 and environmental conditions. It goes on to talk  
5 about the use of sustainable products, and it ends  
6 with:

7 "The new arena is proposed to be  
8 designed to LEED silver  
9 certification levels."

10 Do you remember anyone at the Town  
11 providing instruction to WGD that -- that they wanted  
12 the estimates to -- to be -- or to include an arena  
13 designed to LEED silver certification levels?

14 MS. MARTA PROCTOR: I can't recall  
15 that specifically.

16 MS. KATE MCGRANN: If we scroll down  
17 from here, there is a list of green initiatives set  
18 out and then cost provided for each of the options.

19 I'll just ask you to keep scrolling.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: So we've gone  
24 through and added them all up and they add out to  
25 \$1.15 million.

1                   If you could keep scrolling down so we  
2 can see the base estimate. Keep going. There you see  
3 site costs at one 1.164 pre-eng building option A 7  
4 point -- you know, 7,632,124.29 and then there's the  
5 possibility of an additional 1.15 million.

6                   The staff report sends out a range of  
7 11.1 to 12.3 million. Do you know how staff got from  
8 WGD's estimates to those numbers?

9                   MS. MARTA PROCTOR: No, I cannot  
10 recall.

11                   MS. KATE MCGRANN: Do you know if the  
12 estimates that are set out in the staff report were  
13 provided to WGD for WGD's review and comment on their  
14 accuracy or otherwise?

15                   MS. MARTA PROCTOR: No, I do not.

16                   MS. KATE MCGRANN: Could we go back to  
17 the staff report at CJI6146?

18

19                   (BRIEF PAUSE)

20

21                   MS. KATE MCGRANN: If we go back to  
22 page 4, please.

23                   So we just looked at this and this is  
24 where at the beginning of the paragraph it sets out  
25 the estimates for the insulated architectural membrane

1 and the estimates for the pre-engineered steel  
2 building.

3 About half way through the paragraph it  
4 says:

5 "The interior space that is provided  
6 within the architectural membrane  
7 structure allows for the cost  
8 efficient addition of a second floor  
9 lounge area, with a view of the ice  
10 surface. The cost of the second  
11 floor improvements within the  
12 architectural membrane is included  
13 in the above estimate, whereas a  
14 similar addition to the pre-  
15 engineered steel arena would add up  
16 to a million to the investment."

17 I think you've already answered this  
18 question, but to your knowledge, was WGD asked to  
19 provide an estimate for the addition of a second floor  
20 mezzanine to the arena?

21 MS. MARTA PROCTOR: I do not know.

22 MS. KATE MCGRANN: Do you have an  
23 understanding of -- of whether this additional million  
24 for the second floor is included in the 11.1 to 12.3  
25 estimate, or if it would be on top of those numbers,

1 like an additional cost?

2 MS. MARTA PROCTOR: I have had no  
3 opportunity to recently review and examine these  
4 numbers, so I'm not sure.

5 And quite frankly, I -- I can't even  
6 recall where they came from back then.

7 THE HONOURABLE FRANK MARROCCO: That  
8 was going to be my question. I mean, who -- do you  
9 know who would have prepared part of it?

10 MS. MARTA PROCTOR: No, I do not.

11

12 CONTINUED BY MS. KATE MCGRANN:

13 MS. KATE MCGRANN: Can we go to page 6  
14 of this report?

15 THE HONOURABLE FRANK MARROCCO: You --  
16 you can see why I'm asking. There an almost \$4  
17 million dollar difference between what -- what we're  
18 told a pre-engineered building is going to look like  
19 and what the architects say it's going to cost.

20 The -- the numbers, if you use the  
21 correct numbers, they price about the same.

22 Who -- who -- I appreciate that you  
23 weren't a team player and that there's some exclusion  
24 going on here, but -- but who would be able to draft  
25 this? Apart altogether from the fact that you -- I



1 appreciate you wouldn't know as much about the  
2 contents as one might have normally expected, but who  
3 -- who's draft -- how does that happen?

4 MS. MARTA PROCTOR: I would sincerely  
5 like to answer your question. There was so many hands  
6 in the pot and things changing that didn't follow  
7 proper protocol or procedure, and I would -- I really  
8 have tried to recall the details of it, but they're  
9 very vague to me, it was a long time ago and I've been  
10 in other jobs handling large projects since that time  
11 and it's very difficult for me to go back to that  
12 place where there was no standard protocol or process  
13 that I was familiar with.

14

15 CONTINUED BY MS. KATE MCGRANN:

16 MS. KATE MCGRANN: Turning to page 6,  
17 which is on the screen in front of you, if you looked  
18 at the heading element of competition was included in  
19 the gathering of estimates.

20 Here is says:

21 "The manufacturers of the  
22 architectural membrane structure  
23 knew they were in competition with  
24 the more traditional forms of  
25 construction."

1                   Do you know anything about what's  
2 described here? Are you aware of any -- anything that  
3 staff or anyone from the Town said to the  
4 manufacturers of the architectural membrane structure  
5 about them being in competition?

6                   MS. MARTA PROCTOR: I have no idea  
7 what was said to the architectural membrane company,  
8 but I know I never told WGD that they were in  
9 competition.

10                  MS. KATE MCGRANN: That was going to  
11 be my next question.

12                  Based on -- it appears that the  
13 instructions that you provided to WGD were cost out,  
14 both a fabric building and -- and a pre-engineered  
15 steel building and provide us with information that  
16 compares them.

17                  Do you understand how that could have  
18 changed into a situation in which WGD believed they  
19 were in competition with an architectural membrane  
20 structure?

21                  MS. MARTA PROCTOR: No, I don't  
22 understand that. In fact, WGD contacted me very upset  
23 about this.

24                  MS. KATE MCGRANN: And that -- that  
25 correspondence I think is reproduced in the Foundation

1 Document.

2 Under the heading "Cost Effectiveness  
3 and Benefit to the Town", it says:

4 "Through the investigative process  
5 it has been determined that the  
6 architectural membrane structure  
7 would provide the most cost-  
8 effective and all-inclusive solution  
9 for the Town's needs."

10 We've seen the -- we've seen the  
11 estimates that are set out in the staff report and  
12 we've talked about those.

13 Do you know what "all-inclusive  
14 solution" is referring to here?

15 MS. MARTA PROCTOR: No, I do not.

16 MS. KATE MCGRANN: Were you part of  
17 any discussions with staff about which of the two (2)  
18 options was more inclusive of factors that were  
19 important to the Town as far as the arena went?

20 MS. MARTA PROCTOR: I believe I was.  
21 I articulated that we have not taken this to the  
22 community, all our consultation was based on a multi-  
23 purpose community centre that had benefits beyond the  
24 features on their own, and that was one (1) of my  
25 concerns because that's what the community valued.

1                   Not to mention, some of the operating  
2 efficiencies and the energy efficiencies that are  
3 created in that type of environment, versus stand-  
4 alone facilities.

5                   MS. KATE MCGRANN:    Looking at the --  
6 the italicized heading "Sole Source", it says:

7                   "Through staff research it has been  
8                   determined there is only one  
9                   supplier that can meet the  
10                  specifications staff developed for  
11                  the facilities."

12                  Do you know what staff research is  
13 being referred to here?

14                  MS. MARTA PROCTOR:    No, I do not.

15                  MS. KATE MCGRANN:    Do you know if WGD  
16 Architects was ever asked to determine whether --  
17 whether there were any other suppliers that could meet  
18 specifications that staff developed for the  
19 facilities?

20                  I mean, we see the report where they  
21 provide estimates for a fabric building and a pre-  
22 engineered steel building, but do you know if a  
23 question like this was ever put to them?

24                  MS. MARTA PROCTOR:    Could you repeat  
25 the question part, please?

1 MS. KATE MCGRANN: I guess what I'm  
2 trying to figure out, and doing a very bad job  
3 explaining, is the staff report references staff  
4 research that concludes that there's only one (1)  
5 supplier that can meet the specifications staff  
6 developed for the facilities.

7 Do you know if that conclusion was ever  
8 put to the independent architectural consultants the  
9 Town retained, WGD, for -- for comment or  
10 confirmation?

11 MS. MARTA PROCTOR: I don't believe it  
12 was.

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: If you go up to the  
17 top of the page, I just want to take a look at the  
18 recommendations for a second.

19

20 (BRIEF PAUSE)

21

22 MS. KATE MCGRANN: Of the report, I  
23 should say. The recommendations are that council  
24 direct staff to proceed with the purchase and  
25 construction of an isolated architectural membrane

1 facility for a year-round single-pad arena and similar  
2 language for a structure of the existing pool.

3 At the time that these recommendations  
4 were made to Council, at the August 27th, 2012,  
5 meeting, did you have an understanding of who the Town  
6 would be purchasing the membrane from?

7

8 (BRIEF PAUSE)

9

10 MS. MARTA PROCTOR: No, I -- no, I  
11 don't.

12 MS. KATE MCGRANN: Did you have an  
13 understanding of who would be constructing the  
14 architectural membrane facilities?

15 MS. MARTA PROCTOR: No, I believe I  
16 did not.

17 MS. KATE MCGRANN: There's a slide  
18 presentation that was made to council at the August  
19 27th council meeting. We can see that it's circulated  
20 to you. You provide some commentary on -- on staffing  
21 numbers.

22 I want to ask you about a different  
23 aspect of that presentation though. It's found at  
24 TOC206027.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: Could we go to  
4 slide 23 of this document?

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: This is a slide  
9 that addresses the construction of a single-pad arena  
10 that can be phased into a double pad. And if you  
11 scroll down, I just want to take a look at the bullet  
12 point that says:

13 "Either building can be LEED silver  
14 certified; however, the  
15 architectural membrane building has  
16 the LEED requirements already built  
17 in."

18 Do you remember what you thought that  
19 statement meant at the time?

20 MS. MARTA PROCTOR: No, I don't.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: We know that  
25 Council voted on August 27th to proceed with the

1 recommendations that staff made to purchase and  
2 construct Sprung facilities for the arena and the  
3 pool.

4                   At that time, some information had been  
5 provided to Council about options for how to pay for  
6 these two (2) facilities but a decision had not yet  
7 been made about how the -- the purchase and  
8 construction would be funded.

9                   Earlier in the day we talked about a  
10 vote that council had passed to strike a phase 2  
11 steering committee to look into funding options and  
12 develop the -- guide the development of a funding  
13 strategy.

14                   We can see that a callout for  
15 volunteers had been released back in the -- the  
16 spring/early summer and the Town had received  
17 applications but the committee was never struck.

18                   Do you know why that committee was  
19 never struck?

20

21   (BRIEF PAUSE)

22

23                   MS. MARTA PROCTOR: I can't recall  
24 exactly. But I believe that's when all the background  
25 competing interests started being raised. And I



1 believe somebody from the EMC suggested I not proceed  
2 until we have further clarity.

3 MS. KATE MCGRANN: And we see some  
4 discussion about that at the -- at the July 16th  
5 meeting, and it's -- it appears to have been put on  
6 hold. But, ultimately, the committee is -- is not  
7 struck at any point in time.

8 Do you know why the committee was --  
9 was never struck?

10 MS. MARTA PROCTOR: From what I  
11 recall, all these other options came forward first and  
12 overshadowed that.

13 THE HONOURABLE FRANK MARROCCO: Who  
14 suggested that you not do that?

15 MS. MARTA PROCTOR: I cannot recall a  
16 specific person. Most of my discussions were with  
17 representatives of the EMC.

18

19 CONTINUED BY MS. KATE MCGRANN:

20 MS. KATE MCGRANN: We can see that  
21 there's some discussion about -- about that that takes  
22 place at the July 16th meeting that's set out in the  
23 transcript and -- and earlier in the Foundation  
24 Document.

25 I don't want to revisit that so much

1 because I'm not asking why it was put on hold. It's  
2 more now the Town has -- or Council has voted to  
3 construct these two (2) facilities. We know they have  
4 to be paid for.

5 Council had voted to -- to strike a  
6 committee to investigate funding. The committee's  
7 ultimately not struck.

8 After the Council vote, Councillor  
9 Keith Hull posed some questions, and one (1) of them  
10 was about why that phase 2 steering committee was not  
11 struck.

12 If we turn to paragraph 654 in the  
13 Foundation Document...

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: I want to look at  
18 the first bullet point. It says, in response to a  
19 question about why Council did not form a second  
20 committee to pursue all funding and fundraising  
21 options, the answer to that was provided, was there  
22 are no funding opportunities at this time.

23 Do you remember if you were involved in  
24 drafting or reviewing that answer?

25 MS. MARTA PROCTOR: No, I cannot

1 recall.

2 MS. KATE MCGRANN: Does that answer to  
3 that question make sense to you?

4 MS. MARTA PROCTOR: It may have been  
5 partially true, but it doesn't feel comprehensive.

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: At any point prior  
10 to Council's decision on August 27th to proceed with  
11 the Sprung structures, did you become aware that Abby  
12 Stec, Paul Bonwick, or Green Leaf was involved in  
13 discussions about -- about Sprung BLT options  
14 available to the Town for recreation facilities?

15 MS. MARTA PROCTOR: Can you repeat the  
16 first part about the time?

17 MS. KATE MCGRANN: Before Council  
18 voted to proceed with the two (2) structures on August  
19 27th.

20 MS. MARTA PROCTOR: No, I had no idea.

21 MS. KATE MCGRANN: After August 27th,  
22 did you become aware that Abby Stec, Paul Bonwick, or  
23 Green Leaf had been involved in discussions with  
24 representatives of the Town about the Town's  
25 recreation facilities for Sprung?

1 MS. MARTA PROCTOR: Not until much  
2 later.

3 MS. KATE MCGRANN: Do you remember how  
4 you became aware that they had been involved?

5 MS. MARTA PROCTOR: Through  
6 communication amongst colleagues of information that  
7 came out much later.

8 MS. KATE MCGRANN: And when you say,  
9 "Information that came out," are you referring to  
10 information that came out in the media or otherwise?

11 MS. MARTA PROCTOR: The media was  
12 definitely one (1) source. And in reading the  
13 documents, I certainly learned way more than I ever  
14 knew.

15

16 (BRIEF PAUSE)

17

18 MS. KATE MCGRANN: I'm looking at the  
19 time. I think that I can be finished in the next ten  
20 (10) to fifteen (15) minutes, so I'm proposing that we  
21 do that before we take the afternoon break. Does that  
22 make sense to you?

23

24 (BRIEF PAUSE)

25

1 MS. KATE MCGRANN: Can we go to  
2 paragraph 62 of summary document 2-4, please?

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: This paragraph  
7 describes that Joe MacDonald, of the Parks,  
8 Recreation, and Culture Advisory Committee, circulated  
9 an email to other members of that committee on October  
10 5th, 2012.

11 And to that email is attached a file  
12 named, "2012/08/20 Centra Park new arena options."  
13 This -- this paragraph describes that the attachment  
14 was a version of WGD Central Park new arena options.

15 And I'm going to ask that that be  
16 pulled up. It's TOC225, I believe it was 728.

17

18 (BRIEF PAUSE)

19

20 THE HONOURABLE FRANK MARROCCO: It  
21 must be a top-secret document because...

22 MS. KATE MCGRANN: I am -- I am  
23 looking for the attachments that's referenced in that  
24 paragraph in Summary Document 2-4, paragraph 62.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: If we could scroll  
4 to page 9, and this is all a very long exercise to say  
5 to you that we've reviewed this document and it is the  
6 version that includes the information about an  
7 insulated fabric membrane, and if you scroll down to  
8 page 10, it sets out the estimates that we've looked  
9 at before that were contained in what appears to us to  
10 be the final report that WGD sent across.

11 Do you recall learning that a version  
12 of this report or this report was being circulated  
13 amongst the Parks, Rec, and Culture Advisory  
14 Committee?

15 MS. MARTA PROCTOR: I don't  
16 specifically recall that; however, the Parks, Rec --  
17 Park -- PRCAC Committee -- the Parks, Recreation,  
18 Arts, and Culture Committee -- was very interested in  
19 this venture, and so it doesn't surprise me that they  
20 would have access to information.

21 MS. KATE MCGRANN: If we could go to  
22 paragraph 64 of Summary Document 2-4. This paragraph  
23 describes an email that Mr. Houghton sends to Mr.  
24 McNalty on October 5th. He sends him excerpts from  
25 the WGD report regarding energy use/thermal

1 performance, enclosure durability, mechanical and  
2 electrical systems, and constructability. This is the  
3 information we saw earlier where WGD is comparing the  
4 pre-eng steel to the fabric building. In his email,  
5 Mr. Houghton wrote:

6 "Dave, this is what WGD Architects  
7 said when they compared a steel  
8 fabricated building to a Strum sec -  
9 - Strung -- Sprung structure. Can  
10 you help with the errors in their  
11 comments? Once again, this is time  
12 sensitive."

13 Were you aware that -- that Mr. McNalty  
14 was being asked to go through this exercise at this  
15 time?

16 MS. MARTA PROCTOR: Not with any  
17 specifics.

18 MS. KATE MCGRANN: Okay, what do you  
19 recall about --

20 MS. MARTA PROCTOR: Actually, I -- I  
21 truthfully can't recall if I knew or didn't.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: Could you pull up

1 TOC0 -- 600194?

2

3

(BRIEF PAUSE)

4

5

MS. KATE MCGRANN: This is an October

6

8th email that Mr. Houghton sends to members of

7

Council, members of the EMC, yourself, Ron Martin,

8

Dave McNalty, and Dennis Seymour. In it, he writes:

9

"On Friday afternoon, Councillor

10

West sent me information that was

11

being circulated by the Friends of

12

Central Park. This information was

13

a report produced at our request by

14

WGD Architects comparing a steel

15

fabricated building to the insulated

16

architectural membrane building.

17

The report is being misread mainly

18

because the report originally was

19

not comparing the proper structures

20

and was revised partially by WGD.

21

Town staff were aware of what was

22

and was not revised, but without

23

this knowledge, one can see how this

24

could be misleading. The following

25

is an excellent report from Dave



1                   McNalty fully explaining the report  
2                   and how it is being misinterpreted  
3                   and how it should be understood."

4                   I had asked you questions about whether  
5 you could recall any discussions or concerns raised by  
6 staff about the WGD report when staff received it.

7                   Do you remember this memo and  
8 information being circulated at this point in time,  
9 after the WGD report was being looked at by members of  
10 the public?

11                   MS. MARTA PROCTOR:   Now that you've  
12 shown me this, I recall it, but I can't recall any  
13 detailed context for it.

14                   MS. KATE MCGRANN:   Do you remember if  
15 you reviewed Mr. McNalty's memo at the time to see if  
16 you agreed with the conclusions that he came to?

17                   MS. MARTA PROCTOR:   No, I believe I  
18 did not.

19                   MS. KATE MCGRANN:   One of the  
20 attachments to this document sets out WGD Architects'  
21 developed project costs. I'm going to ask that that  
22 document be shown to you, and it's at TOC600196.

23

24

(BRIEF PAUSE)

25

1 MS. KATE MCGRANN: And if you take a  
2 look at this, it sets out an estimate for the pre-  
3 engineered steel building and -- scroll down -- a list  
4 of recommended upgrades. It shows that contingencies  
5 included in the WGD budget were taken out, and then  
6 numbers for a second-floor mezzanine were included.  
7 1.164 two eighty-one million for site, park, and  
8 development was included, bringing us to a subtotal of  
9 10,165,475. And then a 10 percent is added on top of  
10 that for design fees, permits, and miscellaneous, and  
11 then an additional 10 percent is added on top of that  
12 for a contingency, bringing the total to 12.3 million  
13 -- just over 12.3 million.

14 Do you remember reviewing this document  
15 at that -- at the time that Mr. Houghton circulated  
16 Mr. McNalty's memo?

17 MS. MARTA PROCTOR: I don't recall  
18 reviewing it prior to it being circulated.

19 MS. KATE MCGRANN: You -- do you  
20 remember reviewing it when it was sent around to  
21 Council, the EMC, and others on staff?

22 MS. MARTA PROCTOR: I'm sure I look --  
23 I reviewed it, but I can't recall my reaction or  
24 follow-up from this.

25 MS. KATE MCGRANN: Do you have any

1 understanding as to who made these adjustments or why  
2 they were made?

3 MS. MARTA PROCTOR: No, I -- no, I  
4 don't at this time.

5 MS. KATE MCGRANN: To your knowledge,  
6 was this information ever provided to WGD for their  
7 review or -- or comment?

8 MS. MARTA PROCTOR: I have no  
9 knowledge of that.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: Could we turn to  
14 paragraph 707 of the Foundation Document, please.

15

16 (BRIEF PAUSE)

17

18 MS. KATE MCGRANN: I'm just bringing  
19 you here for a point in time in reference. In or  
20 about October 2012, the concept of a therapeutic pool  
21 is introduced to the Council, and Council ultimately  
22 votes to include the therapeutic pool in the Heritage  
23 Park pool project.

24 Do you remember how the concept of a  
25 therapeutic pool came up?

1 MS. MARTA PROCTOR: I can't recall  
2 specifically, but there were numerous conversations  
3 with the shutdown of the therapeutic pool that existed  
4 in the design components of the Central Park Steering  
5 Committee having a warm pool for younger swimmers.  
6 Perhaps even the Clippers may have raised it, so --  
7 but at this point, I can't recall specifically one  
8 source or the prominent source of where this came  
9 from.

10 MS. KATE MCGRANN: Those are my  
11 questions.

12 THE HONOURABLE FRANK MARROCCO: Take  
13 ten (10) minutes.

14

15 --- Upon recessing at 3:30 p.m.

16 --- Upon resuming at 3:40 p.m.

17

18 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

19 MR. FREDERICK CHENOWETH: Ms. Proctor,  
20 my name is Chenoweth, Fred Chenoweth, and I represent  
21 Mr. Ed Houghton. I have a few questions to clarify  
22 some of the answers you have given through the course  
23 of this proceeding.

24 But before I get into that, am I  
25 correct in my understanding that you were a member of

1 the Central Park steering committee that made the  
2 recommendation for the multi-use recreational  
3 facility?

4 MS. MARTA PROCTOR: I would correct  
5 that I was the staff liaison, or the staff facilitator  
6 of the committee. But the committee had a membership  
7 that voted on things, that I was the staff facilitator  
8 of that.

9 MR. FREDERICK CHENOWETH: All right.  
10 I -- I take it you supported the -- the eventual  
11 report that came out of the steering committee?

12 MS. MARTA PROCTOR: Yes, that is  
13 correct.

14 MR. FREDERICK CHENOWETH: Thank you.  
15 And you've indicated to us that -- is it -- would it  
16 be fair to say that -- that as things developed, there  
17 appeared to be a bit of a struggle to some extent  
18 between the steering committee idea of a MURF and the  
19 alternatives that were later being reviewed by  
20 Council, including a fabric roof?

21 That was a bit of a -- a bit of a  
22 competition between those two (2)?

23 MS. MARTA PROCTOR: I'm not sure I  
24 could agree with that. From whose perspective are you  
25 asking the question?

1 MR. FREDERICK CHENOWETH: I'm just  
2 asking if that's a reality, no particular perspective.  
3 I mean, my observation of these things, and maybe  
4 you're going to disagree with me, is that it became --  
5 one (1) of the aspects of this thing was a competition  
6 between the suggested suggestion of the steering  
7 committee and the suggestion of alternate structures  
8 that was bring -- being brought up by some of the  
9 council members and others as we moved towards August  
10 27th?

11 MS. MARTA PROCTOR: From my  
12 perspective because it's the only one (1) that I can  
13 speak from clearly, there -- there was no competition  
14 between the two (2). It was a matter of doing our due  
15 diligence to present Council with all the information  
16 they needed to make an informed decision, and that  
17 would include industry expert opi -- factual  
18 information, but also input from the citizens on their  
19 preference.

20 MR. FREDERICK CHENOWETH: You've  
21 already told us, I think, that at no time did anyone  
22 suggest to you that your involvement with the steering  
23 committee gave you any sort of conflict of any kind.

24 In response to some of my friend's  
25 questions, you indicated that was never suggested to

1 you by anyone?

2 MS. MARTA PROCTOR: I'm sorry, could  
3 you please repeat that question?

4 MR. FREDERICK CHENOWETH: In answers  
5 to some of my friend's questions, you said that no one  
6 through the course of -- of the period between the  
7 steering committee report and -- and August -- which  
8 was on March 5th, I think, 2012, the time of the vote  
9 by Council on August 27th, I think you confirmed that  
10 no one had suggested to you that this created any sort  
11 of conflict for you, your being on the steering  
12 committee.

13 Is that fair?

14 MS. MARTA PROCTOR: I --

15 MR. FREDERICK CHENOWETH: No one made  
16 that suggestion to you?

17 MS. MARTA PROCTOR: Well, I don't see  
18 any conflict. And I was not technically on. I was  
19 facilitating the steering committee.

20 MR. FREDERICK CHENOWETH: All right.  
21 So, you don't feel that your involvement with the  
22 steering committee and your support of that report put  
23 you in any sort of odd position with respect to your  
24 ongoing research you were doing for the Town with  
25 respect to alternatives?

1 MS. MARTA PROCTOR: No. I think I  
2 expected the same research from the steering committee  
3 that I would have expected from the alternate options.

4 MR. FREDERICK CHENOWETH: Very good.  
5 You, I think, indicated in some of your preliminary  
6 comments that you joined the Town of Collingwood in or  
7 about August of 2010.

8 Is that correct?

9 MS. MARTA PROCTOR: I -- I was hired  
10 prior to the summer of 2010. I came here for a short  
11 time, yes, somewhere around there, correct.

12 MR. FREDERICK CHENOWETH: All right.  
13 Well, that -- that was the evidence you gave to --

14 MS. MARTA PROCTOR: Yeah.

15 MR. FREDERICK CHENOWETH: -- to my  
16 friend. And there was a new council that was elected  
17 in October of -- of 2010?

18 MS. MARTA PROCTOR: Correct.

19 MR. FREDERICK CHENOWETH: So, your  
20 opportunity to work with the Council that existed at  
21 August 10, 2012, when you -- or August 10 -- August of  
22 2010, when you joined Collingwood, your opportunity to  
23 work with that existing Council was limited?

24 MS. MARTA PROCTOR: Correct.

25 MR. FREDERICK CHENOWETH: All right.



1 So, you wouldn't have had much of a chance to judge  
2 status of working with that council versus the status  
3 of working with the new council that was elected on  
4 October 10th?

5 MS. MARTA PROCTOR: That is correct.

6 MR. FREDERICK CHENOWETH: Thank you.

7

8 (BRIEF PAUSE)

9

10 MR. FREDERICK CHENOWETH: You spoke of  
11 the development of the executive management committee  
12 after April of 2012 when Ms. Wingrove was terminated  
13 and Mr. Houghton was hired.

14 And you would have known, I take it,  
15 having been with the Town for a period of time at that  
16 point, in excess of a year, you would have known of  
17 the other obligations that Mr. Houghton had at the  
18 Town, including his obligations with -- with the power  
19 distribution company, Collus, and Collus PowerStream?

20 MS. MARTA PROCTOR: Correct.

21 MR. FREDERICK CHENOWETH: You knew he  
22 had obligations with -- other obligations in the Town  
23 in addition to his Collus obligations?

24 MS. MARTA PROCTOR: Public works and  
25 engineering, correct.

1 MR. FREDERICK CHENOWETH: And I'm  
2 assuming that you understood that the necessity for an  
3 EMC, for an executive management committee, was that  
4 very reality, that the Town had asked Mr. Houghton to  
5 become CAO and that he had other responsibilities and  
6 there was a concern as to whether or not he could meet  
7 all of the obligations, including the new obligations  
8 as CAO if he -- if he did not have the assistance of  
9 an EMC. You would have understood that?

10 MS. MARTA PROCTOR: I understood that  
11 that was his choice, to -- to manage the competing  
12 responsibilities and a way to assist him.

13 MR. FREDERICK CHENOWETH: Very good.  
14 So, I take it you would have thought that the creation  
15 of the EMC was an -- an understandable thing to do at  
16 that time and for Mr. Houghton to request given his --  
17 given his responsibilities that he had?

18 MS. MARTA PROCTOR: I -- I can't speak  
19 to that. That's not my area of responsibility or --  
20 or scope.

21 MR. FREDERICK CHENOWETH: Okay. But  
22 in any event, I had the impression Mr. Houghton sat  
23 you down at -- at one (1) juncture and explained what  
24 the EMC was about and what it was attempting to  
25 accomplish?

1 MS. MARTA PROCTOR: Yes.

2 MR. FREDERICK CHENOWETH: And you were  
3 content with that explanation?

4 MS. MARTA PROCTOR: Yes.

5 MR. FREDERICK CHENOWETH: All right.  
6 And you made every effort to make your relationship  
7 with the EMC a successful one?

8 MS. MARTA PROCTOR: Absolutely.

9 MR. FREDERICK CHENOWETH: All right.  
10 And it was a little different, no question, then, the  
11 situation where there was simply, as was the case with  
12 Kim Wingrove, one (1) single CAO, but this was a new  
13 arrangement, but under all the circumstances, a  
14 sensible arrangement and one (1) you were prepared to  
15 deal with?

16 MS. MARTA PROCTOR: One (1) I was  
17 prepared to deal with.

18 MR. FREDERICK CHENOWETH: Thank you.

19

20 (BRIEF PAUSE)

21

22 MR. FREDERICK CHENOWETH: Now, I'd ask  
23 you -- as if we could turn up -- if we could, please,  
24 TOC0155056, which I believe is a letter written by  
25 Kevin Lloyd.

1 THE HONOURABLE FRANK MARROCCO: Just a  
2 second, you say you thought it was written by...?

3 MR. FREDERICK CHENOWETH: Kevin Lloyd.

4 THE HONOURABLE FRANK MARROCCO: Looks  
5 like this is from Marta Proctor.

6 MR. FREDERICK CHENOWETH: Maybe go  
7 down a little further then, if we could. There we go.

8 THE HONOURABLE FRANK MARROCCO: Yeah.

9

10 CONTINUED BY MR. FREDERICK CHENOWETH:

11 MR. FREDERICK CHENOWETH: If we could  
12 review -- allow the witness an opportunity to review  
13 the whole letter from Kevin Lloyd, if we could,  
14 please.

15

16 (BRIEF PAUSE)

17

18 MR. FREDERICK CHENOWETH: Further  
19 down. Just -- if you'd have a look at that, Witness,  
20 and review as we go.

21 THE HONOURABLE FRANK MARROCCO: Well -  
22 - well, just a minute. Make sure that the witness had  
23 an opportunity to read it before you start moving.

24 MS. MARTA PROCTOR: Thank you. I'm  
25 good right here for now. Thanks.

1

2 CONTINUED BY MR. FREDERICK CHENOWETH:

3 MR. FREDERICK CHENOWETH: And the date  
4 of that email, as I understand it, was the 8th day of  
5 May.

6 Can we just go back up to see the date  
7 of the email? Thank you.

8 And again, bring the email up so the  
9 witness can have a look at it.

10

11 (BRIEF PAUSE)

12

13 MR. FREDERICK CHENOWETH: And you  
14 would have had a -- you would have had an opportunity  
15 to review this email, I think you told us in your  
16 evidence-in-chief.

17 MS. MARTA PROCTOR: I've reviewed a  
18 lot of the information, but I didn't retain all of it  
19 and didn't see all of it, so I -- I'm reading it right  
20 now.

21 MR. FREDERICK CHENOWETH: All right.  
22 But you would have had a chance to see that --

23 THE HONOURABLE FRANK MARROCCO: I  
24 wonder if we could just let the witness read it first  
25 and then ask a question.

1 MR. FREDERICK CHENOWETH: Certainly.

2

3 (BRIEF PAUSE)

4

5 MS. MARTA PROCTOR: If we could move  
6 up, please.

7

8 (BRIEF PAUSE)

9

10 MS. MARTA PROCTOR: Okay. Read the --  
11 this email.

12

13 CONTINUED BY MR. FREDERICK CHENOWETH:

14 MR. FREDERICK CHENOWETH: Thank you.

15 And this was an email you would have had occasion to  
16 see in or about May 8th of 2012 when it came out?

17 MS. MARTA PROCTOR: I believe so.

18 MR. FREDERICK CHENOWETH: Thank you.

19 And you would have been aware at that time that it --  
20 at least one (1) of the Councillors, in this case  
21 Kevin Lloyd, is saying that:

22 "I hate to be the one who rains on  
23 anyone's parade, however, we must be  
24 pragmatic. I believe the project  
25 will not fly at a price tag of \$35

1 million today. We can get what the  
2 public wants now and complete the  
3 vision over time."

4 So you would have been aware, at least  
5 as early as May, that there were some who were asking  
6 questions about the appropriateness of proceeding with  
7 the full MURF project at that time?

8 MS. MARTA PROCTOR: Correct.

9 MR. FREDERICK CHENOWETH: All right.  
10 And again who were expressing the view that the cost  
11 of that project was -- was possibly be -- beyond the  
12 reach of the Town as of that period of time, and this  
13 is written in May of -- of -- of 2012.

14 MS. MARTA PROCTOR: Correct.

15 MR. FREDERICK CHENOWETH: All right.  
16 And you also would have had occasion, I think you told  
17 us, to -- to see the email of Councillor Rick Lloyd of  
18 June 14, and I think that's TOC0177 -- 017221.

19 Could we pull that up, if we could,  
20 please?

21

22 (BRIEF PAUSE)

23

24 COURT OPERATOR: Sorry, counsel, could  
25 you repeat the number?

1 MR. FREDERICK CHENOWETH: Yes, I can.  
2 It's -- I believe it's TOC017221, I believe.

3

4 (BRIEF PAUSE)

5

6 MR. FREDERICK CHENOWETH: Let me try  
7 again. TOC0172221. Thank you.

8

9 (BRIEF PAUSE)

10

11 CONTINUED BY MR. FREDERICK CHENOWETH:

12 MR. FREDERICK CHENOWETH: And could  
13 you take an opportunity to read that -- that email,  
14 which is June 14th -- June 14th, 2012.

15

16 (BRIEF PAUSE)

17

18 MS. MARTA PROCTOR: I've read the  
19 email.

20

21 (BRIEF PAUSE)

22

23 MS. MARTA PROCTOR: Sorry, I've read  
24 the email.

25

MR. FREDERICK CHENOWETH: Thank you



1 very much.

2                   So you indicate that -- is it fair to  
3 say the -- the email requests that Mr. Houghton obtain  
4 prices to build a Sprung building over the Centennial  
5 Pool and to get one of their structures, i.e., Sprung,  
6 to cover the outdoor rink?

7                   That appears to be the request of  
8 Councillor Lloyd, the Deputy Mayor, on or about the  
9 14th of June --

10                   MS. MARTA PROCTOR:    Correct.

11                   MR. FREDERICK CHENOWETH:    -- 2012?  So  
12 it's -- it's pretty clear that when you told us at  
13 earlier times that your first recollection of -- of  
14 hearing anyone talk about the Sprung buildings was in  
15 a conversation you had with Deputy Mayor Lloyd on July  
16 12th -- July 12th at the opening of the new fire hall,  
17 that would be inaccurate in that it appears you would  
18 have known of the Sprung request for pricing, you were  
19 copied on this email, as early as June 14th, 2012.

20                   MS. MARTA PROCTOR:    You are correct.

21                   MR. FREDERICK CHENOWETH:    Very good,  
22 thank you.

23                   And you would have known as a result of  
24 a review of that email that, as with Kevin Lloyd, the  
25 email we just reviewed moments ago, in May there was

1 another councillor who obviously was wishing to look  
2 at alternatives and had concerns about -- about moving  
3 forward with the project suggested by the steering  
4 committee.

5 MS. MARTA PROCTOR: Yes. I heard  
6 through emails, that is correct.

7 MR. FREDERICK CHENOWETH: Very good.  
8 And -- and were you hearing any -- any -- any general  
9 buzz around the -- around the Council offices or  
10 anything of that nature at that time that suggested  
11 that there were people concerned about the cost and --  
12 and concerned about trying to bite off too much at  
13 that particular time --

14 MS. MARTA PROCTOR: Certainly I --

15 MR. FREDERICK CHENOWETH: -- the  
16 possibility of looking at -- at alternatives?

17 Did you hear any buzz to that effect,  
18 around the -- around the Town?

19 MS. MARTA PROCTOR: I can -- there  
20 were two (2) questions there. Around Town, around the  
21 Council offices --

22 MR. FREDERICK CHENOWETH: Well, I --

23 MS. MARTA PROCTOR: -- so --

24 MR. FREDERICK CHENOWETH: Let's --  
25 let's take them one (1) at a time. Around -- around

1 Council.

2 MS. MARTA PROCTOR: There weren't  
3 really Council offices. Councillors didn't sit in  
4 office here, but clearly there were emails that  
5 started circulating and --

6 MR. FREDERICK CHENOWETH: Yes.

7 MS. MARTA PROCTOR: -- again, as I  
8 stated before, my direction should come from Council  
9 as a whole, and any time there was direction from  
10 Council as a whole I would act on that.

11 MR. FREDERICK CHENOWETH: I noticed  
12 that.

13 My point is that you would have  
14 understood from at least Kevin Lloyd's document and  
15 the document of June 14th that there were Councillors  
16 who were beginning to look at other alternatives.

17 MS. MARTA PROCTOR: In my previous  
18 experience, Councillors would give direction to staff  
19 to look at other alternatives.

20 MR. FREDERICK CHENOWETH: I understand  
21 that that's your position.

22 MS. MARTA PROCTOR: M-hm.

23 MR. FREDERICK CHENOWETH: My question  
24 is different than that.

25 Did you know as a result of these two

1 (2) emails that we've looked at, that there was  
2 Councillors who were beginning to consider  
3 alternatives to the steering committee report?

4 MS. MARTA PROCTOR: Yes.

5 MR. FREDERICK CHENOWETH: Thank you  
6 very much.

7 One (1) further document, and again  
8 we'll look at -- at -- at paragraph 192, if we could,  
9 of the Foundation Document.

10

11 (BRIEF PAUSE)

12

13 MR. FREDERICK CHENOWETH: Just before  
14 we do that, in response to Mr. Rick Lloyd's email, you  
15 did send a further email. And maybe we could pull it  
16 up at this time. It's TOC0172248.

17

18 (BRIEF PAUSE)

19

20 MR. FREDERICK CHENOWETH: And that's  
21 the top email. You would have sent an email on or  
22 about the 14th of June to Dennis Seymour and Darin  
23 Potts?

24 MS. MARTA PROCTOR: That is correct.

25 MR. FREDERICK CHENOWETH: Have I got

1 it right that Dennis Seymour is managing the pool and  
2 Darin Potts is managing -- I'm sorry, is managing the  
3 arena, Dennis Seymour is, and Darin Potts is managing  
4 the pool? Have I got that right?

5 MS. MARTA PROCTOR: No. Dennis  
6 Seymour --

7 MR. FREDERICK CHENOWETH: Okay.

8 MS. MARTA PROCTOR: -- is our manager  
9 of facilities --

10 MR. FREDERICK CHENOWETH: Yes.

11 MS. MARTA PROCTOR: -- or was, at that  
12 time, and Darin --

13 MR. FREDERICK CHENOWETH: That would  
14 include the arena?

15 MS. MARTA PROCTOR: That's correct.

16 MR. FREDERICK CHENOWETH: Thank you.

17 MS. MARTA PROCTOR: And Darin Potts  
18 looked after our bookings, and we --

19 MR. FREDERICK CHENOWETH: Your...?

20 MS. MARTA PROCTOR: Bookings, rental  
21 permits.

22 MR. FREDERICK CHENOWETH: Good. Okay.  
23 Thank you. In any event, I take it you sent this  
24 email to these two (2) individuals as a course of  
25 action to follow, once you saw the June 14th email of

1 Rick Lloyd.

2 Is that fair?

3 MS. MARTA PROCTOR: That's correct.

4 MR. FREDERICK CHENOWETH: All right.

5 And you were -- asked them to -- to get some  
6 approximate pricing with respect to both of those  
7 concepts?

8 MS. MARTA PROCTOR: That's correct.

9 MR. FREDERICK CHENOWETH: And you sent  
10 them the email from Mr. Lloyd?

11 MS. MARTA PROCTOR: Correct.

12 MR. FREDERICK CHENOWETH: And is it  
13 fair to -- to assume that as a result of your sending  
14 them that -- that brief email, that one (1) of the  
15 places they might go to find out approximate pricing  
16 would be to Sprung, the organization that was  
17 mentioned in the email of Mr. Lloyd?

18 MS. MARTA PROCTOR: It would be, yes.

19 MR. FREDERICK CHENOWETH: So you  
20 wouldn't be surprised if they went off and -- and  
21 asked a series of questions of Sprung?

22 MS. MARTA PROCTOR: Yes, they could  
23 have.

24 MR. FREDERICK CHENOWETH: Thank you.

25

1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: Indeed, you  
4 also wrote another email, again dated June 14th, on  
5 that day to Ed Houghton. And that is email  
6 TOC0172251, TOC0172251. Could you pull that up,  
7 please?

8

9 (BRIEF PAUSE)

10

11 MS. MARTA PROCTOR: Yes, I see the  
12 email.

13 MR. FREDERICK CHENOWETH: All right.  
14 And you've had an opportunity to read it?

15 MS. MARTA PROCTOR: Yes, I have.

16 MR. FREDERICK CHENOWETH: All right.  
17 Thank you. No doubt that again, in spite of your view  
18 that the email of Mr. Lloyd was inappropriate, your  
19 oft-expressed view that -- that you wanted direction  
20 to come from Council, you were -- you were assisting  
21 Mr. Houghton and telling him in furtherance of the  
22 request that you got from Mr. Lloyd, or that you saw  
23 from Mr. Lloyd, that you had some previous work that  
24 had been done in this area?

25 MS. MARTA PROCTOR: You are correct.

1 And as a point of clarification, if I could ask, I  
2 seem to recall now as I'm going through this that the  
3 fire hall opening preceded all this, not afterwards.  
4 So I don't have that recollection clearly, but I  
5 recall the sin -- me discussing covering options  
6 before, but I could be wrong. So again, those dates  
7 are confused for me, all right?

8 MR. FREDERICK CHENOWETH: Well, maybe  
9 other things will tell us that, but my information is  
10 that the fire hall opening was July 12th.

11 MS. MARTA PROCTOR: Okay.

12 MR. FREDERICK CHENOWETH: But in any  
13 event, we'll leave that to other times and weigh your  
14 evidence in -- in light of that. But --

15 MS. MARTA PROCTOR: Thank you.

16 MR. FREDERICK CHENOWETH: -- no  
17 question that in spite of your view of Mr. -- Mr.  
18 Lloyd's approach to these matters --

19 MS. MARTA PROCTOR: M-hm.

20 MR. FREDERICK CHENOWETH: -- you  
21 proceeded to respond to his email. You got Seymour  
22 and others to -- to make some inquiries about price,  
23 and you told Mr. Houghton that you had some  
24 information that may be of assistance in responding to  
25 Mr. Lloyd's request, correct?



1 MS. MARTA PROCTOR: Correct.

2 MR. FREDERICK CHENOWETH: Thank you.

3

4 (BRIEF PAUSE)

5

6 MR. FREDERICK CHENOWETH: And one (1)  
7 more note, looking at paragraphs 192 of -- of the  
8 Foundation Document...

9

10 (BRIEF PAUSE)

11

12 MR. FREDERICK CHENOWETH: Actually,  
13 it's 193. Could you pull that up?

14

15 (BRIEF PAUSE)

16

17 MR. FREDERICK CHENOWETH: This appears  
18 to be a comment of the mayor in a news article.

19 Sandra Cooper says:

20 "Whether to go forward with Central  
21 Park, Cooper said, 'I think there  
22 will be other options that come  
23 forward. The task force has been  
24 notified and thanks for the work --  
25 and thanked for the work that they'd

1 -- been done.' [She goes on to say]  
2 'It's too much money,' [Cooper  
3 said.] 'I've said that all along.  
4 It's too much money.'"

5 Did you become familiar with that news  
6 article and/or the views of -- of the mayor, Sandra  
7 Cooper, on or about July 16th, when she's saying it  
8 looks like it's too much money, the MURF project?

9 MS. MARTA PROCTOR: I was aware of the  
10 article.

11 MR. FREDERICK CHENOWETH: Yes. So we  
12 need -- we now seem to having -- to be having a -- a  
13 rather substantial crew of Councilors as high up as  
14 the mayor who were expressing some concerns about the  
15 appropriateness of -- of proceeding at this time with  
16 the full \$35 million MURF project suggested by the  
17 Steering Committee.

18 Then you would have been aware of that?

19 MS. MARTA PROCTOR: Correct.

20 MR. FREDERICK CHENOWETH: Thank you.

21 THE HONOURABLE FRANK MARROCCO: Mr.  
22 Chenoweth, if you're -- if you're moving on to another  
23 point --

24 MR. FREDERICK CHENOWETH: I am, sir.

25 Thank you.

1 THE HONOURABLE FRANK MARROCCO: Well,  
2 it's four o'clock, and, you know, we've got to be out  
3 of here by 4:00 because the Council meeting's tonight,  
4 so maybe that's a good place to stop?

5 MR. FREDERICK CHENOWETH: Thank you,  
6 Your Honour, it is.

7 THE HONOURABLE FRANK MARROCCO: All  
8 right. Can we start tomorrow at 9:00? Does that work  
9 for everybody? Okay. It's tomorrow at 9:00, and Ms.  
10 Proctor, don't -- don't discuss your evidence with  
11 anybody from now until tomorrow morning to avoid any  
12 confusion or suggestion that people are influencing  
13 your testimony.

14 MS. MARTA PROCTOR: Okay. Thank you.

15 THE HONOURABLE FRANK MARROCCO: Yeah.  
16 Thank you.

17 MR. FREDERICK CHENOWETH: Thank you,  
18 Your Honour.

19

20 (WITNESS RETIRES)

21

22 --- Upon adjourning at 4:02 p.m.

23

24

25

1

2 Certified Correct,

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6 \_\_\_\_\_

7 Wendy Woodworth, Ms.

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<p> <hr/>                 \$  <b>\$1,164,281</b>                  152:11  <b>\$1.15</b>                  173:25  <b>\$35</b> 206:25                  218:16  <b>\$4</b> 176:16  <b>\$44,000</b>                  33:24  <b>\$7,392,000</b>                  172:14  <b>\$7,632,124</b>  <b>.29</b>                  172:21  <hr/>                 0  <hr/> <b>017221</b>                  207:18  <hr/>                 1  <hr/> <b>1</b> 8:8,20                  36:10                  42:1                  53:17                  56:17                  57:9                  63:25                  78:24                  81:5                  82:17                  86:7                  93:23                  94:24                  101:24                  116:4,6                  122:5                  139:1                  166:10                  179:24                  181:4                  186:9                  188:12                  198:5,12                  202:23                  203:12,14                  ,16                  206:20             </p>	<p>                 210:25                  212:7                  214:14                  217:6  <b>1.15</b> 174:5  <b>1.164</b>                  174:3                  194:7  <b>1:00</b>                  138:23  <b>10</b> 34:20                  145:1                  152:8                  188:20                  190:8                  194:9,11                  196:13                  200:21  <b>10,165,475</b>                  194:9  <b>10:09</b> 5:1  <b>100</b> 38:13  <b>103</b> 48:3  <b>105</b> 48:20  <b>10th</b> 201:4  <b>11.1</b>                  172:15                  174:7                  175:24  <b>11:18</b>                  64:13  <b>11:31</b>                  64:14  <b>11th</b> 38:23                  39:6 48:7                  50:12                  64:22  <b>12</b> 145:1  <b>12,000</b>                  19:22  <b>12.3</b>                  172:15                  174:7                  175:24             </p>	<p>                 194:12,13  <b>12:55</b>                  132:1  <b>12th</b> 25:6                  49:22                  50:22                  60:19                  209:16                  216:10  <b>135</b> 65:1                  71:11  <b>13th</b> 50:8  <b>14</b> 207:18  <b>140</b> 38:24                  71:17  <b>142</b> 72:8  <b>143</b> 46:8                  51:20                  72:8  <b>14th</b> 53:2                  55:10,21                  208:14                  209:9,19                  211:15                  212:22                  213:25                  215:4  <b>15</b> 188:20  <b>152</b> 60:16  <b>155</b> 49:18  <b>1561</b> 4:3  <b>1562</b> 4:4  <b>1563</b> 4:5  <b>1564</b> 4:6  <b>1565</b> 4:7  <b>1566</b> 4:8  <b>1567</b> 4:9  <b>1568</b> 4:10  <b>1569</b> 4:11  <b>157</b> 50:7  <b>1570</b> 4:12  <b>1571</b> 4:13             </p>	<p> <b>1572</b> 4:14  <b>1573</b> 4:15  <b>1574</b> 4:16  <b>1575</b> 4:17  <b>1576</b> 4:18  <b>1577</b> 4:19  <b>1578</b> 4:20  <b>1579</b> 4:21  <b>1580</b> 4:22  <b>159</b> 52:21                  58:11  <b>15th</b> 140:2  <b>166</b> 54:4                  55:18                  58:19  <b>16th</b> 64:24                  78:20                  80:3 81:3                  83:9,13                  92:11                  94:9,12                  96:21,22                  98:8                  103:24                  142:25                  143:7,23                  185:4,22                  218:7  <b>175</b> 83:14  <b>176</b> 84:18  <b>177</b> 86:9  <b>17th</b>                  103:24                  146:15                  151:21  <b>183</b> 87:4  <b>18th</b>                  48:8,10                  153:13                  154:25  <b>192</b> 212:8                  217:7  <b>193</b> 217:13             </p>	<p> <b>196</b> 3:7                  93:8,22  <b>1987</b> 6:16  <b>19th</b> 84:9                  108:12                  159:16  <hr/>                 2  <hr/> <b>2</b> 7:18                  16:10                  34:22                  37:6                  65:12                  81:4,10                  82:5,9                  86:16                  104:3                  128:24                  132:25                  135:8                  139:13                  142:15                  148:6                  168:19                  170:20                  179:17                  184:6,10                  186:3,10                  187:18                  197:22                  198:14                  210:20                  212:1                  213:24  <b>2:00</b>                  131:24  <b>2:09</b> 132:2  <b>20</b> 71:8                  130:3                  149:20,23                  150:6  <b>2010</b> 10:14                  94:4                  128:19                  200:7,10,                  17,22  <b>2011</b> 14:20  <b>2012</b> 10:18             </p>
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