



TOWN OF COLLINGWOOD

JUDICIAL INQUIRY

Before:

Associate Chief Justice Frank Marrocco

Held at:

Collingwood Town Hall

Council Chambers

97 Hurontario Street

Collingwood, Ontario

April 18th, 2019

1 APPEARANCES

2

3 Kate McGrann ) Inquiry Counsel

4 John Mather ) Associate Inquiry

5 ) Counsel

6

7 Michael Watson ) Alectra Utilities

8 Belina Bain ) Corporation

9

10 (No Counsel) ) For Paul Bonwick

11

12 George Marron ) For Sandra Cooper

13

14 (No Counsel) ) For Timothy Fryer

15

16 Frederick Chenoweth ) For Edwin Houghton

17

18 William McDowell (np) ) For Town of Collingwood

19 Ryan Breedon )

20

21 Patrick Gajos (np) ) For Collus PowerStream

22 ) Corporation

23

24

25

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1 --- Upon commencing at 10:02 a.m.

2

3 THE HONOURABLE FRANK MARROCCO: Before  
4 we continue with Ms. Wingrove, I'm going to try  
5 something a little different. I'm going to break at  
6 11:00 for ten (10) minutes, and break at 12:00 for ten  
7 (10) minutes to see if that's easier on the witness,  
8 and also gives whoever's cross-examining an  
9 opportunity to reorganize.

10

11 KIMBERLY WINGROVE, Previously Sworn

12

13 CONTINUED EXAMINATION-IN-CHIEF BY MS. KATE MCGRANN:

14 MS. KATE MCGRANN: Good morning, Ms.  
15 Wingrove.

16 MS. KIMBERLY WINGROVE: Good morning.

17 MS. KATE MCGRANN: I'd like to start  
18 by turning to paragraph 207 of the foundation  
19 document.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: Paragraph...

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: This paragraph  
2 discusses some email correspondence in June 2011. In  
3 particular, I'd like to draw your attention to the  
4 sentence in the middle of the paragraph that reads:

5 "On June 22, 2011, Mayor Cooper's  
6 executive assistant invited Ed  
7 Houghton, Deputy Mayor Lloyd, Dean  
8 Muncaster, and CAO Wingrove to an  
9 introductory meeting with Brian  
10 Bentz. Mr. Bentz extended the  
11 imitation to Barrie Mayor and  
12 PowerStream Chair Jeff Lehman."

13 Do you remember being invited to this  
14 meeting on June 22nd, 2011?

15 MS. KIMBERLY WINGROVE: I do recall  
16 that meeting, yes.

17 MS. KATE MCGRANN: What can you tell  
18 us about that meeting?

19 MS. KIMBERLY WINGROVE: I'm afraid my  
20 memory of that particular meeting is not very fulsome.  
21 I recall that it took place. I recall that it was of  
22 an introductory nature, that there were discussions of  
23 the PowerStream company and -- and the work that they  
24 did.

25 MS. KATE MCGRANN: I'd like to -- to

1 explore your memory of this meeting a little bit  
2 further. On -- before you attended the meeting, what  
3 did you understand the purpose of the meeting was?

4 MS. KIMBERLY WINGROVE: It -- it was  
5 an introduction. It was a -- a meeting to introduce  
6 these folks to us. It was not -- the -- the specific  
7 purpose of it was not entirely clear to me, but this  
8 would not have been necessarily a unique situation.

9 I -- I was at times called into  
10 meetings, sometimes on very short notice, without  
11 having been fully briefed on the nature of it. It  
12 was, I guess, meant that it would become clear.

13 MS. KATE MCGRANN: Do you remember  
14 asking yourself at the time why you were being called  
15 to an introductory meeting with PowerStream?

16

17 (BRIEF PAUSE)

18

19 MS. KIMBERLY WINGROVE: I wish that my  
20 -- my memory was more precise in -- in this matter.  
21 Certainly, you know, given the earlier discussion with  
22 -- with Mr. Houghton regarding moving forward with  
23 some further thoughts, you know, with regard to  
24 Collus, I made some assumptions that -- that there  
25 wouldn't be some relationship, but it certainly was

1 not clear to me that there was a specific purpose to  
2 this meeting.

3 MS. KATE MCGRANN: Do you recall who  
4 else attended the meeting?

5 MS. KIMBERLY WINGROVE: The -- the  
6 people that are noted here. I -- I recall Mayor  
7 Cooper, Deputy Mayor Lloyd, Ed, myself, and Jeff  
8 Lehman, Brian Bentz. I -- don't recall anyone else.  
9 I don't recall Mr. Muncaster being there.

10 MS. KATE MCGRANN: Is there anything  
11 else that you can tell us about what was said at the  
12 meeting?

13 MS. KIMBERLY WINGROVE: It -- it's not  
14 a -- it's -- it was not a meeting that -- that stuck  
15 out in my mind as providing any information that was  
16 concerning to me or of a -- a various specific nature.

17 MS. KATE MCGRANN: Okay. You've  
18 mentioned this morning the meeting that you had with  
19 Mr. Houghton, where he discussed potential options for  
20 Collus Power. The last time we were here, you talked  
21 about a meeting you had with Mr. Bonwick, where he let  
22 you know that he would be doing some work for  
23 PowerStream.

24 At any time after you were invited to  
25 this meeting, did you draw any connections in your



1 mind between your meeting with Mr. Bonwick about  
2 PowerStream, your meeting with Mr. Houghton about  
3 Collus Power, and this meeting that you attended with  
4 representatives of PowerStream?

5 MS. KIMBERLY WINGROVE: Certainly, I  
6 think as I mentioned when I spoke the last time, it  
7 was something that -- that would give you -- give --  
8 gave me some pause, but again, I -- without the  
9 benefit of any other information, I -- I really did,  
10 at that point, think that Mr. Bonwick intended to do  
11 as he said he would, which was to provide  
12 communication advice to PowerStream. It -- it didn't  
13 go farther than that.

14 MS. KATE MCGRANN: Did you speak to  
15 anyone about this meeting after you attended it?

16 MS. KIMBERLY WINGROVE: I don't  
17 believe so.

18 MS. KATE MCGRANN: And did you take  
19 any specific steps in response to having attended this  
20 meeting?

21 MS. KIMBERLY WINGROVE: No, I did not.

22 MS. KATE MCGRANN: I'd like to turn to  
23 document ALE192.

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: This is a June 7th,  
2 2011 letter from PowerStream to Mr. Bonwick regarding  
3 a consulting engagement. The letter begins:

4 "Dear Paul, this letter will serve  
5 as our agreement with respect to the  
6 services and the terms and  
7 conditions upon which you, as  
8 principal of Compenso  
9 Communications, Inc., will provide  
10 services to PowerStream."

11 Did you see this letter at any point  
12 between June 7th, 2011, and July 31st, 2012?

13 MS. KIMBERLY WINGROVE: No, I did not.

14 MS. KATE MCGRANN: Have you seen a  
15 copy of it since then?

16 MS. KIMBERLY WINGROVE: Only within  
17 the materials that were provided to me.

18 MS. KATE MCGRANN: Would you scroll  
19 down the page, please. I want to talk to you about  
20 the information that Mr. Bonwick gave you about the  
21 work he would be doing with PowerStream in reference  
22 to this letter.

23 Could you scroll up a little bit so we  
24 can just see the tit -- perfect, background -- in the  
25 background section, this letter says that PowerStream

1 was committed to pursuing growth opportunities by way  
2 of acquisitions and/or mergers involving other Ontario  
3 local distribution companies. It goes on to say:

4 "The Honourable Paul Bonwick, as a  
5 principal of CCI, has expertise on  
6 government relations and  
7 communications that may assist  
8 PowerStream in achieving its M&A  
9 objectives."

10 And it notes that he's a registered  
11 lobbyist.

12 At any point between June 2011 and July  
13 2012, did Mr. Bonwick or anyone else disclose to you  
14 that Mr. Bonwick was retained to assist PowerStream in  
15 achieving its M&A objectives with respect to other  
16 local distribution companies?

17

18 (BRIEF PAUSE)

19

20 MS. KIMBERLY WINGROVE: I do -- I  
21 don't recall those specific terms ever being used.

22 MS. KATE MCGRANN: Do you recall that  
23 concept being disclosed to you?

24 MS. KIMBERLY WINGROVE: As I mentioned  
25 earlier, my meeting with Mr. Bonwick was very brief.

1 He informed me that he'd been engaged by PowerStream  
2 and would be working with them. The extent and the  
3 exact nature of those activities was not clear to me.

4 MS. KATE MCGRANN: Can you scroll down  
5 so that the scope of work heading's at the top of the  
6 page.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Would you take a  
11 second to read the first two (2) bullet points under  
12 this heading?

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: Did Mr. Bonwick  
17 disclose that he would be doing the kinds of  
18 activities that are set out in the first two (2)  
19 bullet points here to you at any point between June  
20 2011, and July 2012?

21 MS. KIMBERLY WINGROVE: No, he did  
22 not.

23 MS. KATE MCGRANN: Did anybody else  
24 disclose to you that Mr. Bonwick would be doing this  
25 kind of work for PowerStream during that time period?

1 MS. KIMBERLY WINGROVE: No, he did  
2 not.

3 MS. KATE MCGRANN: If we scroll down  
4 to the next page, we'll just finish off with the areas  
5 under that heading. There are three (3) more bullet  
6 points here. Would you take a look at those?

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Did Mr. Bonwick or  
11 anybody else disclose to you that he would be doing  
12 this kind of work for PowerStream during the period  
13 between June 2011 and July 2012?

14 MS. KIMBERLY WINGROVE: The strategic  
15 advice relating to communications is certainly what  
16 was explained to me.

17 MS. KATE MCGRANN: And with respect to  
18 the other two (2) bullet points?

19 MS. KIMBERLY WINGROVE: Assisting in  
20 the preparation of proposals that PowerStream intends  
21 to submit was absolutely not discussed with me. And  
22 as I -- as I mentioned, the specific mergers and  
23 acquisitions term was never used in a conversation  
24 with me.

25 MS. KATE MCGRANN: Okay. Could you

1 scroll down so that the methodology and deliverables  
2 header is at the top? I'd ask you to review the first  
3 two (2) sections that you can see in the page here,  
4 where it says, "while executing this retainer, CCI,"  
5 which is Compenso, and:

6 "Bonwick shall undertake the  
7 following: build the case and  
8 enhance the profile, develop a  
9 personalized contact program."

10 Would you take a look at those and let  
11 us know if at any point between June 2011 and July  
12 2012, this information was disclosed to you?

13 MS. KIMBERLY WINGROVE: No, it was  
14 not.

15 MS. KATE MCGRANN: Just scroll down so  
16 that "access key decision makers" is at the top. I'll  
17 ask you the same question about these two (2)  
18 paragraphs.

19

20 (BRIEF PAUSE)

21

22 MS. KIMBERLY WINGROVE: Certainly not  
23 the access key decision-makers point. And -- and the  
24 term issues monitoring was never used either.

25 MS. KATE MCGRANN: Issues monitoring

1 says that CCI is in -- that the -- in detail  
2 underneath, it says that:

3 "CCI is in constant contact with  
4 municipal government leaders, and as  
5 such, is able to monitor and report  
6 on any changes or opportunities that  
7 may arise. As your early warning  
8 system, our intelligence gathering  
9 will help prepare you to respond to  
10 any potential critical challenges  
11 brought forward regarding this  
12 approach."

13 Was that disclosed to you?

14 MS. KIMBERLY WINGROVE: No, it was  
15 not.

16 MS. KATE MCGRANN: If this information  
17 had been disclosed to any point between June 2011 and  
18 July 31st, 2012, what would your reaction to it have  
19 been?

20 MS. KIMBERLY WINGROVE: I would have  
21 been, I think, extremely concerned that the idea of  
22 being retained to provide access to municipal  
23 officials, especially in a -- in a time where there  
24 was the potential for a -- a transaction between the  
25 parties, that simply would not have -- have passed my

1 own perception of what was correct. And I think I --  
2 I would have made that known, that -- that was just  
3 not possible to do.

4 I would have -- if I can continue, I --  
5 I would have definitely engaged with the Town's legal  
6 counsel, if that had been brought to my attention, and  
7 would have asked for their advice about how best to  
8 proceed.

9 MS. KATE MCGRANN: And when you refer  
10 to the Town's legal counsel, who are you referring to?

11 MS. KIMBERLY WINGROVE: Aird & Berlis,  
12 Leo Longo and John Mascarin.

13 MS. KATE MCGRANN: Would you just  
14 scroll to the bottom of this letter. Perfect, thank  
15 you.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: Ms. Wingrove, I'm  
20 going to turn now to June 27th, 2011 Council meeting.  
21 I'm going to ask to -- the minutes of that meeting,  
22 TOC516351 be shown on the screen.

23

24 (BRIEF PAUSE)

25



1 MS. KATE MCGRANN: These are the  
2 minutes of an in camera session of Council that was  
3 held on June 27th, 2011. If you scroll down the page  
4 a little bit, were you in -- in -- thank you, a little  
5 bit more. Staff present; you're listed as attending  
6 here, Kim Wingrove, chief administrative officer.

7 Do you remember attending this meeting?

8 MS. KIMBERLY WINGROVE: Yes.

9 MS. KATE MCGRANN: And I under -- the  
10 -- I understand that a number of items were discussed  
11 at this meeting, but we're only interested in talking  
12 about the Collus Power property, the first item for  
13 discussion on the minutes.

14 Can you tell me what you remember about  
15 what was discussed about Collus Power at this meeting?

16 MS. KIMBERLY WINGROVE: I recall that  
17 Mr. Houghton and Mr. Fryer made a presentation to  
18 Council where they talked about the current state of  
19 Collus Power, that the -- again, reiterating the  
20 issues with regard to the perception that the Province  
21 was going to be looking to further amalgamate local  
22 utilities, that there was a -- a call for action.

23 It was that it -- that Council should  
24 take careful consideration of moving forward with some  
25 direction to get out ahead of what was purported to be

1 action that could be expected by the -- the Province  
2 that might not be exactly what the Town of Collingwood  
3 or -- or Collus would be looking for.

4 There was a great deal of discussion at  
5 the table about what this would mean, and -- and how  
6 such a -- a change could be pursued, if you will.

7

8 (BRIEF PAUSE)

9

10 MS. KIMBERLY WINGROVE: They -- Ed and  
11 Tim, they -- they gave their presentation. They spoke  
12 to wanting to move forward, and -- and seeking  
13 Council's support to move forward with exploring  
14 options for Collus's future.

15 MS. KATE MCGRANN: The minutes don't  
16 reflect that Council gave any instruction or direction  
17 about what to do next. They indicate that Mr.  
18 Houghton will -- will do a study, following the  
19 completion of this study, provide a detailed report.

20 Do you remember if Council provided  
21 instruction or direction with respect to the issues  
22 that were discussed at this meeting?

23 MS. KIMBERLY WINGROVE: I'm afraid I  
24 don't recall the -- the exact direction that Council  
25 provided. I -- I just -- I do recall that there was a

1 lot of back-and-forth discussion at -- at the table  
2 around what the most appropriate course of action  
3 could be.

4 MS. KATE MCGRANN: Do you remember the  
5 different courses of action that were being discussed?

6 MS. KIMBERLY WINGROVE: Well, it -- it  
7 largely centred on whether we should be looking to  
8 sell Collus or enter into some sort of a -- a  
9 partnership arrangement where we retained 50 percent,  
10 or 50 percent plus one (1) of -- of the Utility, and -  
11 - and the -- really, the financial implications of  
12 that. What sort of financial benefit might this  
13 provide to the Town.

14 MS. KATE MCGRANN: Do you recall if  
15 any consensus was reached as a result of those  
16 discussions about which option should be pursued?

17 MS. KIMBERLY WINGROVE: At the end of  
18 it all, I felt that there -- the consensus leaned  
19 towards a partnership arrangement, that there was not  
20 the same degree of comfort with a -- a complete sale  
21 of the Utility.

22 MS. KATE MCGRANN: And how did you  
23 gain that understanding? What did you base that on?

24 MS. KIMBERLY WINGROVE: That was  
25 simply my -- my recollection of how the conversation

1 ended up, that the idea of selling Collus outright was  
2 discussed but was not -- as a group they didn't feel  
3 that that was the most beneficial option for the Town.  
4 There was such a strong -- there was a lot of pride  
5 about Collus and a lot of care purportedly for the  
6 employees, and -- and some of the financial  
7 arrangements with regard to dividends, et cetera.  
8 They felt that there was value in retaining that.

9 MS. KATE MCGRANN: I'm going to turn  
10 to paragraph 214 of the Foundation Document, and  
11 actually what I'd like to look at are the two  
12 (2)slides that are reproduced above that paragraph.  
13 So looking at this first slide, this is a slide from a  
14 presentation that we understand was given during the  
15 in camera session of the June 27th, 2011, meeting.

16 Do you recognize this slide?

17 MS. KIMBERLY WINGROVE: I certainly --  
18 I certainly recognize the template of the slide. It  
19 looks familiar to me. I know I've seen it before.

20 MS. KATE MCGRANN: Looking at Point  
21 No. 1, it discusses the intention to identify and  
22 investigate potential parties interested in the  
23 opportunities surrounding the strategic partnership  
24 option, and it says that Ed Houghton should speak with  
25 potential strategic partners to determine/stimulate

1 levels of interest.

2 Do you recall Council providing any  
3 instruction or direction that Mr. Houghton should do  
4 that?

5 MS. KIMBERLY WINGROVE: Not -- I don't  
6 -- I'm afraid I don't specifically recall that.

7 MS. KATE MCGRANN: Paragraphs 4 and 5  
8 discuss preparing a request for proposals for the end  
9 of August and that the RFP would be called for the end  
10 of October 2011.

11 Do you recall that being discussed at  
12 this meeting?

13 MS. KIMBERLY WINGROVE: Like, I  
14 certainly don't doubt the veracity of what's before  
15 me. I don't recall, I'm sorry, any specific  
16 discussion in that regard.

17 The one (1) thing I do remember was the  
18 discussion about the fact that there was going to be a  
19 provincial election and the necessity to get -- if we  
20 were going to make a change, that it was important to  
21 get out ahead of any potential change in policy or  
22 change in government.

23 MS. KATE MCGRANN: Looking at Point  
24 No. 3 on this slide, this discusses establishing a  
25 team comprised of the Collus Power Board, Mr.

1 Muncaster, Mayor Cooper, and independent director,  
2 David McFadden, Ed Houghton, Tim Fryer, yourself, and  
3 a Council representative, to meet with all interested  
4 strategic partners to outline the needs, wants, and  
5 desires.

6 Do recall being identified as -- as a  
7 person who should be a member of the team like the one  
8 (1)described here?

9 MS. KIMBERLY WINGROVE: While we all  
10 know that that was certainly what happened, I-- I  
11 don't -- I don't remember the specifics around how  
12 that particular composition came to be.

13 MS. KATE MCGRANN: I'm going to refer  
14 to this team in my questions to you for the next  
15 little bit as the Strategic Task Team.

16 MS. KIMBERLY WINGROVE: M-hm.

17 MS. KATE MCGRANN: Do you remember  
18 when you first learned that you were going to be a  
19 member of the Strategic Task Team?

20 MS. KIMBERLY WINGROVE: No, I don't.

21 MS. KATE MCGRANN: Do you remember who  
22 -- who spoke to you or how you found out that you were  
23 going to be a member of this team?

24 MS. KIMBERLY WINGROVE: My memory is  
25 that it was from -- Mr. Houghton communicated that to

1 me.

2 MS. KATE MCGRANN: Can you tell us  
3 anything you remember about how it was communicated to  
4 you?

5 MS. KIMBERLY WINGROVE: I don't  
6 specifically have -- I don't have a specific memory of  
7 when that was first communicated to me.

8 MS. KATE MCGRANN: At the time that  
9 you were advised that you were going to be a member of  
10 this team, why did you think you had been selected?

11 MS. KIMBERLY WINGROVE: I think in my  
12 -- in my role as the Town's Chief Administrative  
13 Officer, they were looking to me to attend to do  
14 exactly that, but represent the Town from a -- from a  
15 staff level and from an administrative or -- or  
16 process perspective.

17 MS. KATE MCGRANN: Was that explained  
18 to you or was that a -- an understanding that you came  
19 to on your own?

20 MS. KIMBERLY WINGROVE: That was an  
21 understanding I came to on my own. I have an  
22 extremely limited understanding of the specifics of  
23 operating a hydro utility. It would not have been for  
24 my vast expertise in that matter.

25 MS. KATE MCGRANN: Did you have prior

1 experience in running or being involved in an RFP  
2 process?

3 MS. KIMBERLY WINGROVE: Absolutely  
4 yes.

5 MS. KATE MCGRANN: What prior  
6 experience did you have in -- let me ask you this,  
7 sorry.

8 Did you have any prior experience in  
9 running an RFP process or a tender process for the  
10 Town of Collingwood?

11 MS. KIMBERLY WINGROVE: Yes.

12 MS. KATE MCGRANN: What prior  
13 experience did you have with respect to the Town?

14 MS. KIMBERLY WINGROVE: Putting RFPs  
15 and tenders out is -- is normal business for the Town  
16 and we would be letting RFPs or -- or tenders on a  
17 monthly basis, so I would have dealt with that the  
18 first month I was there and every other month since.

19 MS. KATE MCGRANN: We know that a two  
20 (2) envelope system was used for the responses for the  
21 RFP for Collus Power.

22 Had you seen that system used before in  
23 RFPs and tenders for the Town?

24 MS. KIMBERLY WINGROVE: Certainly it  
25 is a common practice to use a two (2) envelope process



1 for an RFP. The nature of RFPs is that they are  
2 somewhat subjective, that you are assessing the -- the  
3 quality and comprehensiveness of the -- the bidders'  
4 response to what you've asked for, so you want to be  
5 able to make an assessment of the proposals  
6 independent of what they might have been as far as  
7 what they were to charge you. That is something I'm  
8 very familiar with.

9 MS. KATE MCGRANN: When you say that  
10 an RFP is somewhat subjective, can you help me  
11 understand what you mean by that?

12 MS. KIMBERLY WINGROVE: Because of the  
13 -- the wording in -- in an RFP. RFPs are -- are  
14 normally used when you don't have a very specific and  
15 detailed knowledge of exactly what it is that you're  
16 looking for. You're not asking for forty-seven (47)  
17 screws and ten (10) bolts. It's something more  
18 service-oriented, and it could be delivered to you in  
19 a number of different ways by number of different  
20 processes, so you want -- and you are relying on the  
21 respondents to give you their best information about  
22 how they're interpreting your ask and what would, in  
23 their belief, be the -- the best course for you as the  
24 -- the person who's let the RFP.

25 MS. KATE MCGRANN: When you said it

1 could be delivered to you, were you referring to the  
2 response to the RFP or the subject matter in which the  
3 RFP --

4 MS. KIMBERLY WINGROVE: I'm sorry, the  
5 subject matter of the -- of the RFP.

6 MS. KATE MCGRANN: Turning back to  
7 your experience with other RFPs for the Town, the  
8 Collus RFP had a high level assigned, 70 percent  
9 weight to non-financial criteria and a 30 percent  
10 weight to financial criteria.

11 Is that -- was that your understanding?

12 MS. KIMBERLY WINGROVE: Yes.

13 MS. KATE MCGRANN: Had you seen that  
14 weighting used before in other RFPs that you were  
15 involved with for the Town?

16 MS. KIMBERLY WINGROVE: That -- that  
17 heavy weighting on the - on the service side of it  
18 versus the financial is not what I would consider  
19 common practice.

20 MS. KATE MCGRANN: What -- what was  
21 your experience with the weighting to be assigned as  
22 between service and the financial in the RFPs you had  
23 been involved in?

24 MS. KIMBERLY WINGROVE: Well, I -- I  
25 want to be very clear that at the time I -- now I'm

1 not quite two (2) years into my tenure with the Town  
2 and this is my first CAO's position, so I -- I didn't  
3 come here with extensive knowledge of -- of the  
4 municipal RFP process specifically.

5                   What I understood then, what my  
6 experience had been working with municipalities from  
7 the provincial side, when you're dealing with  
8 taxpayers' money, you're wanting to be very careful,  
9 and we were selling something that had a value to the  
10 Town. If all of -- if all the discussion was that we  
11 were trying to maximize the value of this asset,  
12 weighting the RFP so heavily on the services rather  
13 than the financial seems now in hindsight to be not in  
14 good alignment perhaps with what we were trying to do.

15                   MS. KATE MCGRANN: Okay. And we'll  
16 come back to that, your views on the weighting of the  
17 -- the value that was assigned to the Collus Power  
18 RFP.

19                   For now what I'd like to know is, in  
20 the RFPs that you had been involved in for the Town,  
21 what kind of weightings had you seen used as between a  
22 financial component and the -- the other components?

23                   MS. KIMBERLY WINGROVE: To be  
24 accurate, I -- I really would need to go back and --  
25 and look. There's such a variation depending on the

1 project at hand. I've seen 50-50, I've seen the  
2 service -- the financial side weighted much more  
3 heavily than -- than the service side, and -- and  
4 combinations thereof. The significance of the -- the  
5 project, its scope, and -- and the nature of it is  
6 really what plays into that decision of how to weight  
7 the criteria.

8 MS. KATE MCGRANN: I'd like to turn  
9 your attention to the first meeting of the Strategic  
10 Task Team, so can we turn to Foundation Document  
11 paragraph 239?

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: Using this  
16 paragraph to help situate us in time, and it discusses  
17 the fact that the Strategic Partnership Task Team  
18 first met on August 3rd, 2011. It lists you as a  
19 member who was in attendance.

20 Do you recall attending this meeting?

21 MS. KIMBERLY WINGROVE: Yes, I do.

22 MS. KATE MCGRANN: Was it your  
23 understanding that the discussions that took place at  
24 these meetings were to be kept confidential?

25 MS. KIMBERLY WINGROVE: Yes.

1 MS. KATE MCGRANN: How did you -- how  
2 did you have that understanding?

3

4 (BRIEF PAUSE)

5

6 MS. KIMBERLY WINGROVE: At a minimum  
7 it was discussed that it was important, and this is  
8 not something that would necessarily have been  
9 surprising if we were going to be -- if -- if private  
10 enterprises were going to be sharing their specific  
11 business information, it would be reasonable in my  
12 mind for them to expect that their confidentiality  
13 would -- would be maintained.

14 MS. KATE MCGRANN: Well, and at this  
15 point there's been an in camera discussion of Council  
16 about the formation of the Strategic Task Team.

17 To your knowledge, was the existence of  
18 the Strategic Task Team information available to the  
19 public as at August 3rd, 2011?

20 MS. KIMBERLY WINGROVE: No, it would  
21 not have been.

22 MS. KATE MCGRANN: Was it your  
23 understanding that minutes of this meeting would be  
24 shared with the public after the meeting was over?

25 MS. KIMBERLY WINGROVE: It's my

1 understanding that confidential minutes of any kind  
2 remain confidential for varying amounts of time. When  
3 you're in the midst of a negotiation, it may be  
4 entirely appropriate to -- to maintain the  
5 confidentiality of those -- of those minutes, but once  
6 a transaction has been executed, there may be no  
7 reason to continue to not make those minutes public.  
8 So my expectation is that at some point almost all in  
9 camera minutes could or should become public.

10 MS. KATE MCGRANN: Were members of the  
11 public -- was this meeting open to the public? Could  
12 people not on the task team come and attend and listen  
13 in?

14 MS. KIMBERLY WINGROVE: I -- I don't  
15 believe that they would have had any way of knowing  
16 that such a meeting was occurring.

17 MS. KATE MCGRANN: What do you  
18 remember about what was discussed at this meeting?

19 MS. KIMBERLY WINGROVE: I don't have a  
20 -- a strong specific memory of what was the nature of  
21 the -- of any details of the discussions there, I'm  
22 sorry.

23 MS. KATE MCGRANN: I'm going to ask  
24 that we scroll down to paragraph 241. Paragraph 241  
25 summarizes the minutes that were taken of this

1 meeting, and I'd like to direct your attention to  
2 subparagraph (c). The minutes reflect that it was  
3 decided that the Strategic Partnership Task Team would  
4 not look for further partnership opportunities.

5 Do you recall any discussion about that  
6 at the August 3rd meeting?

7

8 (BRIEF PAUSE)

9

10 MS. KIMBERLY WINGROVE: I don't -- I -  
11 - I do not recall this specific discussion at that  
12 table.

13 MS. KATE MCGRANN: Do you recall  
14 discussion about this more generally?

15 MS. KIMBERLY WINGROVE: It -- it more  
16 or less aligns with my recollection of what was  
17 discussed with Council in camera --

18 MS. KATE MCGRANN: This paragraph --

19 MS. KIMBERLY WINGROVE: -- back in  
20 June --

21 MS. KATE MCGRANN: Oh, sorry, did you  
22 --

23 MS. KIMBERLY WINGROVE: Just the  
24 discussion back in June, on June 27th.

25 MS. KATE MCGRANN: This subparagraph

1 goes on to say:

2 "It was agreed that the team was  
3 investigating a partnership, not a  
4 sale of the Utility."

5 Do you have any recollection of that  
6 discussion at this meeting?

7 MS. KIMBERLY WINGROVE: Not -- I don't  
8 -- I do not, no.

9 MS. KATE MCGRANN: If you look at  
10 paragraph 242 which is at the bottom of the page,  
11 middle of the page:

12 "Two (2) hour interviews were  
13 scheduled with each of Veridian and  
14 Hydro One and PowerStream and  
15 Horizon."

16 And says:

17 "A Strategic Partnership Task Team  
18 strategy session was scheduled for  
19 August 29th to discuss the format  
20 for the interviews."

21 Do you remember any discussion about  
22 these interviews, what their purpose was?

23 MS. KIMBERLY WINGROVE: I have a very  
24 -- a very limited and high level recollection of the -  
25 - that the purpose of the meetings with the various



1 potential partners, was really to get a sense of what  
2 they might be looking for in -- in such a  
3 relationship.

4                   Again, I want to be clear that before -  
5 - before letting an RFP, it's considered good practice  
6 to develop a -- kind of a -- a clear sort of  
7 environmental scan, if you will, of -- of what might -  
8 - others -- other be doing. So from -- from that  
9 perspective, I do -- that's the kind of the light, if  
10 -- if you will, that -- that I was taking these  
11 discussions in, was really to -- just to hear from  
12 them about where they -- where they were at in their  
13 thinking.

14                   MS. KATE MCGRANN: We see here that a  
15 -- a meeting was scheduled for August 29th, 2011. One  
16 (1) thing that the minutes don't record is a  
17 discussion of the criteria for the RFP.

18                   Do you recall, and I understand that  
19 you have a limited recollection of this meeting, but  
20 do you recall any discussion about the RFP criteria at  
21 the first meeting of the Strategic Task Team?

22                   MS. KIMBERLY WINGROVE: Not in any  
23 specific way, no.

24                   MS. KATE MCGRANN: The next meeting is  
25 scheduled for August 29th, 2011. Can we pull CPS

1 2345?

2

3 (BRIEF PAUSE)

4

5 MS. KATE MCGRANN: This is an e-mail  
6 from David McFadden to yourself, Mr. Houghton and Mr.  
7 Muncaster, Ms. Cooper and Mr. Lloyd, sent on August  
8 29th, 2011, the day before the next strategic testing  
9 meeting. I'm going to ask that we scroll down so that  
10 the top of the e-mail is at the top of the page.

11 Take a minute to read this and let me  
12 know if you remember receiving this e-mail.

13

14 (BRIEF PAUSE)

15

16 MS. KIMBERLY WINGROVE: I don't -- I  
17 don't have a specific memory of receiving this e-mail.  
18 I also notice that only some of the people in the  
19 strategic task team are included in it, but...

20 MS. KATE MCGRANN: If you could scroll  
21 down a little bit. Perfect.

22 I understand that you don't remember  
23 receiving this e-mail. I'm just going to use that as  
24 an opportunity to -- to bring your attention to some  
25 things.

1 In the paragraph that starts with:

2 "We need to -- we need to be clear  
3 as to what is available to  
4 prospective bidders."

5 Mr. McFadden writes:

6 "It is my understanding that we are  
7 prepared to accept bids for up to 50  
8 percent of the shares of Collus  
9 Power, but not 51 percent or more."

10 As at August 28, 2011, there's been one  
11 (1) meeting of the strategic task team. Do you  
12 remember that -- that the team had reached agreement  
13 about accepting bids for up to 50 percent, but not 51  
14 or more?

15 MS. KIMBERLY WINGROVE: I do not  
16 recall that the strategic task team had -- had come to  
17 that conclusion.

18 MS. KATE MCGRANN: You recall that the  
19 strategic task team later came to that conclusion?

20 MS. KIMBERLY WINGROVE: Well,  
21 certainly, that was where we came to. That was how  
22 the process was structured, ultimately.

23 MS. KATE MCGRANN: Do you remember how  
24 the strategic task team decided that that's what the  
25 structure would be?

1 MS. KIMBERLY WINGROVE: There are a  
2 number of people involved in -- in structuring this  
3 process.

4 I -- I do not have a specific memory  
5 that the strategic task team took that decision and  
6 gave that direction.

7 MS. KATE MCGRANN: I'm going to turn  
8 now to paragraph 254 of the foundation document.  
9 While that's being called up, I apologize, I should  
10 have said, can we please make CPS2345 the next  
11 exhibit?

12 THE HONOURABLE FRANK MARROCCO: Yes.

13 THE REGISTRAR: Exhibit 31, Your  
14 Honour.

15

16 --- EXHIBIT NO. 31: CPS0002345

17

18 CONTINUED BY MS. KATE MCGRANN:

19 MS. KATE MCGRANN: Paragraph 254 of  
20 foundation document 1 summarizes the minutes from the  
21 strategic partnership task team meeting of August 29,  
22 2011. I'd like you to look at subparagraph (a), where  
23 it says:

24 "Ed Houghton recommended that KPMG  
25 put together the RFP and sit in on

1 the bidder interview meetings and  
2 the team voted to move forward with  
3 contacting KPMG to put together the  
4 RFP and investigate the cost of  
5 having them participate in the  
6 review process."

7 Do you remember the strategic task team  
8 making this decision?

9 MS. KIMBERLY WINGROVE: I certainly  
10 recall that the -- the decision was taken to have KPMG  
11 be a part of this process.

12 MS. KATE MCGRANN: What did you expect  
13 KPMG to do with respect to the RFP?

14 MS. KIMBERLY WINGROVE: Building and  
15 RFP and defining the -- the scope of the deliverables,  
16 the criteria, it's -- you know, there are varying  
17 levels of complexity and it -- it was my estimation  
18 that the come -- the potential complexity of this was  
19 at the very highest level.

20 I felt very strongly that it was  
21 important to have a professional resource with the  
22 appropriate experience to be able to put together an  
23 RFP that was of sufficient detail and quality that we  
24 would receive solid responses to it, that could be  
25 appropriately evaluated.

1 MS. KATE MCGRANN: Did you express  
2 those views in discussions with the strategic task  
3 team?

4 MS. KIMBERLY WINGROVE: I certainly  
5 expressed those views to Mr. Houghton before -- like,  
6 it was -- that was at a meeting in -- in my office at  
7 some point. And I -- I think I -- I would have -- it  
8 would have been my practice to have spoken to that at  
9 the table as well.

10 MS. KATE MCGRANN: So just so I can be  
11 sure that I understand, you specifically recall  
12 discussing those views of Mr. Houghton in a meeting in  
13 your office?

14 MS. KIMBERLY WINGROVE: Yes.

15 MS. KATE MCGRANN: Was that the  
16 meeting that you have already described to us where he  
17 first brought to you the concept of looking for a  
18 partner?

19 MS. KIMBERLY WINGROVE: Yes, that  
20 there needed to be structure around this and an  
21 independent third party involved, yes.

22 MS. KATE MCGRANN: Okay, and I just  
23 want to make sure that I understand which meeting  
24 you're discussing. You had previously told us that  
25 you had a meeting with Mr. Houghton in which he first

1 raised the concept of actually going to look for  
2 another LDC to -- to seek an arrangement for Collus  
3 Power?

4 MS. KIMBERLY WINGROVE: M'hm.

5 MS. KATE MCGRANN: Is that the meeting  
6 you're describing now?

7 MS. KIMBERLY WINGROVE: Yes.

8 MS. KATE MCGRANN: And then is it the  
9 case that you don't have a specific recollection of  
10 expressing these views to the strategic task team, but  
11 you expect you would have?

12 MS. KIMBERLY WINGROVE: That's  
13 correct.

14 MS. KATE MCGRANN: Did KPMG do what  
15 you expected them to do?

16 MS. KIMBERLY WINGROVE: I want to be  
17 very careful here. I -- I -- my recollection of  
18 KPMG's role, and I don't want that to be coloured by  
19 what I might have read in the -- in the documents that  
20 we were given to review. I -- my feeling at the time  
21 was that KPMG was taking direction from us, from Mr.  
22 Houghton rather than, you know, giving direction to us  
23 about what needed to happen.

24 MS. KATE MCGRANN: Can you be any more  
25 specific than that?

1 MS. KIMBERLY WINGROVE: During the  
2 strategic team meetings, they were -- Mr. Houghton was  
3 often the person who -- who made the presentations and  
4 who communicated with the -- with the group. KPMG  
5 were there more in a supporting role, if you will.

6 MS. KATE MCGRANN: What did you  
7 understand them to be doing in the supporting role?

8 MS. KIMBERLY WINGROVE: They were  
9 working to provide advice and guidance about  
10 structuring the RFP.

11 MS. KATE MCGRANN: I'd like to turn to  
12 CPS 875600001.

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: These are the  
17 meeting minutes from the strategic partnership task  
18 team meeting on August 29, 2011.

19 Do you recall if you saw these while  
20 you were on the strategic task team?

21 MS. KIMBERLY WINGROVE: I expect I  
22 would have.

23 MS. KATE MCGRANN: Can we please enter  
24 this document as the next exhibit?

25 THE HONOURABLE FRANK MARROCCO: Yes.



1 THE REGISTRAR: Exhibit 32, Your  
2 Honour.

3

4 --- EXHIBIT NO. 32: CPS008756\_0001

5

6 CONTINUED BY MS. KATE MCGRANN:

7 MS. KATE MCGRANN: These minutes  
8 reflect that the meeting started at 11:05 in the  
9 morning, and if you could scroll down a little bit,  
10 please. Up, so we can see the content in the middle  
11 of the page. Perfect.

12 The meeting starts with a discussion  
13 about who should share the interview meetings, and  
14 it's our understanding that these are the -- the  
15 preliminary meetings with the bidders that we have  
16 already discussed. Is that what you understand?

17 MS. KIMBERLY WINGROVE: That's  
18 correct.

19 MS. KATE MCGRANN: Then if you scroll  
20 further down, there's a discussion about KPMG, we've  
21 already discussed that.

22 Do you recall if KPMG ultimately sat in  
23 on those preliminary meetings with the potential  
24 bidders?

25 MS. KIMBERLY WINGROVE: I don't recall

1 Mr. Herhalt or Mr. Rockx being present at those early  
2 meetings.

3 MS. KATE MCGRANN: Looking at the  
4 paragraphs under action item 4, it discusses that the  
5 interview process will allow the interested parties  
6 the opportunity to highlight their company, their  
7 culture, their goals and objectives.

8 It goes on to say it will allow for a  
9 two (2) way discussion and provide the interested  
10 parties with a better understanding on what we may  
11 wish to see in the strategic partnership. And it says  
12 it was felt that the RFP would be formed immediately  
13 following the interview meetings.

14 Do you know what it means when it says  
15 it was felt that the RFP would be formed immediately  
16 following the interview meetings?

17 MS. KIMBERLY WINGROVE: That the  
18 information that was gathered during the interview  
19 meetings, the business intelligence if you will, about  
20 the state of the -- of that sector, people's goals,  
21 objectives, priorities, challenges, by hearing this  
22 information from the four (4) different perspective  
23 partners we would be in a -- in a better situation to  
24 put forward an RFP that people would be interested in  
25 bidding on.

1 MS. KATE MCGRANN: Looking to the  
2 beginning of the next paragraph where it says:

3 "Significant discussion took place  
4 regarding the importance of openness  
5 and transparency and the need to be  
6 consistent in questions put to the  
7 interested parties."

8 It says:

9 "It was felt that as long as the  
10 interested parties know in advance  
11 the evaluation criteria for the  
12 RFPs, they should all then be on the  
13 same level playing field."

14 As at August 29th, had the evaluation  
15 criteria for the RFP been determined?

16 MS. KIMBERLY WINGROVE: Not to my  
17 knowledge. I'm also noting that the RFPs are -- is  
18 plural, as if there is going to be more than one (1).  
19 I -- I'm...

20 MS. KATE MCGRANN: Do you recall when  
21 the evaluation criteria for the RFP was determined?

22 MS. KIMBERLY WINGROVE: I recall  
23 seeing the RFP criteria in writing and formalized when  
24 we had the RFP from KPMG.

25 MS. KATE MCGRANN: What input did the

1 strategic task team have in determining the criteria  
2 that you remember seeing?

3 MS. KIMBERLY WINGROVE: Similar to the  
4 -- the discussion that had taken place with Council at  
5 the end of June, the -- the need to be maintaining our  
6 role, an active role in -- in the Collus enterprise of  
7 -- and of the financial aspects of it, that was really  
8 the -- the -- where the discussion centred as -- as  
9 far as that went.

10 Some of the more technical aspects was  
11 not involved in the discussion either with Council or  
12 at the strategic task team specifically about what  
13 that would look like in those early days.

14 MS. KATE MCGRANN: If you scroll  
15 further down you will come to a bullet pointed list,  
16 there we go, a numbered list.

17 Here it says:

18 "With respect to the interview Mr.  
19 Houghton stated we would begin with  
20 introductions, reiterate what we  
21 were doing, give them an opportunity  
22 to do a presentation for  
23 approximately forty-five (45)  
24 minutes, followed by a two (2) way  
25 dialogue for approximately thirty

1 (30) minutes. We will outline in  
2 our letter to them that their  
3 presentation should cover the  
4 following."

5 And then it lists nine (9) areas.

6 Do you know how these nine (9) areas  
7 were identified or determined?

8 MS. KIMBERLY WINGROVE: I assume they  
9 were identified by Mr. Houghton.

10 MS. KATE MCGRANN: So when you say you  
11 assume that they were identified by Mr. Houghton, is  
12 it the case that you don't have any information about  
13 how they were determined?

14 MS. KIMBERLY WINGROVE: It was not  
15 something that I was involved in putting together.

16 MS. KATE MCGRANN: Could you scroll  
17 further down, there's another list that I'd like to  
18 look at. That's perfect.

19 It says here Mr. Houghton reviewed the  
20 proposed outline of the critical dates and here it  
21 sets out October 4th, 2011 the RFP is out. It  
22 references the timing with relation to an election.

23 Do you know what election is being  
24 referred to here?

25 MS. KIMBERLY WINGROVE: This is the

1 provincial election in the fall.

2 MS. KATE MCGRANN: Was the provincial  
3 election something that drove the timing of the RFP,  
4 to your knowledge?

5 MS. KIMBERLY WINGROVE: That was my  
6 understanding, yes.

7 MS. KATE MCGRANN: Was that something  
8 that the strategic task team discussed?

9 MS. KIMBERLY WINGROVE: I don't have a  
10 specific recollection, but it -- it would not surprise  
11 me. It -- it was discussed on a number of occasions.

12 MS. KATE MCGRANN: Was it the case  
13 that there was some motivation to get the RFP out  
14 before the election?

15 MS. KIMBERLY WINGROVE: Yes.

16 MS. KATE MCGRANN: I won't read you  
17 the rest of the dates out loud, but do you recall the  
18 strategic task team working together to set the  
19 schedule?

20 MS. KIMBERLY WINGROVE: I don't  
21 believe that this was a piece of work that was done in  
22 a collaborative fashion. I think that it simply was  
23 suggested to us and accepted.

24 MS. KATE MCGRANN: At the time did you  
25 have any concerns with the timeline that was set out

1 for the RFP?

2 MS. KIMBERLY WINGROVE: In my opinion  
3 it -- it was ambitious.

4 MS. KATE MCGRANN: What about it was  
5 ambitious?

6 MS. KIMBERLY WINGROVE: That the --  
7 the complexity of -- of an undertaking such as this  
8 where you're looking to enter into a partnership with  
9 another party, part of what's important in that is  
10 ensuring that they will be as good a partner for you  
11 as you would be for them.

12 I think some of the criteria that you  
13 saw earlier spoke to that. But again, in more of a  
14 qualitative way rather than a quantitative way.

15 So providing sufficient time for each  
16 of these proponents to prepare a level of detail that  
17 would be sufficient to make such a judgement -- this  
18 is probably not, in my opinion, sufficient to be able  
19 to do that.

20 We were, I think, asking them to step  
21 up in order to meet these time frames.

22 MS. KATE MCGRANN: Was it the case  
23 that you were concerned that you hadn't allotted  
24 enough time for the proponents to prepare their  
25 responses?

1 MS. KIMBERLY WINGROVE: In a word,  
2 yes.

3 MS. KATE MCGRANN: Did you share that  
4 view with members of the strategic task team at the  
5 meetings?

6 MS. KIMBERLY WINGROVE: I may have  
7 made a comment in passing, but I don't remember a  
8 specific conversation to that effect.

9 MS. KATE MCGRANN: Is there any reason  
10 why you wouldn't have let the other members know that  
11 you were concerned that the -- the timeline was  
12 ambitious, and why?

13 MS. KIMBERLY WINGROVE: I want to be  
14 very clear that I was not playing a leadership role in  
15 this particular effort.

16 We had retained KPMG to provide  
17 assistance to us. The members of the Collus board  
18 were there, some of whom had very deep knowledge of  
19 the sector, and Mr. Houghton, as the, you know, really  
20 the Town's expert in -- in these matters.

21 So, you know, the -- the weight that  
22 any opinion I might have expressed around that table  
23 was likely not great.

24 MS. KATE MCGRANN: I don't want to  
25 suggest this is an either or situation, but I do want



1 to understand a little bit more what you're talking  
2 about.

3 Was it the case that you were relying  
4 on the expertise of people who had more experience in  
5 this area to have a better sense of what would be an  
6 appropriate timeline?

7 MS. KIMBERLY WINGROVE: That's  
8 absolutely correct.

9 MS. KATE MCGRANN: Was it the case  
10 that you felt that if you expressed your opinion it  
11 wouldn't be listened to?

12 MS. KIMBERLY WINGROVE: I think that  
13 at that time, during those meetings, it was -- there  
14 was a strong impetus to move the process forward and I  
15 think it -- it was my sense that putting up red flags  
16 along the way would not have been welcomed.

17 THE HONOURABLE FRANK MARROCCO: I  
18 think -- are you moving on to another document?

19 MS. KATE MCGRANN: I am, yes.

20 THE HONOURABLE FRANK MARROCCO: We'll  
21 break for ten (10) minutes.

22

23 --- Upon recessing at 11:00 a.m.

24 --- Upon resuming at 11:12 a.m.

25

1                   THE HONOURABLE FRANK MARROCCO:    I had  
2 one (1) matter I wished to comment on. I'm aware of  
3 the rules that -- that indicate that Inquiry counsel  
4 has the right to cross-examine the witness and rights  
5 with respect to cross-examining the witness.

6                   This is a witness who I understand her  
7 evidence to date is indicating that she has difficulty  
8 remembering many of the meetings that she was part of.  
9 If we are to get reasonable evidence that's useful to  
10 this inquiry, it strikes me that, to press a witness  
11 with a poor memory of particular meetings and suggest  
12 to them what she does or doesn't remember in those  
13 meetings is a dangerous practice and should be  
14 discouraged.

15                  It's all right to cross-examine the  
16 witness, but to lead her on significant matters that  
17 she has said she has no memory of, or a limited memory  
18 of, I suggest is going to lead to evidence that's less  
19 than useful for this inquiry.

20                  I can -- I can certainly see the wisdom  
21 of what you're saying, Mr. Chenoweth, and I understand  
22 that. And I think it's fair to say that -- that when  
23 that happens, the answer, if there is an answer, goes  
24 to the weight that should be attached to the evidence  
25 given, given the rather liberal way in which the

1 examination can be conducted according to the rules.

2 But I can tell you that I'm hearing the  
3 same evidence that you're hearing and -- and I -- I  
4 understand your objection --

5 MR. FREDERICK CHENOWETH: Very good.

6 THE HONOURABLE FRANK MARROCCO: -- or  
7 your observation, I guess.

8 MR. FREDERICK CHENOWETH: Thank you,  
9 Your Honour.

10

11 CONTINUED BY MS. KATE MCGRANN:

12 MS. KATE MCGRANN: Can we turn to  
13 document CPS2406? This is an email from Ed Houghton,  
14 dated September 25th, 2011, to another -- a number of  
15 people, including yourself. The subject is:

16 "Forward draft request for proposal  
17 of Mr. Houghton. Ladies and  
18 gentlemen, please find attached the  
19 draft RFP that will be discussed on  
20 Wednesdays, regards Ed."

21 Do you recall receiving this email?

22 MS. KIMBERLY WINGROVE: Yes.

23 MS. KATE MCGRANN: Can this email  
24 please be entered as the next exhibit?

25 THE HONOURABLE FRANK MARROCCO: Yes.

1 THE REGISTRAR: Exhibit 33, Your  
2 Honour.

3

4 --- EXHIBIT NO. 33: CPS0002406

5

6 CONTINUED BY MS. KATE MCGRANN:

7 MS. KATE MCGRANN: Turn to CPS2407.

8

9 (BRIEF PAUSE)

10

11 MS. KATE MCGRANN: This is the  
12 document that was attached to the email we just looked  
13 at. It's titled:

14 "Collus Power Corp. request for  
15 proposal of strategic partnership  
16 October 4th, 2011."

17 I'd invite you to scroll through these  
18 slides at the direction of the witness so she has an  
19 opportunity to review them.

20 THE REGISTRAR: Yes.

21

22 (BRIEF PAUSE)

23

24 CONTINUED BY MS. KATE MCGRANN:

25 MS. KATE MCGRANN: As you're

1 scrolling, I'll let you know that my first question  
2 for you will be do you remember receiving these  
3 slides?

4 MS. KIMBERLY WINGROVE: Yes.

5 MS. KATE MCGRANN: Do you need to see  
6 the remainder of the slides before you answer that  
7 question?

8 MS. KIMBERLY WINGROVE: I don't  
9 believe so, no.

10 MS. KATE MCGRANN: Did you review  
11 these slides when you received them?

12 MS. KIMBERLY WINGROVE: Yes, I did.

13 MS. KATE MCGRANN: Can we move to  
14 slide 10, please?

15

16 (BRIEF PAUSE)

17

18 THE HONOURABLE FRANK MARROCCO: Oh,  
19 that's page 10. Is that slide 10?

20 MS. KATE MCGRANN: I think -- no. I  
21 think we've got to keep going down a little bit  
22 further. This is perfect. Thank you.

23

24 CONTINUED BY MS. KATE MCGRANN:

25 MS. KATE MCGRANN: You recall

1 receiving and reviewing these slides. Were these  
2 slides presented at a meeting of the strategic task  
3 team?

4 MS. KIMBERLY WINGROVE: Yes, they  
5 would have been. This was -- these -- this email was  
6 to provide the material so that we had an opportunity  
7 re -- to review them prior to the meeting.

8 MS. KATE MCGRANN: You specifically  
9 recall these being presented to you and the other  
10 members of the task team?

11 MS. KIMBERLY WINGROVE: I don't have a  
12 specific recollection of the actual presentation, no.

13 MS. KATE MCGRANN: Looking at the  
14 slide that's on the screen right now, it's titled,  
15 Proposal Evaluation, and it says that:

16 "Proposals will be evaluated using  
17 the following weightings."

18 It identifies a number of items.  
19 There's no weighting displayed in the slide. Do you  
20 recall if the strategic task team had a discussion at  
21 any point about the weighting that should be assigned  
22 to each of these items?

23 MS. KIMBERLY WINGROVE: I don't recall  
24 that, no. And I would suggest that proposals will be  
25 evaluated using the following evaluation criteria

1 rather than weighting would be a more accurate  
2 description of what's on that page.

3 MS. KATE MCGRANN: Turn now to  
4 discussing the scoring of the responses that were  
5 received to the RFP. Would you please pull up  
6 CPS2633?

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Could you scroll  
11 down to show the email at the bottom of the page here,  
12 the September -- perfect. Could you scroll up a  
13 little bit so we can see the sending information?

14 So this is an email from Ed Houghton  
15 dated November 20th, 2011. You're a recipient, as are  
16 several others. Mr. Houghton writes:

17 "Ladies and gentlemen, earlier  
18 today, Sherman (phonetic) Muncaster  
19 and I discussed the scoring process  
20 for the strategic partner. It was  
21 decided that, for each criteria, the  
22 best proposal shall receive the full  
23 points."

24 And he goes on to give an example.

25 "If you feel Respondent A has the

1 best proposal regarding support for  
2 employees in their careers, then  
3 they shall get the full ten (10)  
4 points. The other three (3)  
5 respondents will then be judged and  
6 provided points based on the best  
7 proposal. If, in your opinion,  
8 there's a tie, they should both --"  
9 Oh sorry, "they should bother." But I  
10 think that should say: Both -- receive ten (10)  
11 points.

12 And then, if you scroll down, there's a  
13 list of devaluation criteria and weightings. It lists  
14 the criteria and the points to be assigned to each.  
15 Do you remember receiving this email?

16 MS. KIMBERLY WINGROVE: Yes.

17 MS. KATE MCGRANN: Can this email  
18 please be marked as the next exhibit?

19 THE HONOURABLE FRANK MARROCCO: Yes.

20 THE REGISTRAR: Exhibit 34, Your  
21 Honour.

22

23 --- EXHIBIT NO. 34: CPS0002633

24

25 CONTINUED BY MS. KATE MCGRANN:



1 MS. KATE MCGRANN: Does seeing the  
2 points assigned to the valuation and criteria trigger  
3 any memory that you have about how those points were  
4 arrived at through discussions with the strategic task  
5 team or otherwise?

6 MS. KIMBERLY WINGROVE: Well, as I  
7 noted above, scoring this was a challenging piece. To  
8 understand exactly how to award points given this very  
9 short description of the evaluation criteria I found  
10 to be difficult.

11 The other piece of this that was  
12 interesting was the direction that whichever response  
13 in a particular category was deemed to -- to be the  
14 best would receive all of the points.

15 I -- I have never seen an RFP scored  
16 that way before or since.

17 MS. KATE MCGRANN: At the time, did  
18 you have any concerns about this approach to scoring?

19 MS. KIMBERLY WINGROVE: Ju -- I had  
20 never seen anything like it. If I took any comfort,  
21 it was that we were awarding points across several  
22 criteria, so I -- I knew I thought that at least we  
23 were trying to get some sort of a broad sense of the  
24 value proposition that each one (1) of these potential  
25 partners brought to the table.

1 MS. KATE MCGRANN: You've explained  
2 what you took comfort from. Did this --

3 MS. KIMBERLY WINGROVE: Oh.

4 MS. KATE MCGRANN: -- approach to  
5 scoring cause you any concerns?

6 MS. KIMBERLY WINGROVE: I apologize.  
7 The fact that the financial aspect of the bid at 30  
8 percent was such a small proportion of the evaluation  
9 criteria when, in my own estimation, such a  
10 significant part of what we were trying to achieve was  
11 to realize some of the value in the Collus company  
12 back to the town.

13 MS. KATE MCGRANN: Could you scroll up  
14 to the top of the email, all the way to the top of the  
15 page? You respond directly to Mr. Houghton:

16 "Thanks, Ed. This clarification is  
17 helpful. The scoring is a  
18 challenging task."

19 Other than what you've already told us,  
20 were you trying to communicate anything else to Mr.  
21 Houghton with this email?

22 MS. KIMBERLY WINGROVE: Only that --  
23 that it -- it -- no, just what it was saying, that  
24 this was a very challenging task, that each of the  
25 respondents had provided significant information in

1   varying formats.

2                   And it was -- it took -- took quite an  
3   effort to be able to go through it and to assign  
4   points like this when there was no breakdown of those  
5   criteria beyond what you see on the page.

6                   MS. KATE MCGRANN:    Do you recall if  
7   when you scored the bids you followed the direction  
8   given in this email to assign full points to the best  
9   bidder in the category?

10                  MS. KIMBERLY WINGROVE:   Yes, I did.

11                  MS. KATE MCGRANN:    Did that approach  
12   cause you any concern at the time?

13                  MS. KIMBERLY WINGROVE:   It wasn't my  
14   greatest concern.

15                  MS. KATE MCGRANN:    So what was your  
16   greatest concern?

17                  MS. KIMBERLY WINGROVE:   My -- my  
18   greatest concern I think came later, when, as a group,  
19   we were discussing the evaluation and the scoring of -  
20   - of the responses at the strategic task team table.

21

22                                   (BRIEF PAUSE)

23

24                  MS. KATE MCGRANN:    In what context  
25   were you having those discussions?

1 MS. KIMBERLY WINGROVE: When the  
2 responses came back and -- I'll get my time lines  
3 right. When the responses came back, we scored them -  
4 - or we had a discussion about the responses. I think  
5 we scored first. And then we had a discussion about  
6 the responses.

7 And there was a lot of discussion that  
8 was based on experience that Mr. Houghton and  
9 potentially Director McFadden had with some of the  
10 respondents as to their business practices, their fit,  
11 what it would mean for them to be the -- the  
12 successful proponent in -- in the process.

13 If I -- if I provide an example. The  
14 discussion around Ontario Hydro, Hydro One, as -- as a  
15 bidder is one (1) that stuck out for me in that, you  
16 know, the -- you know, Hydro One was large and  
17 bureaucratic, they would be difficult to work with,  
18 that Collus would lose all of its identity if -- if in  
19 fact the partnership was with them. And so, certainly  
20 that was not a direction that was, you know, being  
21 supported, if you will, by Mr. Houghton and -- and  
22 others.

23 So it was that kind of information, the  
24 very specific information about how that -- how a  
25 particular proponent operated and what their

1 operations might mean to the long-term operations of  
2 Collus as their partner.

3 MS. KATE MCGRANN: What was it about  
4 the specific information that Mr. Houghton and -- and  
5 Mr. Muncaster were sharing that was -- that was  
6 concerning for you?

7 MS. KIMBERLY WINGROVE: Well, the best  
8 practice in undertaking these kinds of evaluations, in  
9 order for it to be open and fair and transparent, not  
10 only do you -- and this is why it's -- I felt strongly  
11 about having KPMG there to help us to bid -- to build  
12 the RFP, there's as much art as science in putting  
13 together a strong RFP that will extract the  
14 information from the proponents that you can then use  
15 to evaluate those responses.

16 A good RFP should get you good  
17 responses. But then the evaluation of the RFP when  
18 you have a group -- and -- and often you use a group  
19 of people, a team of people, to -- to evaluate an RFP,  
20 that's appropriate. No one (1) person can skew the  
21 results.

22 But the idea is that you each score as  
23 individuals based on your perception of what those  
24 evaluation criteria are and what the information is  
25 that the proponent has provided to you.

1                   You then submit those scores, and  
2 either you come to an average of -- of what everyone  
3 has put in and that's the final score or you throw out  
4 the high and the low to get rid of any anomalies, and  
5 you again use that.

6                   But to sit at the table and -- and have  
7 a discussion about the merits of -- of one (1) bid  
8 over another before everything is -- is finalized is -  
9 - is just not a practice that -- it's too easy to be  
10 influenced by the other people around the table for  
11 me.

12                   MS. KATE MCGRANN:    Yes.

13                   MS. KIMBERLY WINGROVE:   Just I only can  
14 speak for myself. And for me, that was an issue.

15                   MS. KATE MCGRANN:    I'd like to back up  
16 in time and walk through the process that was followed  
17 to receive and score the bids. So if we could look at  
18 paragraph 390 of the foundation document.

19

20   (BRIEF PAUSE)

21

22                   MS. KATE MCGRANN:    This paragraph  
23 describes that the strategic partnership task team met  
24 on November 23rd, 2011, to review their individual  
25 findings on the nonfinancial element of the bid.

1                   When did you receive information about  
2   the responses that were received on the nonfinancial  
3   components of the bids?

4                   MS. KIMBERLY WINGROVE:    I'm sorry, are  
5   you asking when I realized what -- how other people  
6   had scored nor -- or -- or --

7                   MS. KATE MCGRANN:    No.   What I'd like  
8   to know is, so responses are received by Collus Power  
9   and KPMG.

10                  MS. KIMBERLY WINGROVE:    Oh, I'm sorry,  
11   yes.

12                  MS. KATE MCGRANN:    And that  
13   information is shared at some point with the members  
14   of the strategic task team so that they can evaluate  
15   their responses.

16                  When do you recall receiving  
17   information about the responses on the nonfinancial  
18   part of the bid?

19                  MS. KIMBERLY WINGROVE:    We were  
20   provided with the responses from each of the  
21   proponents after the RFP closed.   It was not  
22   immediately, but within a short period of time, those  
23   packages were given to us.   They -- you know, each  
24   proponent had provided something along the lines of a  
25   binder of -- of information that we could then review.

1 MS. KATE MCGRANN: Was it the case  
2 that you were given that information, and then given  
3 time to review it on your own? Were you given it and  
4 asked to review it at a meeting? How did it work?

5 MS. KIMBERLY WINGROVE: No. I was --  
6 I was given that information, I believe each of us  
7 were, and provided with the opportunity to review it.

8 MS. KATE MCGRANN: When you were given  
9 the responses were they anonymized or could you see  
10 whose response was whose?

11 MS. KIMBERLY WINGROVE: Oh, no, they -  
12 - it was you knew who -- who had provided each; they  
13 were very branded.

14 MS. KATE MCGRANN: Were you asked to  
15 as -- assess and assign your scores before the group  
16 met again or was that to be done at the next meeting?

17 MS. KIMBERLY WINGROVE: We -- I was --  
18 we were asked to review the materials and to have had  
19 our scoring completed prior to a meeting where those  
20 scores would then be discussed.

21 MS. KATE MCGRANN: Is that what you  
22 did?

23 MS. KIMBERLY WINGROVE: Yes.

24 MS. KATE MCGRANN: Do you recall  
25 attending a meeting where the members of the strategic



1 task team discussed the scores that they had assigned?

2 MS. KIMBERLY WINGROVE: I do because I  
3 ha -- my recollection is that I handed in my scores  
4 ahead of the meeting.

5 MS. KATE MCGRANN: Do you remember how  
6 you did that?

7 MS. KIMBERLY WINGROVE: I had -- we  
8 were -- I think we were given a template that we  
9 needed to -- to fill in, and I had that, because I had  
10 my own working document where I had made some notes  
11 and some scores.

12 And then I think I transferred that  
13 onto a more -- again, a template type of document  
14 where I just filled them in and handed them that  
15 didn't have my extra notes associated with it.

16 MS. KATE MCGRANN: Do you recall if it  
17 was a hard copy document or an electronic document?

18 MS. KIMBERLY WINGROVE: We -- most of  
19 the things we did we exchanged via email. I would  
20 have -- but whether in this case -- I -- I can't  
21 remember exactly, I'm sorry.

22 MS. KATE MCGRANN: Do you -- you -- I  
23 think that you've answered this. I just want to be  
24 clear. Is it your recollection that you handed the  
25 scores in before the group met to discuss the

1 responses to the nonfinancial component of the bid?

2 MS. KIMBERLY WINGROVE: That's -- that  
3 is my belief, yes.

4 MS. KATE MCGRANN: If you had already  
5 handed in your scores, why did the scu -- why did the  
6 discussion at the meeting about the nonfinancial  
7 component of the bid cause you concern?

8 MS. KIMBERLY WINGROVE: Because the  
9 other recollection I have is that there was a  
10 discussion at the table about -- about scoring and  
11 that -- that perhaps, you know, once everybody came to  
12 a clear understanding of exactly how to interpret the  
13 information that had been provided, whether or not  
14 that those scores should stand or whether there should  
15 be some further adjustment to them.

16 MS. KATE MCGRANN: I'd like to walk  
17 through your recollection of --

18 MS. KIMBERLY WINGROVE: M-hm.

19 MS. KATE MCGRANN: -- of the meeting  
20 of which the nonfinancial components were discussed.  
21 So you recall that you received the material in  
22 advance --

23 MS. KIMBERLY WINGROVE: Yes.

24 MS. KATE MCGRANN: -- assessed it --

25 MS. KIMBERLY WINGROVE: Yes.

1 MS. KATE MCGRANN: -- assigned your  
2 scores --

3 MS. KIMBERLY WINGROVE: Yes.

4 MS. KATE MCGRANN: -- handed them in  
5 advance, you think?

6 MS. KIMBERLY WINGROVE: That's my  
7 belief, that we had to hand in those -- those scores  
8 bef -- before we came to the meeting.

9 MS. KATE MCGRANN: For my  
10 understanding, I'd -- I'd like to know if you  
11 specifically recall or if -- if you're not quite sure?

12 MS. KIMBERLY WINGROVE: I am not 100  
13 percent sure. I remember doing the scoring and having  
14 to have it done ahead of the meetings because I did it  
15 on a weekend, and the meeting wasn't until later on in  
16 the week.

17 And then I remember the meeting where  
18 scores were discussed and what an appropriate  
19 assignment of -- of points were and who people felt  
20 were the -- the strongest response in an individual  
21 category, right, who was going to get the ten (10) or  
22 the thirty (30) amongst the -- amongst the four (4)  
23 responses.

24 MS. KATE MCGRANN: Okay. So, I'd like  
25 to talk with you a bit more about that meeting

1 starting with when it happened relative to -- to when  
2 you think you -- you handed in your scores.

3 I think you're not sure when you handed  
4 it in?

5 MS. KIMBERLY WINGROVE: Yeah, the --  
6 the scoring, I know that I did it on a weekend, and  
7 I'm -- and so I would have either handed it in on the  
8 Sunday or the Monday morning when I got to the office.

9 MS. KATE MCGRANN: Okay. What can you  
10 tell me about the meeting where the nonfinancial  
11 components were discussed with the strategic task  
12 team?

13 MS. KIMBERLY WINGROVE: Just that  
14 there was an opportunity to go around the table and --  
15 and for each member to provide some commentary on who  
16 they felt the strongest response was and -- and why or  
17 who -- who -- where people -- you know, there was just  
18 general discussion and commentary about, you know, not  
19 sure where they were going with that particular aspect  
20 of their response or really liked this, that was very  
21 strong, thought they did a good job with this part of  
22 their response.

23 MS. KATE MCGRANN: Was -- was someone  
24 or several people facilitating the discussion?

25 MS. KIMBERLY WINGROVE: My

1 recollection is of -- again, Pam Hogg was there taking  
2 notes; KPMG was there; and -- and Mr. Houghton, again,  
3 facilitating essentially the discussion of going  
4 around the table.

5 MS. KATE MCGRANN: Do you recall how  
6 the discussion proceeded? And I'll give you an  
7 example. I'll give you a sense of -- of what I'm  
8 curious about.

9 For example, was it the case that for  
10 each criteria, everyone had a turn to speak? Was  
11 there one (1) turn around the table where everyone said  
12 they had to say about all the responses?

13 MS. KIMBERLY WINGROVE: No. I -- my  
14 recollection is that we went through the criteria one  
15 (1) -- one (1) criteria at a time and had a -- had some  
16 discussion about that.

17 MS. KATE MCGRANN: It's our  
18 understanding that no minutes were taken at this  
19 meeting because the members were discussing their  
20 confidential rankings. Do you recall any discussion  
21 about whether or not minutes ought to be taken?

22 MS. KIMBERLY WINGROVE: No, I don't.

23 MS. KATE MCGRANN: Is there anything  
24 else that you can tell us about what occurred at this  
25 meeting?

1 MS. KIMBERLY WINGROVE: Nothing  
2 specific comes to mind at this time.

3 MS. KATE MCGRANN: Please, pull up  
4 CJI -- oh, sorry.

5 THE HONOURABLE FRANK MARROCCO: Before  
6 you do that, so each person filled in their assessment  
7 or their grade for each of the criteria.

8 MS. KIMBERLY WINGROVE: M-hm. I know  
9 I did. I don't know what other people did. I know  
10 what I did.

11 THE HONOURABLE FRANK MARROCCO: Right.  
12 That's what you did.

13 MS. KIMBERLY WINGROVE: Yeah.

14 THE HONOURABLE FRANK MARROCCO: How --  
15 who tabulates -- who decides -- who adds them up?  
16 Who -- who's the vote counter?

17 MS. KIMBERLY WINGROVE: It -- I'm not  
18 sure whether that was -- whether that was done by KPMG  
19 or -- or by Collus staff. I -- I assumed that KPMG  
20 would have had a role in that since that was part of  
21 their duties, as helping us with our RFP process.

22 THE HONOURABLE FRANK MARROCCO: Did --  
23 did somebody just then -- how do you find out that  
24 PowerStream has -- has, let's just say, the best bid  
25 or the best proposal?

1 MS. KIMBERLY WINGROVE: M-hm.

2 THE HONOURABLE FRANK MARROCCO: How do  
3 you find -- who -- how is that communicated to you?

4 MS. KIMBERLY WINGROVE: At -- at that  
5 meeting, we -- when we through them and -- and you  
6 knew who was -- what -- how the points were being  
7 assigned as -- as the discussion took place. I  
8 remember having stuff up on the screen that we were  
9 looking at and discussing.

10 I came out of that meeting with a  
11 strong sense of -- of where, like, that -- that  
12 PowerStream was our successful proponent.

13 THE HONOURABLE FRANK MARROCCO: I -- I  
14 appreciate that. But I'm just curious, who's -- who's  
15 adding it up? We have a discussion; different people  
16 say whatever they're going to say --

17 MS. KIMBERLY WINGROVE: M-hm.

18 THE HONOURABLE FRANK MARROCCO: -- but  
19 PowerStream appears to be very well received by  
20 everybody.

21 MS. KIMBERLY WINGROVE: M-hm.

22 THE HONOURABLE FRANK MARROCCO: But --  
23 but who's -- who's at -- who's going through and  
24 recording --

25 MS. KIMBERLY WINGROVE: M-hm.

1 THE HONOURABLE FRANK MARROCCO: -- the  
2 points and -- and then announcing the outcome? Did --  
3 do you remember? Or --

4 MS. KIMBERLY WINGROVE: I can't say  
5 specifically whether that was KPMG or Mr. Houghton.

6 THE HONOURABLE FRANK MARROCCO: Okay.  
7 Thank you.

8

9 CONTINUED BY MS. KATE MCGRANN:

10 MS. KATE MCGRANN: Please turn up  
11 CGI9668.

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: This is an Excel  
16 spreadsheet. Do you recognize this document?

17 MS. KIMBERLY WINGROVE: Those are my  
18 notes.

19 MS. KATE MCGRANN: Do you recall  
20 whether you made these notes -- do you recall when you  
21 made these notes?

22 MS. KIMBERLY WINGROVE: This is --  
23 these are the -- the notes that I was making for  
24 myself on the weekend as I was going through the  
25 materials that had been provided by the respondents.



1 MS. KATE MCGRANN: I see payment for  
2 shares and other considerations. There's no entry in  
3 that row. Do you know why that was?

4 MS. KIMBERLY WINGROVE: I wasn't party  
5 to what the financial responses had been.

6 MS. KATE MCGRANN: Okay. So this  
7 was -- these were notes you made based on the  
8 non-financial components only.

9 MS. KIMBERLY WINGROVE: Right.

10 MS. KATE MCGRANN: Can we please have  
11 this document marked as the next exhibit?

12 THE HONOURABLE FRANK MARROCCO: Yes.

13 THE REGISTRAR: Exhibit 35,  
14 Your Honour.

15

16 --- EXHIBIT NO. 35: CJI0009668

17

18 CONTINUED BY MS. KATE MCGRANN:

19 MS. KATE MCGRANN: So our  
20 understanding, there was a second meeting held on  
21 November 28th, 2011 where the Strategic Task Team met  
22 to discuss the financial responses. Do you recall  
23 that?

24 MS. KIMBERLY WINGROVE: Yes.

25 MS. KATE MCGRANN: Do you recall

1 attending that meeting?

2 MS. KIMBERLY WINGROVE: Yes.

3 MS. KATE MCGRANN: Can you tell us  
4 what you recall about what happened at that meeting?

5 MS. KIMBERLY WINGROVE: Again, the --  
6 the -- there was some variability in the way that each  
7 of the respondents had handled the financial  
8 information. It -- the financial response was in part  
9 a purchase of share, in part dealing with the  
10 promissory note that Collus and the Town had.

11 And -- and then a third aspect was this  
12 recapitalization of shares. It was, again -- because  
13 they were all different, I was relying on the  
14 commentary and explanations provided by the people at  
15 the table with some expertise in these matters to  
16 explain what was meant by that and what the  
17 bottom-line impact would be to the Town.

18 MS. KATE MCGRANN: Now, we've looked  
19 at the -- the waiting and the criteria, and we've got  
20 your notes here where it says the payment for shares;  
21 other considerations 30.

22 Were the members of the Strategic Task  
23 Team asked to assign points to the financial component  
24 of the bid in the same that they were asked to assign  
25 points to the non-financial component of the bid?

1 MS. KIMBERLY WINGROVE: I don't  
2 specifically remember that.

3 MS. KATE MCGRANN: Do you remember how  
4 the financial components of the bid were assessed by  
5 the Strategic Task Team?

6 MS. KIMBERLY WINGROVE: No, I don't.

7 MS. KATE MCGRANN: Do you remember how  
8 you learned who the successful proponent was?

9 MS. KIMBERLY WINGROVE: It was clear  
10 given the waiting of the criteria and the 70/30 split.  
11 The -- the PowerStream bid was -- was strong, and I --  
12 and it -- I think that just as soon as that was  
13 evaluated, it would have been not possible for anyone  
14 else to catch up to them with regard to the points.

15 MS. KATE MCGRANN: Do you specific --  
16 do you specifically recall anyone telling you that  
17 PowerStream has been selected as the successful  
18 proponent?

19 MS. KIMBERLY WINGROVE: I don't have a  
20 specific recollection of -- of someone saying that  
21 directly to me, no.

22 MS. KATE MCGRANN: Were you surprised  
23 by the outcome of the RFP?

24 MS. KIMBERLY WINGROVE: No.

25 MS. KATE MCGRANN: Why not?

1 MS. KIMBERLY WINGROVE: Because  
2 PowerStream was able to provide a very strong response  
3 to the RFP and to the criteria that had been  
4 requested.

5 The alignment, if I -- you know, if I  
6 look at -- at my notes here and specifically with  
7 regard to, you know, down at the bottom there, they  
8 were such strong community partners that they were  
9 very strong and committed to health and safety.

10 You see the reference there to the  
11 shared project on the -- on the roof vents. They were  
12 close by -- natural regional partner. Those -- those  
13 words on that page were words that -- that came from  
14 the discussions at -- at the table and the discussions  
15 about PowerStream.

16 MS. KATE MCGRANN: When you say these  
17 are notes that came from the discussions at the table,  
18 are you talking about discussions -- when -- when did  
19 those discussions take place? It's my understanding  
20 that you made these notes after you received --

21 MS. KIMBERLY WINGROVE: Right.

22 MS. KATE MCGRANN: -- your  
23 non-financial bid.

24 MS. KIMBERLY WINGROVE: But at -- at  
25 the time that we interviewed each one (1) of the

1 proponents and had an opportunity to hear from them,  
2 you know, there was, you know, discussion at -- at the  
3 table after each one (1) of those meetings about, you  
4 know, how people were feeling.

5                   And I -- just knowing how I work, the  
6 things like natural regional -- regional partner and  
7 things like that, that wouldn't have been something  
8 that I would have known that is something that would  
9 have been discussed at the table.

10                   MS. KATE MCGRANN:    The reference to  
11 "shared project on roof" that -- what is that?

12                   MS. KIMBERLY WINGROVE:    I have limited  
13 knowledge of the roof vent project, only to know that  
14 that was something part way through this process  
15 that -- that came into being. These were solar roof  
16 vents meant as an energy-saving project for  
17 residential home -- homeowners that Collus and  
18 PowerStream had created a -- a joint venture to -- to  
19 pursue.

20                   MS. KATE MCGRANN:    Was there anything  
21 else that you were aware of at the time about the  
22 solar attic roof vent?

23                   MS. KIMBERLY WINGROVE:    No. That  
24 wasn't something that we were -- that I -- the Town  
25 was specifically involved in in any way.

1 MS. KATE MCGRANN: I'd like to turn  
2 now to Foundation document, paragraph 420.

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: Okay. Actually,  
7 could you just take that off the screen?

8

Without reference to a document, do you  
9 have any recollection that there were negotiations  
10 with PowerStream with respect to its financial bid?

11 MS. KIMBERLY WINGROVE: No, none at  
12 all.

13 MS. KATE MCGRANN: The documents  
14 indicate to us that after the financial components of  
15 the bid were evaluated, there were negotiations that  
16 resulted in PowerStream increasing its bid to  
17 8 million for the shares.

18 Did you have any awareness that that  
19 was happening at the time?

20 MS. KIMBERLY WINGROVE: No, I did not.

21 MS. KATE MCGRANN: We know sitting  
22 here today that ultimately the asset that shares were  
23 sold with respect to is not Collus Power. Is was  
24 Collus, the holding company.

25 Were you involved in discussions about

1 changing the entity of the shares that would be sold  
2 from at the time?

3 MS. KIMBERLY WINGROVE: No.

4 MS. KATE MCGRANN: Were you aware that  
5 there were discussions about potentially selling  
6 shares from the holding company instead of Collus  
7 Power at any time?

8 MS. KIMBERLY WINGROVE: No.

9 MS. KATE MCGRANN: Please pull up  
10 ALE1 --

11 THE HONOURABLE FRANK MARROCCO: Are --  
12 are you moving on to something else?

13 MS. KATE MCGRANN: Yes, I am.

14 THE HONOURABLE FRANK MARROCCO: Was --  
15 was it ever discussed with the Strategic Task Team  
16 that the -- they were going to change what was being  
17 sold? What -- they were going to change what people  
18 had bid on?

19 MS. KIMBERLY WINGROVE: No, I'm sorry.  
20 No.

21 THE HONOURABLE FRANK MARROCCO: Well,  
22 did you -- did you find -- when did you find out that  
23 that had happened?

24 MS. KIMBERLY WINGROVE: I don't --  
25 I -- I'm thinking when the report was prepared for --

1 to brief Council.

2 THE HONOURABLE FRANK MARROCCO: Okay.

3 Thank you.

4

5 CONTINUED BY MS. KATE MCGRANN:

6 MS. KATE MCGRANN: Please pull up

7 ALE1394.

8

9 (BRIEF PAUSE)

10

11 MS. KATE MCGRANN: This is an email  
12 from Paul Bonwick to John Glicksman on January 13th,  
13 2012. You were not copied on this email.

14 Mr. Bonwick writes, I thought I would:

15 "Hi, John. I thought I would  
16 provide you with a brief message on  
17 wrapping up the activities for the  
18 end of the week. Edwin's consulting  
19 team appear very pleased with the  
20 progress and working relationship as  
21 they close out the last details on  
22 the agreement."

23 Were you involved in -- in closing out  
24 the last details on the transaction agreements in  
25 early January 2012?



1 MS. KIMBERLY WINGROVE: No, I was not.

2 MS. KATE MCGRANN: He continues to  
3 write, "Council continues to be fully on-board."

4 He then writes:

5 "The CAO attempted to cause some  
6 problems in the middle of the week  
7 requesting the Town lawyers add some  
8 last-minute items that were contrary  
9 to the ongoing discussion and  
10 agreement."

11 Sitting here today, do you have any  
12 idea what that would be referring to?

13 MS. KIMBERLY WINGROVE: In the -- in  
14 the -- the bylaw that was -- that was drafted, first  
15 of all my concern was that we were asking Council to  
16 take a decision on a matter that was not yet complete.  
17 There -- the agreements, the form of those agreements,  
18 had not been completely negotiated between the  
19 parties, such that they could be provided to Council  
20 for their review.

21 And while that has happened in the  
22 history of the world, I think what was more  
23 challenging was that if there were changes, there  
24 wasn't an opportunity built into the process or an  
25 expectation built into the process that those changes

1 would come back to be okayed by Council.

2 I have moved forward with initiatives  
3 and agreements at various municipalities where things  
4 weren't entirely complete for reasons that are  
5 probably very specific to the project at hand. But  
6 always, you bring it back to Council. You say we're  
7 going to -- I'm asking you to say it's okay to move  
8 forward in this direction, and I will bring this back  
9 to you for your review at the next stage.

10 Never is it a complete and -- and final  
11 decision of Council when they haven't seen the  
12 materials.

13 MS. KATE MCGRANN: The date of this  
14 email is January 13th, 2012. Could you pull up  
15 paragraph 492 of the Foundation document?

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: Paragraph 492 and  
20 the paragraphs that follow it in Section 5.32 of the  
21 Foundation Document discuss the drafting of the share  
22 of sale bylaw for Council approval.

23 If you look at paragraph 492, it  
24 discusses an email from Leo Longo at Aird & Berlis,  
25 sent on January 17th, 2012, to Ed Houghton sharing a

1 draft of the bylaw.

2 In his email, Mr. Longo writes:

3 "Here is an initial draft of a  
4 proposed authorizing Council bylaw  
5 for your review and input."

6 He says:

7 "In particular, can you take a stab  
8 at drafting the whereas clauses due  
9 to your intimate familiarity with  
10 this proposal."

11 And if you look in the italicized text  
12 at the bottom, you can see that this email from  
13 Mr. Longo was sent to Mr. Houghton. It was also sent  
14 to you and others. Is this the bylaw that you're  
15 talking about?

16 MS. KIMBERLY WINGROVE: Yes.

17 MS. KATE MCGRANN: Had there been a  
18 discussion before you received this email about the  
19 contents of the bylaw?

20 MS. KIMBERLY WINGROVE: I don't recall  
21 that, no.

22 MS. KATE MCGRANN: I'd like to walk  
23 through some of the information that we have about the  
24 drafting of this bylaw with you to understand the  
25 concerns that you've expressed.

1                   If you can scroll down to  
2 paragraph 493.

3

4                                 (BRIEF PAUSE)

5

6                   MS. KATE MCGRANN:     This paragraph  
7 explains that the bylaw the Mr. Longo drafted included  
8 two (2) clauses. First -- and I'm summarizing -- that  
9 the mayor and clerk be authorized to execute Share  
10 Purchase Agreements and the Shareholders Agreement  
11 once a -- once those agreements were in a form and  
12 content to the satisfaction of the Town solicitor.

13                               Do you recall that that was in a draft  
14 of this bylaw?

15                   MS. KIMBERLY WINGROVE:     Yes. And that  
16 would be standard practice.

17                   MS. KATE MCGRANN:     Okay. And second,  
18 that Town staff and the Town solicitor report back to  
19 Council, as required, as the conditions precedent to  
20 the closing of this transaction are addressed and in  
21 any event, prior to the final closing of this share  
22 purchase transaction.

23                               Do you remember that being in a draft  
24 of this bylaw?

25                   MS. KIMBERLY WINGROVE:     Yes. That

1 would be correct.

2 MS. KATE MCGRANN: If we go to  
3 paragraph 494 of the Foundation document.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: This paragraph  
8 describes that on January 18th, 2012, Dennis Nolan,  
9 Executive Vice-President, Corporate Services, and  
10 Secretary of PowerStream, sent Mr. Houghton a revised  
11 version of Mr. Longo's draft bylaw.

12 Were you aware at the time that Mr.  
13 Nolan was reviewing it and revising the draft bylaw?

14 MS. KIMBERLY WINGROVE: No, I was not.

15 MS. KATE MCGRANN: When -- when did  
16 you first learn that that had occurred?

17 MS. KIMBERLY WINGROVE: I don't know  
18 that I ever knew that PowerStream was adjusting our  
19 bylaws.

20 MS. KATE MCGRANN: What is your  
21 reaction to learning that?

22 MS. KIMBERLY WINGROVE: Our practice  
23 was that our bylaws -- we -- depending on -- on the  
24 nature of -- of the -- the bylaw, Sara would either  
25 initiate drafting it and then send it to legal to be

1 refined and ensure that everything was correct. Or  
2 legal would take care of drafting the bylaw on our  
3 direction and then -- and then send it back.

4                   At no time would it ever be appropriate  
5 for the other party to be undertaking a -- a change  
6 like this. At -- at least, it would be one (1) thing  
7 to send an email saying, you know, we haven't -- the  
8 whereas clauses could be edited in a -- in a way; this  
9 is not maybe an accurate reflection; or something like  
10 that. Like, I -- I wouldn't have been necessarily  
11 surprised to -- to hear a question of clarification  
12 or -- or a comment from them.

13                   I just -- but again, it's very -- that  
14 would be a very unique circumstance to have another  
15 party commenting on the -- on the Town's bylaws, and  
16 certainly not like this where they are actually  
17 editing the bylaw.

18                   MS. KATE MCGRANN:     And why not?  
19 Why -- why would it -- why would it not be normal for  
20 a -- a counterparty to be editing a Town bylaw?

21                   MS. KIMBERLY WINGROVE:     Well, this is  
22 the -- the Town's bylaw. And bylaws, by their very  
23 nature, are meant -- are meant to reflect Council's  
24 direction and to survive the term of Council on --  
25 into the future. Not every decision that Council

1 makes is made by bylaw. Lots of normal everyday  
2 activities are simply moved forward by resolution of  
3 Council.

4 But you -- you go to the trouble of  
5 drafting a bylaw because you're sending a message  
6 about something that is meant to stand the test of  
7 time. This is very important. This is at the very  
8 heart of -- of our municipal work, and it's just  
9 simply wouldn't -- it's -- it's not appropriate for  
10 others to, you know, have a hand in that.

11 Council trusts staff. When we bring  
12 bylaws and staff reports forward, that those materials  
13 are comprehensive and accurate and -- and reflect  
14 staff's understanding of -- of the -- the best  
15 interests of the Town.

16 If -- if another party and a third  
17 party was actually, you know, taking on a role such as  
18 this, Council should have been advised.

19 MS. KATE MCGRANN: The documents  
20 indicate that Mr. Nolan's draft was provided to  
21 Mr. Houghton. Mr. Houghton sent the draft on to  
22 Mr. Longo. Do you recall if you ever saw -- let me  
23 take that back.

24 The process of the draft that we have  
25 seen is that it goes from Mr. Nolan to Mr. Houghton,

1 Mr. Houghton to Mr. Longo. And if you look at  
2 paragraph 496 of the Foundation document, Mr. Longo  
3 forwards a draft of the bylaw to Mayor Cooper,  
4 Deputy Mayor Lloyd, yourself, Ms. Almas, and others on  
5 January 19th, 2012. This draft includes the  
6 requirement that Town staff and the Town solicitor  
7 report back to Council as required.

8 We've seen this language in the earlier  
9 bylaw and the earlier draft of the bylaw. Do you  
10 recall receiving a revised draft from Mr. Longo on  
11 January 19th?

12 MS. KIMBERLY WINGROVE: I recall that  
13 this text was in the draft bylaw.

14 MS. KATE MCGRANN: You're included in  
15 Mr. Longo's emails about the draft of this bylaw.  
16 What is your role with respect to the drafting of this  
17 bylaw?

18 MS. KIMBERLY WINGROVE: I was not --  
19 this was being led by Mr. Houghton on behalf -- like,  
20 in his role as Executive Vice -- or executive person  
21 at Collus. So given that -- that he had been the lead  
22 on this project, he continued to -- to take that lead  
23 role in -- in moving this final phase of the project  
24 forward.

25 MS. KATE MCGRANN: You say that he is



1 leading in his role as head of Collus Power.

2 MS. KIMBERLY WINGROVE: Yes.

3 MS. KATE MCGRANN: You're the CAO of  
4 the Town. What role are you playing with respect to  
5 the drafting of this bylaw?

6 MS. KIMBERLY WINGROVE: Well, it is in  
7 fact the Town's bylaw. So I am trying to ensure that  
8 the Town's interests are protected in that bylaw and  
9 that the bylaw conforms to the Town's regular practice  
10 and is consistent with the -- the work that we would  
11 do with other bylaws.

12 MS. KATE MCGRANN: I have some more  
13 questions about this. I note that it's around  
14 the time --

15 THE HONOURABLE FRANK MARROCCO: Why  
16 don't we take -- we take ten (10).

17

18 --- Upon recessing at 12:04 p.m.

19 --- Upon resuming at 12:15 p.m.

20

21 CONTINUED BY MS. KATE MCGRANN:

22 MS. KATE MCGRANN: Ms. Wingrove, before  
23 the break we were talking about the drafting of the  
24 bylaw. And I want to understand -- I have some more  
25 questions about the role you were playing in the

1 drafting of that bylaw. Your CEO for the Town, Mr.  
2 Longo, is involved in drafting the bylaw.

3 Who was providing instructions to him  
4 about the contents of his drafts?

5 MS. KIMBERLY WINGROVE: If I may, I  
6 think this is -- is where there -- where there was  
7 difficulty.

8 As I said, our regular practice would  
9 have been that the drafting of a bylaw is something  
10 that the clerk had carriage over and she and I would  
11 have had discussion of the content of that bylaw.

12 In this particular case, and -- and  
13 where it became an issue, was that there was a  
14 disagreement about what should be in the bylaw.

15 MS. KATE MCGRANN: Who was the  
16 disagreement between?

17 MS. KIMBERLY WINGROVE: The  
18 disagreement was -- from where -- from direct  
19 conversation with me, it was brought to my attention  
20 that there needed to be changes to the bylaw, by the  
21 mayor and deputy mayor.

22 MS. KATE MCGRANN: What you remember  
23 about that? What can you tell us about that?

24 MS. KIMBERLY WINGROVE: That the -- for  
25 reasons I didn't understand at the time, and -- and

1 can't clearly articulate to you today. It's been such  
2 a long time.

3 The idea of having the various  
4 agreements come back as they progressed through their  
5 process was not something that was going to work for  
6 this process, that it was necessary for Council to  
7 provide their approval at this particular point in  
8 time and that the materials would not come back to  
9 Council again for further review.

10 MS. KATE MCGRANN: Am I right in  
11 understanding you're saying that that communication  
12 came to you from the mayor and the deputy mayor?

13 MS. KIMBERLY WINGROVE: That's right.

14 MS. KATE MCGRANN: How was that  
15 communicated to you?

16 MS. KIMBERLY WINGROVE: I believe they  
17 attended my office.

18 MS. KATE MCGRANN: That they came and  
19 spoke to you in your office?

20 MS. KIMBERLY WINGROVE: That's  
21 correct.

22 MS. KATE MCGRANN: Was there a  
23 discussion about -- about what should happen?

24 MS. KIMBERLY WINGROVE: Just that I  
25 was not -- that the change to remove that clause was

1 necessary and that was simply how it was going to be.

2 MS. KATE MCGRANN: In terms of who is  
3 providing direction to Mr. Longo about the drafting of  
4 the bylaw, who was doing that?

5 MS. KIMBERLY WINGROVE: Well, clearly  
6 there were a lot of cooks in the kitchen at the -- at  
7 the time. This was something that was very  
8 challenging for me because there were a number of  
9 conversations happening in parallel and I think it put  
10 our legal counsel in a very difficult position.

11 Who are they taking direction from?  
12 Are they taking direction from the CAO or are they  
13 taking direction from elected officials, or are they  
14 taking direction from Mr. Houghton?

15 And so at the end of it all, I was not  
16 the majority of -- of those parties and so they were  
17 not taking direction from me.

18 MS. KATE MCGRANN: How did you come to  
19 understand that at the end of it all Mr. Longo was not  
20 taking directions from you?

21 MS. KIMBERLY WINGROVE: Because what  
22 had been put -- the clauses that had been in the early  
23 draft of the bylaw that required the materials to come  
24 back as they progressed through their completion  
25 phases was struck from the bylaw, and what stood was

1 what was there at the end, which was Council provided  
2 their approval and any future documents were just to  
3 be executed on the authority of the mayor and the  
4 clerk.

5 MS. KATE MCGRANN: Was it the case  
6 that you had provided Mr. Longo with instructions  
7 about statements that you wanted to be in the bylaw  
8 that did not make their way into the final bylaw?

9 Is that what you're saying?

10 MS. KIMBERLY WINGROVE: As I said  
11 earlier, it was our practice. It's -- it's best  
12 practice that if there are going to be changes, if --  
13 it's a very rare thing that you bring a thing to  
14 Council to be approved before all of the paperwork is  
15 complete. You're asking Council to approve things  
16 when they don't have all of the information in front  
17 of them, in my own opinion, that's not fair.

18 However, my opinion aside, bringing the  
19 -- sorry. State your question again. I'm meandering.

20 MS. KATE MCGRANN: So I think you're  
21 giving me information about why you thought certain  
22 statements should be in the bylaw.

23 MS. KIMBERLY WINGROVE: Yes.

24 MS. KATE MCGRANN: What I would like  
25 to understand is how you came to understand that you

1 were not the person who Mr. Longo was taking  
2 directions from. I think you said something about the  
3 fact that statements you wanted to be in the bylaw did  
4 not make their way into the final bylaw.

5 MS. KIMBERLY WINGROVE: That's --  
6 that's correct. And I was told in -- in no uncertain  
7 terms that it was necessary for this bylaw to be  
8 written the way that it was and that if -- if that was  
9 not the case then somehow that was going to put this  
10 deal in jeopardy.

11 MS. KATE MCGRANN: Is that the -- the  
12 discussion you were telling us about with the mayor  
13 and the deputy mayor in your office?

14 MS. KIMBERLY WINGROVE: That's  
15 correct.

16 MS. KATE MCGRANN: Was it that  
17 discussion that led you to conclude -- like, was it  
18 that discussion that led you to conclude that you're  
19 not providing instructions to Mr. Longo anymore?

20 MS. KIMBERLY WINGROVE: That's  
21 correct. And -- and there were, like, this was not a  
22 unique circumstance. There were other times where it  
23 came to my attention that the elected officials were  
24 speaking directly with our legal counsel and then that  
25 information would come back to me, either from legal

1 counsel or from the elected officials I've spoken to,  
2 whomever, and this is what we're going to do.

3 MS. KATE MCGRANN: The foundation  
4 document describes drafts of the bylaw being exchanged  
5 from January 17 onwards. If we can turn the ALU1394,  
6 this e-mail is dated January 13th. So it appears to  
7 be dated before the first draft of the bylaws sent  
8 across from Mr. Longo.

9 I'd like to turn your attention again  
10 to the sentence the CAO attempted to cause some  
11 problems in the middle of the week, which would have  
12 been earlier than January 13th, requesting the Town  
13 lawyer to add some last-minute items that are contrary  
14 to the ongoing discussion and agreement.

15 Looking at the timing of this e-mail  
16 and the drafts of the bylaw that we've seen, what --  
17 what can you say about that?

18 MS. KIMBERLY WINGROVE: I maintain  
19 that our discussions about -- and where there was a  
20 difference of opinion was about whether or not these  
21 materials could go forward to Council and be provided  
22 with full and final approval by Council when the  
23 documents themselves were not complete.

24 I have -- I have such a strong memory  
25 of that, because it was extremely upsetting to me that

1 -- that this was where we were going and I could not  
2 understand the reason why.

3                   Certainly there's a process or can be  
4 an appropriate process for any direction that Council  
5 provides. If Council says we need to do this, it's  
6 the CAO and the -- and the staff's role to consider  
7 that direction and to provide a path back to Council  
8 that will allow them to achieve those objectives while  
9 still being open and transparent to the public and ad  
10 -- adhering to all of the -- of the Town's policies  
11 and procedures.

12                   So you know, in this case to -- to say  
13 that this is just how it's going to be and we're not  
14 going to talk about this anymore, that was just such a  
15 -- such a difficult thing for me to accept and I  
16 didn't understand it at the time and I don't  
17 understand it now.

18                   MS. KATE MCGRANN:   Turning to the next  
19 sentence in this e-mail, Mr. Bonwick has written a Mr.  
20 Glicksman:

21                   "The CAO has since been engaged at  
22 the political level, and has a very  
23 clear understanding of the level and  
24 support expected at this late date,  
25 no more problems expected."



1                   You didn't write this e-mail, but what  
2 do you think this is talking about?

3                   MS. KIMBERLY WINGROVE:    That there --  
4 and this would not be the only instance -- where it  
5 was communicated to me that a decision had been made  
6 and that I needed to tow the line.

7                   MS. KATE MCGRANN:    Communicated to you  
8 by whom?

9                   MS. KIMBERLY WINGROVE:    By the dep --  
10 by the deputy mayor or the mayor, or both.

11                  MS. KATE MCGRANN:    Looking at this e-  
12 mail, which is dated on Friday, January 13th, talking  
13 about events that happened in the middle of the week,  
14 do you have any recollection of something like that  
15 happened during this timeframe?

16                  MS. KIMBERLY WINGROVE:    Well, I don't  
17 remember the exact date. I do, as I said, I do recall  
18 being told very clearly about how this particular  
19 process needed to be wrapped up and that -- sorry, I'm  
20 repeating myself, I apologize.

21                  MS. KATE MCGRANN:    You're referring  
22 back to the meeting with the deputy mayor and the  
23 mayor in your office that you've already told us  
24 about?

25                  MS. KIMBERLY WINGROVE:    Correct.

1 MS. KATE MCGRANN: To your knowledge,  
2 who knew that that meeting had taken place?

3 MS. KIMBERLY WINGROVE: With something  
4 like that, certainly I would have communicated it with  
5 Sara. I would have communicated it back to -- I would  
6 have expressed my concerns to Aird & Berlis because I  
7 would have been looking to see whether or not there  
8 was anything else that -- that -- that could be done.

9 MS. KATE MCGRANN: Here we see Mr.  
10 Bonwick's communicating information about objections  
11 you raised, and -- and you being engaged at the  
12 political level, no problem or problems being  
13 expected.

14 Is this the kind of information that  
15 you thought at the time was being shared with the  
16 counter-party Town and Collus' transaction?

17 MS. KIMBERLY WINGROVE: I would have  
18 had no idea or expectation that communications like  
19 this would have been happening.

20 MS. KATE MCGRANN: Can we turn to  
21 paragraph 501 of the Foundation Document.

22 THE HONOURABLE FRANK MARROCCO: Just so  
23 that I understand, you're saying or you're telling me  
24 you never were told why it was necessary for the Town  
25 solicitor to be replaced by the mayor and the clerk in

1 that bylaw?

2 MS. KIMBERLY WINGROVE: No. The  
3 mayor and the clerk, that's correct, that the mayor  
4 and the clerk should -- should execute the agreements;  
5 that -- that's proper practice.

6 What my concern was, that the way that  
7 that bylaw ended up being drafted was that Council was  
8 to provide their approval for those agreements to be  
9 executed at some time in the future when they were  
10 complete without them ever coming back to Council so  
11 that any changes could be discussed.

12 THE HONOURABLE FRANK MARROCCO: And  
13 that's what you were told was the necessary change  
14 that had to be made?

15 MS. KIMBERLY WINGROVE: That -- that  
16 it could not come back to Council.

17 THE HONOURABLE FRANK MARROCCO: All  
18 right, okay.

19

20

21 CONTINUED BY MS. KATE MCGRANN:

22 MS. KATE MCGRANN: Before I move to  
23 this paragraph, could we please have ALE1394, the  
24 email we were just looking at marked as an exhibit,  
25 next exhibit?

1 THE REGISTRAR: Exhibit 36, Your  
2 Honour.

3 THE HONOURABLE FRANK MARROCCO: Yes,  
4 sorry.

5

6 --- EXHIBIT NO. 36: ALE0001394

7

8 CONTINUED BY MS. KATE MCGRANN:

9 MS. KATE MCGRANN: Looking at  
10 paragraph 501 of the Foundation Document, this  
11 discusses an email from Mr. Bonwick to Mayor Cooper,  
12 Deputy Mayor Lloyd, and Mr. Houghton. You are not  
13 copied on this email. In his email, Mr. Bonwick  
14 writes:

15 "I didn't mention that the mayor had  
16 asked for a motion to be available  
17 for a meeting this afternoon for  
18 review by CAO, Clerk, and Ed."

19 Mr. Bonwick says:

20 "I would respectfully suggest that  
21 the mayor bring in Rick and Leo,  
22 either in person or online. This  
23 will provide an opportunity to  
24 provide clear direction to Leo and  
25 the CAO from both members of the

1 review team who also happen to be  
2 mayor and deputy mayor. If the  
3 mayor believes this to be a  
4 reasonable approach, I would suggest  
5 it must take place this afternoon."

6 Do you remember attending a meeting  
7 with the people listed in this email in and around  
8 January 19th, 2012?

9 MS. KIMBERLY WINGROVE: I would  
10 suggest this is the meeting that I am recalling, that  
11 -- where direction was -- was given. Yeah, I don't  
12 want to -- I don't want to suppose -- my belief is  
13 that there was -- I expressed some concern.

14 I was told how things needed to be. I  
15 would have likely called Aird & Berlis to try and  
16 speak to them about how this could be addressed, and  
17 so now what's happening here is that now we're both  
18 going to be told how things need to be.

19 MS. KATE MCGRANN: I think you said  
20 that you would have called Aird & Berlis.

21 Is it the case that you specifically  
22 remember calling Aird & Berlis or are you --

23 MS. KIMBERLY WINGROVE: During that  
24 time I had multiple phone calls with Leo Longo and  
25 John Mascarin.

1 MS. KATE MCGRANN: Why are you making  
2 the multiple phone calls to those two (2) gentlemen?

3 MS. KIMBERLY WINGROVE: I had -- I was  
4 very concerned about the process that we were  
5 following, and I -- and I wanted to do whatever I  
6 could to express those concerns and to provide a path  
7 forward that was going to work for everyone.

8 It's not my place to put up roadblocks.  
9 It's my place to find solutions. And so I wanted to  
10 work with our legal counsel to ensure that what I  
11 understood to be Council and the community's best  
12 interests were being protected at the same time that  
13 this initiative of creating a partnership with Collus  
14 could still move forward.

15 MS. KATE MCGRANN: Did you feel that  
16 your efforts in making those calls -- phone calls were  
17 successful?

18 MS. KIMBERLY WINGROVE: There was very  
19 -- was no appetite to make that change to allow the  
20 documents to come back.

21 MS. KATE MCGRANN: No appetite on the  
22 part of who?

23 MS. KIMBERLY WINGROVE: On the -- on  
24 the -- on the part of the mayor or the deputy mayor or  
25 Mr. Houghton.

1 MS. KATE MCGRANN: Then the telephone  
2 calls that you made to Mr. Longo and Mr. Mascarin, the  
3 discussions with the mayor and the deputy mayor that  
4 you've described to us already, did you do anything  
5 else to try to voice your concerns or effect the  
6 changes that you felt were necessary?

7 MS. KIMBERLY WINGROVE: I felt -- I  
8 felt at the time that I had done what I could do.

9 MS. KATE MCGRANN: Could we turn to  
10 VER186?

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: I'm looking for a  
15 staff report that's attached to this document. If you  
16 could just give me a second, I will get the page  
17 reference.

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: Could you just  
22 scroll down to page 2, please?

23 There's a reference on this page to  
24 staff report CAO2012-01 titled "Collus PowerStream  
25 Strategic Partnership."

1                   Are you familiar with that staff  
2   report?

3                   MS. KIMBERLY WINGROVE:    Yes, I am.

4                   MS. KATE MCGRANN:     Do you know who  
5   drafted it?

6                   MS. KIMBERLY WINGROVE:   This staff  
7   report, like many others, the initial -- the initial  
8   draft of it came from Mr. Houghton and then I made --  
9   did editing and completed it and submitted it to the  
10   clerk.

11                  MS. KATE MCGRANN:     What kind of  
12   editing did you do?

13                  MS. KIMBERLY WINGROVE:   More -- I  
14   don't have a specific recollection of the changes that  
15   I made. It would primarily have been for formatting  
16   and clarity and filling in some places where I felt  
17   like perhaps there was additional information that  
18   would be useful to Council.

19                  MS. KATE MCGRANN:     We have talked  
20   about the drafting of the bylaw that we were just  
21   looking at.

22                  Other than the bylaw, and leaving the  
23   bylaw aside for a second --

24                  MS. KIMBERLY WINGROVE:   M-hm.

25                  MS. KATE MCGRANN:     -- did you have a



1 role in the negotiation of the transaction documents,  
2 the -- you know, the Shareholders Agreement, the Share  
3 Purchase Agreement, related documents?

4 MS. KIMBERLY WINGROVE: No, I did not.

5 MS. KATE MCGRANN: Did you have a role  
6 in providing instructions to the solicitors who were  
7 acting on behalf of either the Town or Collus Power in  
8 the negotiation or drafting of those documents?

9 MS. KIMBERLY WINGROVE: No, I did not.

10 MS. KATE MCGRANN: Do you know who was  
11 providing instructions to those professionals on  
12 behalf of the Town.

13 MS. KIMBERLY WINGROVE: I assume that  
14 that was coming from Mr. Houghton and -- and KPMG.

15 MS. KATE MCGRANN: You say that you  
16 assumed that it was coming from Mr. Houghton and KPMG.  
17 Did you ever have a discussion with  
18 anyone during the period between December 2011 and  
19 July 2012 about who was providing those instructions  
20 or who should be provided them?

21 MS. KIMBERLY WINGROVE: I did not -- I  
22 -- I was told in many times during my time with  
23 Collingwood that the -- the work undertaken by the  
24 Public Utilities Services Board and Collus were not my  
25 concern. And so I had a -- quite a -- a hands-off

1 relationship with the more specific details of any of  
2 the actions that were undertaken by them.

3                   The fact that this work needed to pass  
4 muster by the Ontario Energy Board, et cetera, meant  
5 that -- to me that some very specialized knowledge and  
6 expertise needed to be employed in order to get these  
7 documents in shape that -- that they would be  
8 approved.

9                   MS. KATE MCGRANN:    Okay. Did you have  
10 any discussions with anyone about who is providing  
11 instructions on behalf of the Town?

12                   MS. KIMBERLY WINGROVE:   No, I did not.  
13 There were so many lawyers involved, that -- that who  
14 was providing direction to the -- to the legal team, I  
15 assume it was Mr. Houghton.

16                   MS. KATE MCGRANN:    You see the  
17 Transaction documents were signed on March 6th, 2012.  
18 Do you recall if you reviewed those documents,  
19 provided comments?

20                   MS. KIMBERLY WINGROVE:    I do not.

21                   MR. FREDERICK CHENOWETH:    I'm sorry,  
22 what was that answer?

23                   MS. KIMBERLY WINGROVE:    I do not  
24 recall specifically reviewing those documents on March  
25 the 6th.

1 MS. KATE MCGRANN: Do you recall  
2 reviewing them before March the 6th?

3 MS. KIMBERLY WINGROVE: No, I don't.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: The last specific  
8 thing that I'd like to talk to you about is the  
9 termination of your employment as CAO of the Town of  
10 Collingwood. Could we turn to paragraph 582 of the  
11 foundation document, please.

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: This paragraph says  
16 that you were given notice of termination on Tuesday,  
17 April 3rd, 2012. Is that consistent with you -- what  
18 you remember?

19 MS. KIMBERLY WINGROVE: That's  
20 correct.

21 MS. KATE MCGRANN: Would you please  
22 tell me what you remember about the notice that you  
23 were given?

24 MS. KIMBERLY WINGROVE: So Council had  
25 been in camera the night before to discuss, I think in

1 -- in part, a performance evaluation for me. I was  
2 called to the mayor's office on the Tuesday. The  
3 deputy mayor was there, and I was simply told that  
4 they -- that Council had taken the decision to  
5 terminate my employment. They asked me if I would  
6 resign.

7 MS. KATE MCGRANN: All right. Who  
8 else was present?

9 MS. KIMBERLY WINGROVE: The deputy  
10 mayor.

11 MS. KATE MCGRANN: What was your  
12 response to being asked if you would resign?

13 MS. KIMBERLY WINGROVE: I said no, I  
14 would not.

15 MS. KATE MCGRANN: Do you remember  
16 what happened next?

17 MS. KIMBERLY WINGROVE: I was asked if  
18 I would -- I would consider that, that they tried to  
19 make the pitch that it would be better for everyone if  
20 I just resigned.

21 And again, I said, No, I won't do that.  
22 And -- but then I returned to my office, and gathered  
23 my things, and my purse, and beat a hasty retreat.

24 MS. KATE MCGRANN: What did you take  
25 with you?

1 MS. KIMBERLY WINGROVE: My purse, my  
2 phone, my -- I must have -- I think I must have taken  
3 -- I think I must have taken my laptop with me at that  
4 time as well.

5 MS. KATE MCGRANN: Now is that a  
6 personal laptop or a Town laptop?

7 MS. KIMBERLY WINGROVE: No, it was the  
8 Town's.

9 MS. KATE MCGRANN: So you have the  
10 meeting. You go to your office. You take your purse,  
11 and your phone, the Town laptop. Did you take  
12 anything else with you?

13 MS. KIMBERLY WINGROVE: No.

14 MS. KATE MCGRANN: Did you return to  
15 your office after that?

16 MS. KIMBERLY WINGROVE: On the -- so  
17 this was Easter weekend -- or if -- thereabouts --  
18 anyway, a weekend transpired. I took a couple of days  
19 off, but the -- the week following, on the Monday or  
20 Tuesday of the next week, I -- I came back to the  
21 office to gather a few more of my -- of my personal  
22 things that were in the office.

23 Mike Edwards, a Councillor at the time,  
24 came to observe me doing this. So I took, you know,  
25 the sweater, and the cup, and the trophies, or

1 whatever acknowledgment things you have in your  
2 office, and -- and packed those up, and that was that.

3 MS. KATE MCGRANN: How was it that Mr.  
4 Edwards came to observe you removing more personal  
5 belongings from your office?

6 MS. KIMBERLY WINGROVE: I think that -  
7 - that it was agreed upon that I would attend the  
8 office to do this, and -- and so I suppose someone  
9 told him that he should be there.

10 MS. KATE MCGRANN: And what happened  
11 after you attended at your office a second time?

12 MS. KIMBERLY WINGROVE: I -- I picked  
13 up my stuff, and I was -- I was not in a good place.  
14 I was -- I was pretty sad. And -- and so I picked up  
15 my stuff, and I went home.

16 MS. KATE MCGRANN: You had been asked  
17 to consider whether you would resign -- whether you  
18 would resign. How -- how did that conversation  
19 conclude?

20 MS. KIMBERLY WINGROVE: No, I never  
21 did agree to resign. And --

22 MS. KATE MCGRANN: And so how was the  
23 status of your employment resolved?

24 MS. KIMBERLY WINGROVE: The Town --  
25 the -- the Town had ret -- retained Lorenzo Lisi,

1 their HR specialist.

2 MS. KATE MCGRANN: I might just stop  
3 you there for a second.

4 MS. KIMBERLY WINGROVE: Yes.

5 MS. KATE MCGRANN: I actually just  
6 want to know if you were ultimately fired, or if you  
7 resigned, or --

8 MS. KIMBERLY WINGROVE: Well, yes, I  
9 suppose I ultimately was fired.

10 MS. KATE MCGRANN: Thank you. Did you  
11 take any of your -- of the files that you created  
12 during your work with you when you left?

13 MS. KIMBERLY WINGROVE: No.

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: At any point during  
18 the period between December 2010 and -- an July 2012,  
19 did you destroy any documents related to the Collus  
20 transaction?

21 MS. KIMBERLY WINGROVE: I didn't have  
22 any documents related to the Collus transaction. The  
23 only thing that I had related to that was that  
24 spreadsheet with a few notes that is already an  
25 exhibit here today. And the reason I have that is

1 because I emailed to myself at one (1)time, which  
2 leads me to believe I was working on one (1) computer,  
3 and sending it to my -- to my Town computer.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: Those are the end  
8 of my specific questions for you. A question that I  
9 would like to give you the opportunity to answer, if  
10 you'd like to, is: Sitting where you are today,  
11 looking back, is there anything that you would like to  
12 say about what happened, things you would have done  
13 differently?

14

15 (BRIEF PAUSE)

16

17 MS. KIMBERLY WINGROVE: I was raised  
18 to be someone -- as -- as all of us were -- to not  
19 give up, and to not quit. If you take on a  
20 responsibility, you see it through until the end.

21 And in this particular instance, where  
22 it was very clear to me early on that this was a  
23 situation that was far beyond my ability to affect a  
24 positive result from, I should have stepped away.

25 When you're the CAO in a town like



1 Collingwood, if -- if you -- if you leave your  
2 position, you have to move. And I -- I had come here  
3 with my family to try and -- and be home more, and  
4 give some more stability, and -- and build a great  
5 thing.

6 I regret that I wasn't able to have  
7 things turn out differently here, and to just -- and  
8 to be better able to stand up to some of the  
9 challenging situations that I saw. I'm sorry to the  
10 people of the Town.

11 THE HONOURABLE FRANK MARROCCO: I  
12 think what we'll do is -- you -- you're finished the  
13 question, Ms. McGrann?

14 MS. KATE MCGRANN: Yes, I am.

15 THE HONOURABLE FRANK MARROCCO:  
16 Obviously, the Witness is that -- I think we'll take  
17 lunch now. We'll come back at two o'clock instead of  
18 2:15. So we should -- that'll probably give everybody  
19 a chance to regroup.

20

21 --- Upon recessing at 12:46 p.m.

22 --- Upon resuming at 2:03 p.m.

23

24 THE HONOURABLE FRANK MARROCCO: Go  
25 ahead, Mr. Chenoweth.

1 MR. FREDERICK CHENOWETH: Your Honour,  
2 thank you.

3

4 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

5 MR. FREDERICK CHENOWETH: Ms. Gro --  
6 Wingrove, I take it that you're aware that I am the  
7 counsel for Mr. Houghton?

8 MS. KIMBERLY WINGROVE: Yes.

9 MR. FREDERICK CHENOWETH: Thank you  
10 very much. Just a little bit of -- of information  
11 with respect to your recent activities. You were with  
12 the Town of Collingwood as CAO for two (2) years and  
13 five (5) months, as I understand it?

14 MS. KIMBERLY WINGROVE: That's  
15 correct.

16 MR. FREDERICK CHENOWETH: Very good.  
17 And you then left the Town of Collingwood and you went  
18 to the Town of New Tecumseh, correct?

19 MS. KIMBERLY WINGROVE: That's  
20 correct.

21 MR. FREDERICK CHENOWETH: And you had  
22 a tenure at the Town of New Tecumseh of one (1) year  
23 and ten (10) months. Is that correct?

24 MS. KIMBERLY WINGROVE: Yes, I believe  
25 so.

1 MR. FREDERICK CHENOWETH: Very good.

2 And thereafter, you had a second CAO position?

3 MS. KIMBERLY WINGROVE: That's

4 correct, in Guelph/Eramosa.

5 MR. FREDERICK CHENOWETH: Thank you.

6 The Town of Guelph/Eramosa, correct?

7 MS. KIMBERLY WINGROVE: Correct.

8 MR. FREDERICK CHENOWETH: Thank you.

9 And that second CAO position lasted for one (1) year  
10 and seven (7) months?

11 MS. KIMBERLY WINGROVE: Correct.

12 MR. FREDERICK CHENOWETH: Very good.

13 And you've since moved on to the County of Grey?

14 MS. KIMBERLY WINGROVE: That's

15 correct.

16 MR. FREDERICK CHENOWETH: And you are  
17 a CAO with the County of Grey, and you've been there  
18 in excess of three (3) years?

19 MS. KIMBERLY WINGROVE: That's

20 correct.

21 MR. FREDERICK CHENOWETH: Very good.

22 Now going back for a moment to your job as CAO at the  
23 Town of Collingwood, I think you've been frank in  
24 suggesting that in terms of your career path, this was  
25 the first occasion on which you had worked with a

1 municipality. You'd otherwise worked with the  
2 Provincial government?

3 MS. KIMBERLY WINGROVE: That's not  
4 entirely correct. I -- my employer was the Province  
5 of Ontario.

6 MR. FREDERICK CHENOWETH: Yes.

7 MS. KIMBERLY WINGROVE: Within the  
8 scope of my employment with the Province of Ontario, I  
9 worked with many municipalities on -- on various  
10 economic development and program delivery projects.

11 MR. FREDERICK CHENOWETH: Very good.  
12 In any event, it was the first time that you had  
13 worked in close proximity with a municipality and  
14 become a CAO --

15 MS. KIMBERLY WINGROVE: That is  
16 correct.

17 MR. FREDERICK CHENOWETH: -- of a  
18 municipality?

19 MS. KIMBERLY WINGROVE: That's  
20 correct.

21 MR. FREDERICK CHENOWETH: So that your  
22 -- your work experience prior to this occasion had not  
23 been that of a CAO?

24 MS. KIMBERLY WINGROVE: That's  
25 correct.

1 MR. FREDERICK CHENOWETH: All right.

2 So there was -- there was a learning curve, lots to  
3 learn, I think was your phrase of yesterday?

4 MS. KIMBERLY WINGROVE: Absolutely,  
5 yes.

6 MR. FREDERICK CHENOWETH: All right.  
7 And -- and you had hoped that -- and it was -- there  
8 was also a, you found out, a substantial workload?

9 MS. KIMBERLY WINGROVE: That's  
10 correct.

11 MR. FREDERICK CHENOWETH: And you had  
12 -- you -- you expressed concerns about your ability  
13 keep up with the workload that you had? At least, I -  
14 - that was what I understood your testimony to be  
15 yesterday.

16 MS. KIMBERLY WINGROVE: This was a --  
17 it was a very busy role --

18 MR. FREDERICK CHENOWETH: All right.

19 MS. KIMBERLY WINGROVE: -- and  
20 certainly not a role to be completed within the 8:30  
21 to 4:30 general working hours of the Town.

22 MR. FREDERICK CHENOWETH: And you --  
23 you demonstrated that yesterday by describing that you  
24 would work many weekends, particularly with Council  
25 meetings on the Monday or Tuesday evening after the

1 worked weekends?

2 MS. KIMBERLY WINGROVE: Correct.

3 MR. FREDERICK CHENOWETH: All right.

4 And that involved a -- a series of questions that you  
5 might be inundated with through the course of the  
6 weekend?

7 MS. KIMBERLY WINGROVE: At times, yes.

8 MR. FREDERICK CHENOWETH: And I think  
9 you indicated possibly some criticism from time to  
10 time through the course of -- of those weekends?

11 MS. KIMBERLY WINGROVE: I wouldn't --  
12 the -- the feedback that I received from -- from  
13 Councillor Chadwick occurred on a fairly regular  
14 basis.

15 MR. FREDERICK CHENOWETH: Including  
16 weekends?

17 MS. KIMBERLY WINGROVE: Including  
18 weekends.

19 MR. FREDERICK CHENOWETH: All right.  
20 And there was some criticism involved in Councillor  
21 Chadwick's remarks, from what I understood from your  
22 testimony yesterday?

23 MS. KIMBERLY WINGROVE: I think that's  
24 fair to say, yes.

25 MR. FREDERICK CHENOWETH: All right.

1 Very good. Now you had moved your family to  
2 Collingwood?

3 MS. KIMBERLY WINGROVE: Yes.

4 MR. FREDERICK CHENOWETH: And what of  
5 your family moved with you to Collingwood?

6 MS. KIMBERLY WINGROVE: My two (2)  
7 daughters.

8 MR. FREDERICK CHENOWETH: Very good.  
9 And so that you had some professional challenges, a  
10 new job as a CAO, a -- a substantial workload, and  
11 also you had the -- the rigours of moving your family  
12 to a new -- to a new community and making the  
13 adjustment in that respect?

14 MS. KIMBERLY WINGROVE: Correct.

15 MR. FREDERICK CHENOWETH: All right.  
16 So there were -- there were some professional  
17 challenges, and there were some -- some personal  
18 challenges, family challenges, as well?

19 MS. KIMBERLY WINGROVE: I think any  
20 time you make a significant change, there's a period  
21 of adjustment.

22 MR. FREDERICK CHENOWETH: And this was  
23 a significant change for you?

24 MS. KIMBERLY WINGROVE: I believe so,  
25 yes.

1 MR. FREDERICK CHENOWETH: Good. Thank  
2 you. And you had hoped for greater balance in your  
3 life as a result of taking this position?

4 MS. KIMBERLY WINGROVE: What I was  
5 hoping to be able to devote my full attention and time  
6 to one (1) municipality. In my role with the  
7 Province, I had many projects with many  
8 municipalities, and offices in Guelph, Toronto, and  
9 Kingston, so there was a lot of travel. And I wanted  
10 -- I was looking to be able to just be in one (1)  
11 place.

12 MR. FREDERICK CHENOWETH: Yes, and you  
13 -- you yesterday characterized that is looking for  
14 greater balance in your life?

15 MS. KIMBERLY WINGROVE: Correct.

16 MR. FREDERICK CHENOWETH: And I  
17 assumed that meant an opportunity to spend more time  
18 with your daughters, and your family, other than being  
19 required to travel --

20 MS. KIMBERLY WINGROVE: That's  
21 correct.

22 MR. FREDERICK CHENOWETH: -- as you  
23 had previously at your other job.

24 MS. KIMBERLY WINGROVE: Yes, that's  
25 correct.



1 MR. FREDERICK CHENOWETH: All right.

2 Suffice it to say that things didn't turn out that  
3 way. The balance you'd hope to achieve was not  
4 available because of some of the factors we've  
5 mentioned, the workload, and -- and other matters of  
6 that nature, correct?

7 MS. KIMBERLY WINGROVE: Correct.

8 MR. FREDERICK CHENOWETH: All right.  
9 And, in fact, the professional challenges did not work  
10 out as you'd wished, and eventually you were asked to  
11 resign?

12 MS. KIMBERLY WINGROVE: That's  
13 correct.

14 MR. FREDERICK CHENOWETH: All right.  
15 And eventually, as a result of the position you took  
16 with respect to that resignation, i.e., you said you  
17 would not resign, you were terminated?

18 MS. KIMBERLY WINGROVE: That's  
19 correct.

20 MR. FREDERICK CHENOWETH: Thank you.  
21 And you were required to get a lawyer with respect to  
22 the matters that arose from that termination?

23 MS. KIMBERLY WINGROVE: Correct.

24 MR. FREDERICK CHENOWETH: And you  
25 issued a statement of claim against the Town of

1 Collingwood?

2 MS. KIMBERLY WINGROVE: Yes.

3 MR. FREDERICK CHENOWETH: Thank you.

4 And that action that you commenced was eventually  
5 settled?

6 MS. KIMBERLY WINGROVE: Correct.

7 MR. FREDERICK CHENOWETH: Thank you.

8 Now your relationships with the people -- the  
9 Councillors and others at the Town of Collingwood, you  
10 described those in some detail yesterday, and you  
11 advised that your relationship with the mayor, you  
12 characterized that as stilted, and awkward, and  
13 limited. That's correct, I take it?

14 MS. KIMBERLY WINGROVE: That is  
15 correct.

16 MR. FREDERICK CHENOWETH: All right.  
17 So fair to say that you had a limited working  
18 relationship with the mayor?

19 MS. KIMBERLY WINGROVE: That's --  
20 that's true, yeah, sorry.

21 MR. FREDERICK CHENOWETH: Very good.  
22 And there wasn't the mutual respect in that  
23 relationship with respect to your suggestions, et  
24 cetera, that you had envisioned may occur between a  
25 CAO and the mayor of the municipality?

1 MS. KIMBERLY WINGROVE: Yes.

2 MR. FREDERICK CHENOWETH: You have  
3 also described your relationship with the Deputy Mayor  
4 Mr. Rick Lloyd?

5 MS. KIMBERLY WINGROVE: Yes.

6 MR. FREDERICK CHENOWETH: These, I  
7 take it, are the top two (2) political actors at the  
8 Township, the mayor -- or Deputy Mayor Lloyd and --  
9 and Mayor Cooper?

10 MS. KIMBERLY WINGROVE: Correct.

11 MR. FREDERICK CHENOWETH: All right.  
12 And with respect Deputy Mayor Lloyd, I think you  
13 indicated that your relationship with him was  
14 uncomfortable?

15 MS. KIMBERLY WINGROVE: Yes.

16 MR. FREDERICK CHENOWETH: You had  
17 observed him to be unkind --

18 MS. KIMBERLY WINGROVE: Yes.

19 MR. FREDERICK CHENOWETH: -- which I  
20 take it suggests that you found his interaction with  
21 you from time to time unkind?

22 MS. KIMBERLY WINGROVE: Yes, I think  
23 that's fair to say, yes.

24 MR. FREDERICK CHENOWETH: All right.  
25 And you had limited contact?

1 MS. KIMBERLY WINGROVE: As I said, our  
2 -- the conversations between the deputy mayor and  
3 myself were very focused to whatever matter was at  
4 hand. There was not what you would consider a -- a  
5 collegial relationship --

6 MR. FREDERICK CHENOWETH: Let's put it  
7 another way. Your working relationship with Rick  
8 Lloyd was awkward and limited? Isn't that fair?

9 MS. KIMBERLY WINGROVE: I think that's  
10 fair, yes.

11 MR. FREDERICK CHENOWETH: And the kind  
12 of mutual respect that you would have anticipated  
13 between a deputy mayor and a CAO, you were unable to  
14 develop that kind of relationship with Rick Lloyd?

15 MS. KIMBERLY WINGROVE: Correct.

16 MR. FREDERICK CHENOWETH: Thank you.  
17 And you also described your relationship with Ian  
18 Chadwick, and you indicated to us that, again, that  
19 was a -- a difficulty. There was unpleasant  
20 interactions between yourself and Mr. Lloyd?

21 MS. KIMBERLY WINGROVE: Mr. Chadwick?

22 MR. FREDERICK CHENOWETH: Mr.  
23 Chadwick, I'm sorry.

24 MS. KIMBERLY WINGROVE: Mr. Chadwick,  
25 his --

1 MR. FREDERICK CHENOWETH: Just -- just  
2 answer my question, was it -- was it the case that you  
3 had unpleasant --

4 MS. KIMBERLY WINGROVE: Mr. -- Mr.  
5 Chadwick --

6 MR. FREDERICK CHENOWETH: --  
7 unpleasant interactions --

8 MS. KIMBERLY WINGROVE: -- Mr.  
9 Chadwick --

10 MR. FREDERICK CHENOWETH: -- with Mr.  
11 --

12 MS. KIMBERLY WINGROVE: -- Mr.  
13 Chadwick's communication --

14 MR. FREDERICK CHENOWETH: May I finish  
15 my question?

16 MS. KIMBERLY WINGROVE: -- I --

17 MR. FREDERICK CHENOWETH: May I finish  
18 my question?

19 THE HONOURABLE FRANK MARROCCO: No,  
20 now wait a second. Just -- you asked the question.

21 MR. FREDERICK CHENOWETH: I did.

22 THE HONOURABLE FRANK MARROCCO: Let  
23 the witness answer the question. Why don't we -- why  
24 don't you --

25 MR. FREDERICK CHENOWETH: I --

1 THE HONOURABLE FRANK MARROCCO: -- put  
2 the question again?

3

4 CONTINUED BY MR. FREDERICK CHENOWETH:

5 MR. FREDERICK CHENOWETH: I am happy  
6 to put the question again, Your Honour. Would it --  
7 would it be fair to characterize the relationship with  
8 respect to Mr. Chadwick as, from time to time,  
9 unpleasant? You've spoken of his criticisms, et  
10 cetera.

11 MS. KIMBERLY WINGROVE: Yes.

12 MR. FREDERICK CHENOWETH: Thank you.  
13 And I take it as with the two (2) main actors of the  
14 Town, the mayor and the deputy mayor, you had a  
15 limited working relationship with Councillor Chadwick?

16 MS. KIMBERLY WINGROVE: Councillor  
17 Chadwick and I communicated more -- much more  
18 frequently.

19 MR. FREDERICK CHENOWETH: Yes. And  
20 some of those communications were criticisms --  
21 criticisms directed at you by Councillor Chadwick?

22 MS. KIMBERLY WINGROVE: Councillor  
23 Chadwick expressed frequent concerns with decisions  
24 taken by Council with things that were happening  
25 within the Town with the language and staff reports.

1 It was a very broad and -- and far-reaching criticism.

2 MR. FREDERICK CHENOWETH: Thank you.

3 And suffice it to say that you didn't have a  
4 relationship of mutual respect with Councillor  
5 Chadwick that you would optimally have wished to have  
6 with the Councillors of the Town?

7 MS. KIMBERLY WINGROVE: Correct.

8 MR. FREDERICK CHENOWETH: Thank you.  
9 And you spoke of your relationship with other  
10 Councillors. You indicated that it was possible from  
11 time to time for you to approach other Councillors and  
12 -- and take up various issues with them.

13 You indicated, however, that the  
14 response you might receive was unpredictable, correct?

15 MS. KIMBERLY WINGROVE: Yes.

16 MR. FREDERICK CHENOWETH: Again, do I  
17 take it that that arose out of an inability to create  
18 a relationship of mutual respect with Councillors than  
19 the three (3) I've described?

20 MS. KIMBERLY WINGROVE: I think it  
21 would be more correct to say that where -- my issues  
22 with, you know, receiving an unanticipated response  
23 were, I would say, almost entirely restricted to the  
24 mayor, the deputy mayor, and on occasion, Councillor  
25 Chadwick.

1                   It's important to note, however, that -  
2   - that CAO reports to Council in their entirety, and  
3   it would be more likely that one (1) of the other  
4   Councillors would have brought matters to my attention  
5   or be asking me a -- a question about something that  
6   was of specific interest to them, rather than me going  
7   to seek out the -- the Council or input of an  
8   individual Councillor.

9                   MR. FREDERICK CHENOWETH:   Well, as I  
10   recall your evidence yesterday, Ms. Wingrove, you were  
11   asked by Inquiry counsel whether there was others on  
12   the Council that you could approach and have  
13   discussions with, correct? Do you recall being asked  
14   that question?

15                  MS. KIMBERLY WINGROVE:    I do.

16                  MR. FREDERICK CHENOWETH:   All right.  
17   And do you recall that your answer was that you were  
18   able to do that from time to time, but the response  
19   you would get was unpredictable?

20                  MS. KIMBERLY WINGROVE:    Yes.

21                  MR. FREDERICK CHENOWETH:   Good. I  
22   suggest that by the time -- by the time 2010/'20 -- by  
23   the time of 2011, 2012, you had been unable to that  
24   date to develop a significant relationship of mutual  
25   respect between yourself and many of the Councillors



1 here at the Town of Collingwood?

2 MS. KIMBERLY WINGROVE: It's my belief  
3 that respect and solid communication are a two (2) way  
4 street.

5 MR. FREDERICK CHENOWETH: Yes, and you  
6 weren't getting that kind of response back from the  
7 Councillors of the Town of Collingwood in 2011, 2012,  
8 correct?

9 MS. KIMBERLY WINGROVE: That's  
10 correct.

11 MR. FREDERICK CHENOWETH: Good. Thank  
12 you. Now you mentioned in your testimony yesterday --  
13 or not yesterday, but on Tuesday, that the mayor  
14 appeared to favour receiving counsel from Ed Houghton?  
15 And you were aware that Mr. Houghton was president and  
16 CEO of the Collus group of companies?

17 MS. KIMBERLY WINGROVE: Yes.

18 MR. FREDERICK CHENOWETH: You were  
19 aware that he was ahead of Collingwood's utilities,  
20 i.e., the water?

21 MS. KIMBERLY WINGROVE: Yes.

22 MR. FREDERICK CHENOWETH: And you were  
23 ahead -- you were also aware that he was involved, and  
24 in fact, the head of Public Works as well?

25 MS. KIMBERLY WINGROVE: Yes.

1 MR. FREDERICK CHENOWETH: And you  
2 would have known that he had been with the Town for  
3 many decades?

4 MS. KIMBERLY WINGROVE: Yes.

5 MR. FREDERICK CHENOWETH: In fact, my  
6 information is that he first commenced with the Town  
7 back in 1977? You have nothing suggests that's  
8 inaccurate?

9 MS. KIMBERLY WINGROVE: No, I do not.

10 MR. FREDERICK CHENOWETH: All right.  
11 Very good. And did you make the inquiries necessary  
12 to learn that he had successfully interacted with  
13 three (3) previous CAOs in the Town prior to your  
14 being CAO?

15 MS. KIMBERLY WINGROVE: Prior to my  
16 tenure, the person who I replaced was someone who had  
17 been with the Town for, I believe, thirty-one (31)  
18 years.

19 MR. FREDERICK CHENOWETH: Right.

20 MS. KIMBERLY WINGROVE: And -- and CAO  
21 Carmen before that. So certainly, there were two (2)  
22 very long-serving members of staff who preceded me.

23 MR. FREDERICK CHENOWETH: All right.  
24 Thank you. And would you have been aware that Mr.  
25 Houghton had a good relationship with those

1 individuals?

2 MS. KIMBERLY WINGROVE: I was not  
3 party to any conversations about those individuals,  
4 how they purported themselves, or what their  
5 relationship was with Mr. Houghton.

6 MR. FREDERICK CHENOWETH: Did you make  
7 any inquiries to establish that? You seemed to be  
8 concerned about your relationship with Mr. Houghton.  
9 I might have thought that was an inquiry you might  
10 have made.

11 MS. KIMBERLY WINGROVE: I have -- the  
12 -- the CAO prior to the one (1) replaced immediately  
13 was not available to speak with, and the CAO that I  
14 immediately replaced, we had only a -- a very few  
15 number of conversations, where we made our focus  
16 around the business of the Town, rather than  
17 individual peoples' personalities.

18 MR. FREDERICK CHENOWETH: So the  
19 bottom line is that you were unsuccessful in learning  
20 what Mr. Houghton's track record had been with  
21 previous CAOs of the Town, even though you inquired?

22 MS. KIMBERLY WINGROVE: I did not  
23 inquire specifically about Mr. Houghton or anyone  
24 else's specific interactions.

25 MR. FREDERICK CHENOWETH: Okay. Did

1 you know that Mr. Houghton had -- had served under a  
2 total of seven (7) mayors? Were you aware of that?

3 MS. KIMBERLY WINGROVE: It's -- yes.

4 MR. FREDERICK CHENOWETH: Thank you.

5 And were you aware that Mr. Houghton, that three (3)  
6 previous mayors, and I'm thinking now in particular  
7 about Mayor Carrier and Mayor Geddes and Mayor Barbour  
8 (phonetic), had sought his counsel on a regular basis?  
9 Were you aware of that?

10 MS. KIMBERLY WINGROVE: I was not here  
11 at that time.

12 MR. FREDERICK CHENOWETH: All right.  
13 But did you be -- you were -- you were concerned about  
14 the fact that Mr. Houghton was being -- was giving  
15 counsel to Mayor Cooper.

16 Did you inquire about -- about -- your  
17 understanding was the -- he was the senior bureaucrat  
18 in town, having been here for well in excess of thirty  
19 (30) years, as a bureaucrat and a staff member for the  
20 Town?

21 MS. KIMBERLY WINGROVE: Council has  
22 one (1) employee -- okay. Council has one (1)  
23 employee and that's the CAO. It's Council's -- it was  
24 Council's decision to determine who they wished to  
25 have as their CAO.

1 MR. FREDERICK CHENOWETH: Okay. I'm  
2 not sure that's a response to my question.

3 Did you understand that -- that -- or  
4 did you may any effort to understand that Mr. Houghton  
5 had three (3) previous mayors that looked to him for  
6 counsel with respect to activities with the Town?

7 MS. KIMBERLY WINGROVE: I can't speak  
8 to that. I was not here at that time.

9 MR. FREDERICK CHENOWETH: Okay, thank  
10 you.

11 Would you think it unreasonable that  
12 given his time with the Town, given his experience in  
13 the community, given his responsibilities with Collus  
14 and utilities and -- and public works -- what would be  
15 unique about him from time to time counselling mayors,  
16 and in particular Mayor Cooper, with respect to  
17 matters of interest to the Town? Surely that made  
18 sense.

19 MS. KIMBERLY WINGROVE: There's a  
20 proper process and protocol however for communications  
21 between the CAO's office, the elected officials, and  
22 the department heads.

23 MR. FREDERICK CHENOWETH: All right.  
24 Let's -- let's discuss that for a moment. You would  
25 have been aware that Mr. Houghton was President and CEO

1 of the Collus Group of Companies?

2 MS. KIMBERLY WINGROVE: Yes.

3 MR. FREDERICK CHENOWETH: And you  
4 would have been aware that in that responsibility he  
5 had a fiduciary obligation to the boards of those  
6 particular Collus companies?

7 MS. KIMBERLY WINGROVE: Yes.

8 MR. FREDERICK CHENOWETH: And you  
9 would have been aware that as a result of those  
10 responsibilities, his reporting requirements were to  
11 the Board of those particular Collus companies?

12 MS. KIMBERLY WINGROVE: I don't  
13 question that at all.

14 MR. FREDERICK CHENOWETH: Very good.  
15 And you would have also been aware that, with respect  
16 to public utilities, that they're -- in -- in fact  
17 with respect to Collus, there was appointed to the  
18 boards, of the various Collus boards, were members of  
19 Council.

20 MS. KIMBERLY WINGROVE: Correct.

21 MR. FREDERICK CHENOWETH: And in fact  
22 one (1) of the reasons for doing that would be to  
23 provide an opportunity for councillors to be involved  
24 in the activities of Collus and communicate with --  
25 with Council and other councillors with respect to

1 those activities, so they were to report back to  
2 Council with respect to the activities of Collus, a  
3 board that they sat on. Correct?

4 MS. KIMBERLY WINGROVE: Are you  
5 suggesting that individual councillors were to be  
6 reporting back to Council on the activities of Collus?

7 MR. FREDERICK CHENOWETH: I'm  
8 suggesting that that would be a normal course in that  
9 they were on the Board and one (1) of the reasons for  
10 them being placed on the Board was that so there would  
11 be a reasonable degree of communications between those  
12 councillor Board members and the Council.

13 MS. KIMBERLY WINGROVE: I think that  
14 individual Board members would not be speaking on  
15 behalf of the Board in its entirety.

16 MR. FREDERICK CHENOWETH: Very true,  
17 but they -- clearly they wouldn't be, but there would  
18 be a degree of communications between Board members  
19 who were councillors and the Council, and that was a  
20 normal course of activities.

21 MS. KIMBERLY WINGROVE: That was not  
22 my observation. If -- if in fact those communications  
23 were taking place beyond the couple of reports that  
24 came to Council each year as part of budget or as part  
25 of an update to Council as a whole, I'm not aware of

1 other communication.

2 MR. FREDERICK CHENOWETH: In -- in any  
3 event, it's clear that Mr. Houghton, his reporting  
4 requirement was to his Board, not to the Town.

5 MS. KIMBERLY WINGROVE: Mr. Houghton  
6 had a responsibility for the staff of Public Works.

7 MR. FREDERICK CHENOWETH: Yes.

8 MS. KIMBERLY WINGROVE: And that -- in  
9 that capacity, he was a department head.

10 MR. FREDERICK CHENOWETH: His  
11 responsibility for the staff, he was -- he was -- he  
12 was President and CEO of utilities, was he not?

13 MS. KIMBERLY WINGROVE: I'm -- I am  
14 speaking specifically though of our Public Works  
15 Department, so these --

16 MR. FREDERICK CHENOWETH: Yes.

17 MS. KIMBERLY WINGROVE: -- are the  
18 people that are responsible for roads, for example.

19 MR. FREDERICK CHENOWETH: Yes, okay.  
20 For the moment, and I think Mr. Houghton would  
21 acknowledge that, that with respect to Public Works he  
22 was the department head and had an obligation to  
23 report.

24 MS. KIMBERLY WINGROVE: yes.

25 MR. FREDERICK CHENOWETH: All right.



1 You seemed to have a bit of a concern yesterday, or  
2 not yesterday, but Tuesday in your testimony, with  
3 respect to his reporting obligation with respect to  
4 utilities. I -- I take it that with respect to  
5 utilities, there was also an independent board that  
6 was -- that was appointed by Council to deal with the  
7 activities of -- of the utilities and the water group.

8 MS. KIMBERLY WINGROVE: That is  
9 correct, that there is an independent board and that  
10 board was charged with the -- the oversight of those  
11 activities and reported to that board.

12 MR. FREDERICK CHENOWETH: Thank you,  
13 all right. So then he would not be required to report  
14 to you with respect to utilities?

15 MS. KIMBERLY WINGROVE: And he did  
16 not.

17 MR. FREDERICK CHENOWETH: Good, thank  
18 you.

19 Not so with respect to Public Works. I  
20 think there's an agreement between you and I with  
21 respect to that matter --

22 MS. KIMBERLY WINGROVE: M-hm.

23 MR. FREDERICK CHENOWETH: -- in that  
24 he was a department head with respect to Public Works.

25 MS. KIMBERLY WINGROVE: Yes.

1 MR. FREDERICK CHENOWETH: And it may  
2 surprise you that he acknowledges that.

3 MS. KIMBERLY WINGROVE: No, it  
4 doesn't.

5 MR. FREDERICK CHENOWETH: It doesn't  
6 surprise you. All right.

7 And he acted as a department head with  
8 respect to Public Works.

9 MS. KIMBERLY WINGROVE: No other  
10 department head would have shown -- or not kept their  
11 meetings with me, not provided fulsome briefings.  
12 That simply was not -- not the case for -- and I -- I  
13 don't attribute a reason to that. It just is.

14 MR. FREDERICK CHENOWETH: Okay. I  
15 think you indicated yesterday that you had some  
16 difficulty with respect to meetings with Mr. Houghton  
17 --

18 MS. KIMBERLY WINGROVE: That's  
19 correct.

20 MR. FREDERICK CHENOWETH: -- and  
21 making those meetings happen. You would be aware of  
22 his -- and you mentioned during your testimony today,  
23 you have been aware of Pam Hogg, his assistant --

24 MS. KIMBERLY WINGROVE: Yes.

25 MR. FREDERICK CHENOWETH: -- who

1 helped him for a number of years?

2 MS. KIMBERLY WINGROVE: Yes.

3 MR. FREDERICK CHENOWETH: And you  
4 would have been aware, I take it, knowing what you did  
5 of -- of their relationship, that she was the  
6 individual who kept his schedule?

7 MS. KIMBERLY WINGROVE: yes.

8 MR. FREDERICK CHENOWETH: All right.

9 So that -- did you ever speak to Pam  
10 Houg (phonetic), or Hogg, in an effort to arrange any  
11 meetings with -- with Mr. Houghton?

12 MS. KIMBERLY WINGROVE: My secretary  
13 and Mr. Houghton's secretary communicated on  
14 scheduling matters.

15 MR. FREDERICK CHENOWETH: Very good.  
16 And you indicated that, yesterday in your testimony,  
17 that Pam Hogg would have called you on occasions and  
18 cancelled meetings that Ed was scheduled to have with  
19 you --

20 MS. KIMBERLY WINGROVE: Yes.

21 MR. FREDERICK CHENOWETH: -- within  
22 fifteen (15) minutes.

23 MS. KIMBERLY WINGROVE: Yes.

24 MR. FREDERICK CHENOWETH: All right.

25 And I get the impression from your comments of

1 yesterday that that happened on more than one (1)  
2 occasion.

3 MS. KIMBERLY WINGROVE: Yes.

4 MR. FREDERICK CHENOWETH: Thank you.

5 And you also indicated that you had difficulties  
6 arranging one-on-one meetings with Mr. Houghton.

7 MS. KIMBERLY WINGROVE: Those are the  
8 same meetings, yes.

9 MR. FREDERICK CHENOWETH: Yes. And  
10 you would have tried to arrange those directly with  
11 Mr. Houghton from time to time?

12 MS. KIMBERLY WINGROVE: No, no. As I  
13 say, our two (2) -- our two (2) administrative  
14 assistants were responsible for that coordination.

15 MR. FREDERICK CHENOWETH: All right.  
16 And is it your evidence, as I understand it, that Mr.  
17 Houghton had a practice of simply not showing up for  
18 meetings with you.

19 MS. KIMBERLY WINGROVE: That happened  
20 on occasion.

21 MR. FREDERICK CHENOWETH: All right.  
22 And it didn't happen on other occasions?

23 MS. KIMBERLY WINGROVE: That's --  
24 that's true.

25 MR. FREDERICK CHENOWETH: All right.

1 So he -- he kept other meetings with you?

2 MS. KIMBERLY WINGROVE: He kept some  
3 of his one (1) on ones and some he did not.

4 MR. FREDERICK CHENOWETH: Thank you.  
5 I understand that you would've had occasion -- you --  
6 you said that this went on for months and months  
7 yesterday, suggesting that it was virtually impossible  
8 for you to get any time of Ed Houghton's with respect  
9 to his responsibilities at Public Works. That was  
10 your evidence.

11 MS. KIMBERLY WINGROVE: I don't recall  
12 using the words "months and months," but --

13 MR. FREDERICK CHENOWETH: Yeah.

14 MS. KIMBERLY WINGROVE: -- yes, it did  
15 happen on occasion.

16 MR. FREDERICK CHENOWETH: The  
17 transcript will show that those were your words.

18 I take it that you would have met --  
19 you had department head meetings --

20 MS. KIMBERLY WINGROVE: Yes.

21 MR. FREDERICK CHENOWETH: -- every  
22 Tuesday.

23 MS. KIMBERLY WINGROVE: Yes.

24 MR. FREDERICK CHENOWETH: And Ed  
25 Houghton was a regular attender at those meetings.

1 MS. KIMBERLY WINGROVE: Yes.

2 MR. FREDERICK CHENOWETH: All right.

3 So you would have had an opportunity at those  
4 meetings, in addition to any one-on-one meetings which  
5 you now tell me you had -- you would have had an  
6 opportunity to discuss issues relating to Public Works  
7 with Mr. Houghton at those weekly meetings. That was  
8 in fact the purpose of them.

9 MS. KIMBERLY WINGROVE: The purpose of  
10 the department head meetings, those meetings were held  
11 in follow up to Council, so to discuss the -- the  
12 decisions that were taken by Council the night before  
13 and to move forward our agenda. Mr. Houghton did  
14 attend many of the department head meetings and missed  
15 some as well, when he was called away. The two (2) --  
16 the -- one (1) --

17 MR. FREDERICK CHENOWETH: But in any  
18 event --

19 MS. KIMBERLY WINGROVE: Yes.

20 MR. FREDERICK CHENOWETH: -- may I --  
21 I'm --

22 MS. KIMBERLY WINGROVE: Of course.

23 MR. FREDERICK CHENOWETH: --  
24 suggesting -- I'm suggesting to you very simply that  
25 you had an opportunity, you're telling me now not

1 every, but I suggest to you that at most department  
2 head meetings on Tuesday mornings, to interact with Ed  
3 Houghton with respect to issues that would concern  
4 you. He was --

5 MS. KIMBERLY WINGROVE: He --

6 MR. FREDERICK CHENOWETH: He was in  
7 your sights every Tuesday morning. He wasn't hiding  
8 from you and you could have interacted with him on  
9 those occasions.

10 MS. KIMBERLY WINGROVE: The two (2)  
11 meetings have a very different purpose. The  
12 department head meetings were meant to act as follow-  
13 up to the positions of Council the night before and  
14 make any future plans. One-on-one meetings are a very  
15 different thing, where the CAO is working directly  
16 with the department head and having much more deep and  
17 substantive conversations about future plans, project  
18 status. I would not have ex -- if I had had that  
19 level of -- of detailed discussions with each of the  
20 members of the senior management team at department  
21 heads, we would have been there all day.

22 MR. FREDERICK CHENOWETH: I suggest --  
23 I suggest to you, Ms. Wingrove, that you had Mr.  
24 Houghton in your sights every Tuesday morning for  
25 department head meetings and could have raised the

1 concerns that you've expressed here before this  
2 commission with Mr. Houghton on those occasions. You  
3 could have arranged meetings, you could have said we  
4 need a meeting, you could have done a variety of  
5 things --

6 MS. KIMBERLY WINGROVE: And I --

7 MR. FREDERICK CHENOWETH: -- to  
8 attempt to move forward what you suggest was the month  
9 -- was the months and months that you were unable to  
10 get Mr. Houghton's attention.

11 MS. KIMBERLY WINGROVE: There were  
12 many occasions where my administrative assistance was  
13 given direction to contact Pam to see if we could  
14 arrange time with Ed.

15 MR. FREDERICK CHENOWETH: And I -- I  
16 take it you -- you -- you eventually decide to move to  
17 another approach, i.e. emails, to attempt to email Ed  
18 and arrange meetings with him through -- through that  
19 effort. That was your testimony yesterday.

20 MS. KIMBERLY WINGROVE: Partly through  
21 my tenure with the Town, a decision was taken that --  
22 that there would not -- there would no longer be an  
23 administrative assistant associated with the CAO's  
24 office, so at that point I had to take over my own  
25 scheduling.



1 MR. FREDERICK CHENOWETH: All right.

2 And do you have copies of any of those emails that you  
3 would have sent to Ed, attempting to set up meetings?

4 MS. KIMBERLY WINGROVE: I -- I don't  
5 have access to any of the records that I had when I  
6 was at the Town.

7 MR. FREDERICK CHENOWETH: From -- from  
8 what you know that this commission has --

9 THE HONOURABLE FRANK MARROCCO: What  
10 is that?

11 UNIDENTIFIED SPEAKER: My apologies to  
12 the Inquiry.

13

14 CONTINUED BY MR. FREDERICK CHENOWETH:

15 MR. FREDERICK CHENOWETH: I take it  
16 that this Inquiry has access to -- to the documents  
17 that is in Council's possession with respect to  
18 Council's activities and -- and your activities? Is  
19 that your understanding?

20 MS. KATE MCGRANN: I think -- I don't  
21 think she can answer that question.

22

23 CONTINUED BY MR. FREDERICK CHENOWETH:

24 MR. FREDERICK CHENOWETH: Okay, all  
25 right. I know, I'm asking her. Let's see whether she

1 can answer it or not.

2 Do -- do you know whether this  
3 Commission has had access to -- to your documentation  
4 that was in your office?

5 MS. KIMBERLY WINGROVE: When I left  
6 the Town of Collingwood, the only things I took with  
7 me were my own personal effects, so anything that was  
8 there was -- was left in the possession of the Town.

9 MR. FREDERICK CHENOWETH: Very good.  
10 And as you understand it, the Town has produced all  
11 the documents in their possession.

12 MS. KIMBERLY WINGROVE: I have no  
13 knowledge one (1) way or another of that.

14 MR. FREDERICK CHENOWETH: Thank you.  
15 You -- you expressed your concerns about your  
16 inability to get the attention of Mr. Houghton.

17 And did you take the trouble to speak  
18 to the mayor or the deputy mayor or anyone else with  
19 respect to these concerns?

20 MS. KIMBERLY WINGROVE: Certainly very  
21 early on I spoke to Mayor Carrier with regard to the  
22 difficulties that -- that I was having, and I'm sure I  
23 would have raised it with Mayor Cooper but it -- it  
24 wasn't something to be belaboured, if you will. I  
25 tried my best to deal with the situation.

1 MR. FREDERICK CHENOWETH: And I take  
2 it that Mayor Carrier explained to you that, with  
3 respect to utilities, Mr. Houghton's reporting  
4 direction was to the Board that he was responsible to.

5 MS. KIMBERLY WINGROVE: No, I don't  
6 recall Mayor Carrier saying those words.

7 MR. FREDERICK CHENOWETH: I think you  
8 indicated in your testimony yesterday that both the  
9 mayor -- Mayor Cooper and Mayor Carrier, indicated  
10 that you were not to be pressing Mr. Houghton with  
11 respect to matters relating to utilities.

12 MS. KIMBERLY WINGROVE: No. That --  
13 that direction came from Mayor Cooper, not Mayor  
14 Carrier.

15 MR. FREDERICK CHENOWETH: Very good.  
16 But you discussed it with Mayor Cooper, with -- with  
17 Mayor Carrier?

18 MS. KIMBERLY WINGROVE: That I had  
19 concerns, yes.

20 MR. FREDERICK CHENOWETH: All right,  
21 fine.

22 Do you remember what -- what Mayor  
23 Carrier said to you with respect to that?

24 MS. KIMBERLY WINGROVE: Not  
25 specifically, other than, you know, he would talk to

1 Ed.

2 MR. FREDERICK CHENOWETH: Thank you.  
3 You were frank yesterday in your indications of when  
4 you became aware of the prospects of a Collus sale. I  
5 think you indicated that -- that the possibility of a  
6 Collus sale was an ongoing theme from the time that  
7 you arrived as CAO of the Town.

8 MS. KIMBERLY WINGROVE: I don't think  
9 I would characterize it as the possibility of a Collus  
10 sale. What was discussed was the -- the province's  
11 desire to see fewer of these local distribution  
12 companies, and that it was reasonable to anticipate  
13 that the province might take action that would cause  
14 there to be fewer local distribution companies.

15 MR. FREDERICK CHENOWETH: It must have  
16 been obvious in those discussions that -- and the  
17 reason you'd be having those discussions, was because  
18 of a concern by various councillors and people in the  
19 town with respect to the status of Collus and the  
20 prospect that Collus might face the -- the concept  
21 that they would be required to -- to change their  
22 status, to be reduced or amal -- amalgamated with  
23 other LDCs.

24 In other words, the -- the whole  
25 purpose of being cognizant of -- of the concept that

1 the province appeared to want to reduce LDCs was  
2 because of its potential impact on Collus?

3 MS. KIMBERLY WINGROVE: Certainly,  
4 that was the message that I recall Mr. Houghton  
5 delivering to Council.

6 MR. FREDERICK CHENOWETH: Well, aside  
7 of -- that wasn't the -- the -- the nature of my  
8 inquiry. I'm really referring to what you had said  
9 yesterday, that there was an ongoing theme in -- since  
10 you arrived at the Town with respect to the very  
11 prospect that you've described.

12 MS. KIMBERLY WINGROVE: When Council  
13 received updates from Collus, that issue was  
14 consistently raised.

15 MR. FREDERICK CHENOWETH: Thank you.  
16 And that would've been consistently raised on an  
17 ongoing basis prior to the meeting that we've  
18 considered from time-to-time, being June 27th, 2011?

19 MS. KIMBERLY WINGROVE: Yes.

20 MR. FREDERICK CHENOWETH: So that you  
21 would have been conscious of these matters and the  
22 prospects for Collus prior to June 27th, 2011?

23 MS. KIMBERLY WINGROVE: Just not in a  
24 -- in a specific instance.

25 MR. FREDERICK CHENOWETH: I

1 understand. But the prospect of amalgamation or  
2 changes brought by the province was something you were  
3 aware of before June 27th?

4 MS. KIMBERLY WINGROVE: Correct.  
5 That's correct.

6 MR. FREDERICK CHENOWETH: In fact Mr.  
7 Houghton came to your office, I think you indicated,  
8 in late May or early June 2011, and talked to you  
9 about the prospect of developments with respect to  
10 Collus?

11 MS. KIMBERLY WINGROVE: I do have a  
12 recollection of a conversation with him. I'm sorry I  
13 don't know the exact date.

14 MR. FREDERICK CHENOWETH: Well, you  
15 indicated yesterday. I'm just really simply using  
16 your words.

17 MS. KIMBERLY WINGROVE: No, and --

18 MR. FREDERICK CHENOWETH: You  
19 indicated yesterday that that meeting took place at  
20 the end of June -- or I'm sorry, the end of May, 1st  
21 of June 2011.

22 MS. KIMBERLY WINGROVE: As I say, it  
23 was at the beginning of June, it was before the June  
24 27th Council meeting.

25 MR. FREDERICK CHENOWETH: Thank you.

1 And I take it you were pleased to see Mr. Houghton,  
2 having had such difficulty month after month, trying  
3 to have a discussion with him?

4 MS. KIMBERLY WINGROVE: Yes.

5 MR. FREDERICK CHENOWETH: You're  
6 nodding your head. Does that mean "yes"?

7 MS. KIMBERLY WINGROVE: Yes. We had a  
8 -- we had a conversation that day.

9 MR. FREDERICK CHENOWETH: Thank you.  
10 And he told you that the prospect of changes or  
11 amalgamations or other activities at Collus were  
12 matters that -- that were then being considered?

13 MS. KIMBERLY WINGROVE: Yes.

14 MR. FREDERICK CHENOWETH: Thank you.  
15 So I take it when the June 23rd, 2011 meeting arose  
16 and the prospect of dealing with Collus, the prospect  
17 of strategic partnerships was discussed, this would  
18 not have been a significant surprise to you?

19 MS. KIMBERLY WINGROVE: The form --  
20 the form of the change or the form of -- of -- was not  
21 something that had been discussed.

22 MR. FREDERICK CHENOWETH: With you?

23 MS. KIMBERLY WINGROVE: Correct.

24 MR. FREDERICK CHENOWETH: Who else  
25 would it have been discussed with, be it -- be it a

1 board, be it the Collus board or -- or be it with KPMG  
2 at earlier times, you -- you were unaware of, I take  
3 it?

4 MS. KIMBERLY WINGROVE: That's  
5 correct.

6 MR. FREDERICK CHENOWETH: So the  
7 particular form had not been discussed in your view  
8 prior to the June 23rd meeting?

9 MS. KIMBERLY WINGROVE: I don't have a  
10 recollection of that.

11 MR. FREDERICK CHENOWETH: Other than -  
12 - other than what you'd heard on a -- as an ongoing  
13 theme since you joined the organization --

14 MS. KIMBERLY WINGROVE: I believe  
15 that's correct.

16 MR. FREDERICK CHENOWETH: -- or what  
17 you had heard from Mr. Houghton in your meeting of  
18 late May, early June 2011?

19 MS. KIMBERLY WINGROVE: Yes.

20 MR. FREDERICK CHENOWETH: Thank you.  
21 And your reaction to that was -- was interesting, you  
22 were of the view that -- that this process required  
23 external eyes, the involvement of third parties?

24 MS. KIMBERLY WINGROVE: Yes.

25 MR. FREDERICK CHENOWETH: All right.



1 And I take it you were -- you were thinking of -- of  
2 in fact organizations like KPMG who could give the  
3 Town some advice with respect to options that may be  
4 available and some advice with respect to valuations  
5 in matters of that nature?

6 MS. KIMBERLY WINGROVE: I had not been  
7 involved in any discussions about valuation, but  
8 certainly companies like KPMG, Pricewaterhouse Cooper,  
9 there are any number of -- of firms out there who  
10 would do that sort of work, help an organization put  
11 together a request for proposal.

12 I would not have known which particular  
13 companies had a depth of expertise when it came to the  
14 utility sector.

15 MR. FREDERICK CHENOWETH: All right.  
16 But in any event, I take it that it was that kind of  
17 third-party assistance that you felt was needed at  
18 that time?

19 MS. KIMBERLY WINGROVE: In my view,  
20 that's -- that is best practice.

21 MR. FREDERICK CHENOWETH: Thank you.  
22 And you -- you weren't aware as to whether or not KPMG  
23 had to that date been consulted and had already done  
24 an evaluation?

25 MS. KIMBERLY WINGROVE: Yes, that's

1 correct.

2 MR. FREDERICK CHENOWETH: You weren't  
3 aware of that?

4 MS. KIMBERLY WINGROVE: No.

5 MR. FREDERICK CHENOWETH: But you --  
6 you were clearly aware that at later meetings of the  
7 strategic task force, what I'll call the STT, Mr.  
8 Houghton made a recommendation that KPMG become  
9 involved.

10 MS. KIMBERLY WINGROVE: Yes.

11 MR. FREDERICK CHENOWETH: And I take  
12 it that -- that that was something that you were  
13 pleased with, because you were anxious to see this  
14 kind of third-party input into the process?

15 MS. KIMBERLY WINGROVE: Yes, I'd say  
16 that's fair.

17 MR. FREDERICK CHENOWETH: Thank you.  
18 And you would've been anxious to ensure that -- that  
19 the Town was kept advised of -- of the activities of  
20 the strategic task force or the -- or the Board of  
21 Collus, with respect to any developing processes with  
22 respect to business or corporate rearranging of  
23 Collus?

24 MS. KIMBERLY WINGROVE: What is your  
25 specific question? I'm sorry.

1 MR. FREDERICK CHENOWETH: Well, my  
2 specific question is: You would've been anxious to  
3 ensure that the Town was kept fully advised if there  
4 was any progress or process that was being undertaken  
5 with respect to the sale or amalgamation or  
6 partnership of Collus?

7 MS. KIMBERLY WINGROVE: Yes.

8 MR. FREDERICK CHENOWETH: In fact, you  
9 really had two (2) involvements in this process. You  
10 were involved as a member of the STT, correct?

11 MS. KIMBERLY WINGROVE: Yes.

12 MR. FREDERICK CHENOWETH: And you  
13 would've been attending council meetings where  
14 progress that was being made would've been discussed?

15 MS. KIMBERLY WINGROVE: Yes.

16 MR. FREDERICK CHENOWETH: So that you  
17 would've been pleased to see that on a number of  
18 occasions, in fact six (6) occasions, between June of  
19 -- June of 2011, June 27th, and January 20 -- January  
20 23rd of 2012, that there was six meetings with Council  
21 in which Council was updated with respect to the  
22 status of those discussions?

23 MS. KIMBERLY WINGROVE: Yes.

24 MR. FREDERICK CHENOWETH: That  
25 would've been a useful part of the process as far as

1 you were concerned?

2 MS. KIMBERLY WINGROVE: Yes.

3 MR. FREDERICK CHENOWETH: All right.

4 Now again, with respect to the -- we talked at some  
5 length about the January -- or I'm sorry, June 27th,  
6 2011 meeting, and I think you indicated that you were  
7 at that meeting.

8 In any event, I think you indicated  
9 that -- that you did attend that meeting on June 27th?

10 MS. KIMBERLY WINGROVE: Yes.

11 MR. FREDERICK CHENOWETH: All right.

12 And was there any doubt that there was -- as -- as --  
13 I think there's a set of slides that's at page 84 of  
14 the FD1 document, and you might wish to pull that up.

15 And there is also some references to  
16 this meeting at paragraphs 211, 212, and 213,  
17 Foundation document number 1?

18 MS. KIMBERLY WINGROVE: Yes.

19 MR. FREDERICK CHENOWETH: And you  
20 would have been aware that -- that at -- and I think  
21 you indicated that your -- your memory of this -- of  
22 this meeting was -- was poor.

23 MS. KIMBERLY WINGROVE: I remember the  
24 meeting, I remember these slides. I -- I couldn't  
25 possibly say who said what during the meeting.

1                   MR. FREDERICK CHENOWETH:    Could you  
2   tell me, could you confirm that as set out in  
3   paragraph 211 of the FLD, that amongst other things,  
4   the current context of the electrical sector and a  
5   possible push for LDC consolidation was discussed?

6                   MS. KIMBERLY WINGROVE:    Yes, it was.

7                   MR. FREDERICK CHENOWETH:    That was  
8   discussed?

9                   MS. KIMBERLY WINGROVE:    Yes.

10                  MR. FREDERICK CHENOWETH:    Thank you.

11                  And there was discussions about the  
12   increasing regulatory complexity of running an LDC?

13                  MS. KIMBERLY WINGROVE:    Yes.

14                  MR. FREDERICK CHENOWETH:    Thank you.

15                  And that there was a -- a -- there was  
16   a discussion of four (4) potential options and they're  
17   set out in paragraph 212.

18                  Do you have a memory of this?   One (1)  
19   of the options was to maintain the current municipal  
20   older -- ownership.   Do you recall that being  
21   discussed?

22                  MS. KIMBERLY WINGROVE:    Yes,  
23   maintaining the status quo.

24                  MR. FREDERICK CHENOWETH:    Yes.   And do  
25   you recall that -- that there was some discussion

1 about selling the entirety of the ownership in Collus?

2 MS. KIMBERLY WINGROVE: Yes, I do.

3 MR. FREDERICK CHENOWETH: Thank you.

4 And do you remember that -- that there was also a  
5 discussion of a third option was to sell part of the  
6 Town's ownership interest in Collu -- in Collus?

7 That's set out as the third item in  
8 paragraph 212. Do you remember that?

9 MS. KIMBERLY WINGROVE: Yes, selling  
10 part -- part ownership.

11 MR. FREDERICK CHENOWETH: And do you  
12 also remember that at that meeting there was a  
13 discussion about a strategic partnership where the  
14 Town would receive cash and retain at the least a  
15 partial ownership or interest in Collus?

16 MS. KIMBERLY WINGROVE: This is where  
17 the discussion -- I can't recall how option 3 and  
18 option 4 were differentiated from --one (1) from  
19 another during that meeting.

20 I'm sorry, I just don't have a  
21 recollection of -- of how those two (2) things were --  
22 were described to Council.

23 MR. FREDERICK CHENOWETH: All right.  
24 You don't have a memory of the details of how they  
25 were described, but there is -- I take it there is no

1 doubt in your mind from both a review of the slides,  
2 which are on the next page, and a review of paragraph  
3 212, that the prospect of a strategic partnership was  
4 discussed at the June 27, 2011, meeting?

5 MS. KIMBERLY WINGROVE: Certainly  
6 those -- if those are the words on the side then that  
7 was the discussion that took place.

8 MR. FREDERICK CHENOWETH: That was the  
9 discussion?

10 MS. KIMBERLY WINGROVE: I feel  
11 confident that -- yes.

12 MR. FREDERICK CHENOWETH: Thank you.  
13 Do you remember that there was some response to that?  
14 Do you remember that there was a -- I think you  
15 expressed this in your evidence both on Tuesday and  
16 today, that there was a general sense that the Town  
17 councillors did not want to sell 100 percent of  
18 Collus?

19 MS. KIMBERLY WINGROVE: That's  
20 correct.

21 MR. FREDERICK CHENOWETH: In fact,  
22 it's -- I think you also indicated in this -- again,  
23 in your testimony of the last couple of days, that  
24 there was a preference expressed or the prospect of  
25 reviewing the option of a strategic partnership?

1 MS. KIMBERLY WINGROVE: The discussion  
2 was about -- the -- the substance of the discussion  
3 that I recall was about whether we wanted to sell 50  
4 percent or 51 percent of the utility, and -- and what  
5 that meant. And so the -- the issue was about the  
6 sale of a portion of the asset and if -- if that was  
7 being called a strategic partnership, like, that's how  
8 it was being referred to.

9 I don't recall this discussion of  
10 talking about a sale versus a strategic partnership  
11 and what the specific differences were between those  
12 two (2) things.

13 MR. FREDERICK CHENOWETH: But you do  
14 recall that the Council did not appear to be anxious  
15 to sell 100 percent of Collus?

16 MS. KIMBERLY WINGROVE: That's  
17 absolutely true.

18 MR. FREDERICK CHENOWETH: All right.  
19 And that they wanted to consider a 51 or 50 percent  
20 sale of Collus?

21 MS. KIMBERLY WINGROVE: Yes, that's  
22 true.

23 MR. FREDERICK CHENOWETH: Which some  
24 might describe as a strategic partnership?

25 MS. KIMBERLY WINGROVE: Some might.



1 MR. FREDERICK CHENOWETH: Fair?

2 MS. KIMBERLY WINGROVE: Yes.

3 MR. FREDERICK CHENOWETH: Thank you.

4 And in fact, there was -- there was next steps  
5 discussed i.e. the formation of a strategic task team  
6 to -- to deal with that with those various options?

7 MS. KIMBERLY WINGROVE: Yes.

8 MR. FREDERICK CHENOWETH: Now, you  
9 indicated that you -- that you seem to be unaware of  
10 when you were appointed to the strategic task team.

11 Is there any doubt from the slide  
12 that's at page 84 of the FD1 that in fact as early as  
13 June 27th, 2011, you were slated to be a member of the  
14 team that was dealing with this issue?

15 MS. KIMBERLY WINGROVE: That's what it  
16 says on the slide.

17 MR. FREDERICK CHENOWETH: Now, do you  
18 -- do you not remember that or you do remember that or  
19 what?

20 MS. KIMBERLY WINGROVE: It's --

21 MR. FREDERICK CHENOWETH: Again, your  
22 memory is vague, I know.

23 MS. KIMBERLY WINGROVE: That's right.

24 MR. FREDERICK CHENOWETH: But do you  
25 remember that as early as June 27th you understood

1 that you were to be a member of the STT?

2 MS. KIMBERLY WINGROVE: Clearly, if  
3 that's what's on the side, that has to have been what  
4 happened. I don't have a recollection of -- of any  
5 discussions about who would be on the strategic task  
6 team, how those folks were selected.

7 MR. FREDERICK CHENOWETH: That wasn't  
8 what I asked.

9 MS. KIMBERLY WINGROVE: I'm sorry.

10 MR. FREDERICK CHENOWETH: I -- I asked  
11 whether you had a recollection of the fact that you  
12 were to be on the strategic task team and that you  
13 would've been aware of this as early as June 27th,  
14 2011.

15 MS. KIMBERLY WINGROVE: If those are  
16 the slides, then clearly I must have been aware and  
17 it's simply escaped me.

18 MR. FREDERICK CHENOWETH: Thank you.  
19 You sometime thereafter -- actually, it's not after,  
20 it's before. In fact, on June 14th you had a meeting  
21 with Mr. Bonwick, June 14th, 2011, he came to your  
22 office?

23 MS. KIMBERLY WINGROVE: Okay. Yes.

24 MR. FREDERICK CHENOWETH: All right.  
25 And you told us something of that meeting and what he

1 did and didn't tell you of his potential involvement  
2 with PowerStream in that meeting.

3 He came to your office on June 14th and  
4 you discussed that he was considering working with  
5 PowerStream?

6 MS. KIMBERLY WINGROVE: Is there a  
7 question?

8 MR. FREDERICK CHENOWETH: Yes. Do you  
9 remember that Mr. Bonwick came to your office on --

10 MS. KIMBERLY WINGROVE: Yes, I do, I  
11 remember that. Yes.

12 MR. FREDERICK CHENOWETH: -- June 14th  
13 and discussed with you the prospect of him working  
14 with PowerStream?

15 MS. KIMBERLY WINGROVE: Yes.

16 MR. FREDERICK CHENOWETH: Thank you.  
17 And I think when you described those -- that meeting  
18 in particular in your evidence of Tuesday, you  
19 indicated that Mr. Bonwick described that one (1) of  
20 the matters he may be involved with was the potential  
21 amalgamations of LDCs?

22 MS. KIMBERLY WINGROVE: The substance  
23 of the communication from Mr. Bonwick was with regards  
24 to Compenso's role as a communication firm and so in  
25 that instance, yes, the -- if the -- if the matter at

1 hand was -- I don't recall anything as broad as all  
2 LDC's.

3 We spoke about PowerStream and the fact  
4 that Compenso was going to do some work with  
5 PowerStream. That's my recollection.

6 MR. FREDERICK CHENOWETH: All right.  
7 Can I refer you to your transcript at paragraph 239 of  
8 that transcript. Can you draw that up on the screen,  
9 if you would, please? Is that coming up? All right.

10 THE HONOURABLE FRANK MARROCCO: I  
11 don't -- you know what, Mr. Chenoweth, why don't we --  
12 why don't we take a few minutes. If you want to ask a  
13 question about it, we're having some difficulty  
14 calling it up.

15 Why don't we take a few minutes to get  
16 it up on the screen, we're having some difficulty.

17 MR. FREDERICK CHENOWETH: I appreciate  
18 that. Thank you very much.

19 THE HONOURABLE FRANK MARROCCO: So  
20 we'll take -- we'll take ten minutes now.

21 MR. FREDERICK CHENOWETH: Thank you  
22 very much.

23

24 --- Upon recessing at 3:03 p.m.

25 --- Upon resuming at 3:13 p.m.

1 CONTINUED BY MR. FREDERICK CHENOWETH:

2 MR. FREDERICK CHENOWETH: There was a  
3 meeting with Mr. Bonwick on June 14th. And I put it  
4 to you that, at that meeting, the prospect of  
5 amalgamating LDCs was part of your discussion.

6 MS. KIMBERLY WINGROVE: I simply don't  
7 have a clear recollection of -- of that. What -- my  
8 recollection was around Mr. Bonwick doing work with  
9 PowerStream around communications.

10 The -- the extent or, you know,  
11 specific details around what those assignments would  
12 look like, I -- I don't know that.

13 MR. FREDERICK CHENOWETH: All right.  
14 And no expression that those assignments would have  
15 involved the amalgamations of LDCs?

16 MS. KIMBERLY WINGROVE: I just don't  
17 have the specific memory of the substance of our  
18 meeting; it was very short.

19 MR. FREDERICK CHENOWETH: I -- I -- I  
20 put it to you that on Tuesday you had such a memory.  
21 And I'd ask you to refer to again page 239 of the  
22 transcript, line 18. And could you read that for us  
23 starting at line 18?

24 MS. KIMBERLY WINGROVE: Yes, I see it.

25 MR. FREDERICK CHENOWETH: In fact,

1 I'll read it -- I'll read to you.

2 MS. KIMBERLY WINGROVE: Thank you.

3 MR. FREDERICK CHENOWETH:

4 "Simply that Mr. Bonwick attended my  
5 office. He indicated that he would  
6 be doing some work with  
7 PowerStream with regard to assisting  
8 them with their communications and  
9 the government relation work --"

10 MS. KIMBERLY WINGROVE: Right.

11 MR. FREDERICK CHENOWETH:

12 " -- as it related to this idea of  
13 utilities needing to be  
14 amalgamated."

15 MS. KIMBERLY WINGROVE: Yes.

16 MR. FREDERICK CHENOWETH: Are you --  
17 are you -- wish to modify your -- your statements made  
18 here today? In other words, did in his work, he  
19 specifically told you, according to your evidence on  
20 Tuesday, in any event, would relate to the idea of  
21 utilities needing to be amalgamated, correct?

22 MS. KIMBERLY WINGROVE: Correct.

23 MR. FREDERICK CHENOWETH: Thank you.

24 And at some juncture, you seem to have drawn some  
25 connection between the meeting that Mr. Houghton had

1 with you at the end of May, early June 2011 and the  
2 contact that Mr. Bonwick had on -- with you on June  
3 14th, and you -- I think you said at earlier times.

4 Is that correct that you drew some  
5 connection between those two (2)?

6 MS. KIMBERLY WINGROVE: I did.

7 MR. FREDERICK CHENOWETH: Thank you.  
8 And I think you said that your antennae went up?

9 MS. KIMBERLY WINGROVE: Yes.

10 MR. FREDERICK CHENOWETH: That was  
11 your phrasing --

12 MS. KIMBERLY WINGROVE: Yes.

13 MR. FREDERICK CHENOWETH: -- correct?

14 MS. KIMBERLY WINGROVE: Yes.

15 MR. FREDERICK CHENOWETH: I take that  
16 with your antennae going up, that you expressed those  
17 concerns to others around you. You expressed them to  
18 the mayor?

19 MS. KIMBERLY WINGROVE: No, I did not.

20 MR. FREDERICK CHENOWETH: You didn't  
21 give a caution to the mayor with respect to the  
22 connection that you'd allegedly made?

23 MS. KIMBERLY WINGROVE: No, I did not.

24 MR. FREDERICK CHENOWETH: All right.  
25 You gave a caution then to Rick Lloyd, did you --

1 MS. KIMBERLY WINGROVE: No, I did not.

2 MR. FREDERICK CHENOWETH: -- the

3 deputy mayor, with respect to your concerns?

4 MS. KIMBERLY WINGROVE: No, I did not.

5 MR. FREDERICK CHENOWETH: All right.

6 You expressed those concerns then to -- to the clerk?

7 MS. KIMBERLY WINGROVE: Yes, I did.

8 MR. FREDERICK CHENOWETH: All right.

9 Oh, did you express your concerns that there was a  
10 connection between those two (2) meetings? Was that  
11 what you expressed?

12 MS. KIMBERLY WINGROVE: No. I told  
13 Sara that Mr. Bonwick had been to see me.

14 MR. FREDERICK CHENOWETH: Yes. Thank  
15 you. That's what you told Sara?

16 MS. KIMBERLY WINGROVE: Yes.

17 MR. FREDERICK CHENOWETH: Thank you.

18 And --

19 THE HONOURABLE FRANK MARROCCO: Sorry,  
20 were you finished your answer?

21 MS. KIMBERLY WINGROVE: Fine. Thank  
22 you.

23 MR. FREDERICK CHENOWETH: I believe  
24 she was, Your Honour. I'm sorry.

25



1 CONTINUED BY MR. FREDERICK CHENOWETH:

2 MR. FREDERICK CHENOWETH: In any  
3 event, the matters proceeded and the first meeting of  
4 the STT took place, I believe, on August 3rd, 2011?  
5 Is that correct?

6 MS. KIMBERLY WINGROVE: Yes.

7 MR. FREDERICK CHENOWETH: All right.  
8 And at that meeting, there was again discussion about  
9 the prospect that you would be -- or the group would  
10 be, the STT, would be proceeding with the prospect of  
11 a strategic partnership without defining it as 41 or -  
12 - or I'm sorry, 49 or 51.

13 There was a discussion about proceeding  
14 with the prospect of a strategic partnership?

15 MS. KIMBERLY WINGROVE: I believe  
16 that's what the minutes indicate.

17 MR. FREDERICK CHENOWETH: Thank you.  
18 And as you understand it, that was in keeping with the  
19 -- first of all, the formation of the STT was in  
20 keeping with what had been described to Council in the  
21 June 27th, 2011, meeting?

22 MS. KIMBERLY WINGROVE: By the slides,  
23 I would say, yes.

24 MR. FREDERICK CHENOWETH: Thank you  
25 very much. And, in addition, the discussions about

1 strategic partnership would have been in keeping with  
2 the discussions that were had at the Council meeting  
3 on June 27th, 2011?

4 MS. KIMBERLY WINGROVE: It's a consis  
5 -- it's a term that's used consistently between June  
6 27th and August 3rd.

7 MR. FREDERICK CHENOWETH: I.e.,  
8 strategic partnership?

9 MS. KIMBERLY WINGROVE: I believe that  
10 term appears in both places.

11 MR. FREDERICK CHENOWETH: Right. I --  
12 I -- I'm just really suggesting to you that there was  
13 a consistency between what the Council would have  
14 understood the discussions were going to be as a  
15 result of the June 27th meeting and what took place in  
16 the STT meeting of August 3rd, correct?

17 MS. KIMBERLY WINGROVE: I would think  
18 I would be somewhat circumspect in wanting to speak to  
19 what it was that Council understood.

20 MR. FREDERICK CHENOWETH: Right. And  
21 -- and you don't have a clear memory with respect to  
22 that I think was your evidence today?

23 MS. KIMBERLY WINGROVE: I -- that's  
24 correct.

25 MR. FREDERICK CHENOWETH: All right.

1 My memory of the evidence of Sara Almas was that she  
2 indicated the count -- the -- the Council gave  
3 direction to -- to proceed with the matters discussed  
4 in that June 27th meeting. Would you -- would you --

5 MS. KIMBERLY WINGROVE: I -- I don't  
6 doubt that at all.

7 MR. FREDERICK CHENOWETH: You don't  
8 doubt that at all?

9 MS. KIMBERLY WINGROVE: I don't doubt  
10 that -- that at the end of -- like, the reason why we  
11 had the meeting on August 3rd is because Council gave  
12 the direction on June 27th.

13 MR. FREDERICK CHENOWETH: All right.  
14 Okay. So, you don't doubt that a direction was given  
15 by the Council on June 27th to proceed with the  
16 matters that were, i.e., strategic partnership and  
17 topics of that nature?

18 MS. KIMBERLY WINGROVE: But the  
19 specific details and exactly what was meant by that,  
20 that's what I --

21 MR. FREDERICK CHENOWETH: We're  
22 clearly not fleshed out --

23 MS. KIMBERLY WINGROVE: That's right.

24 MR. FREDERICK CHENOWETH: -- fully --

25 MS. KIMBERLY WINGROVE: Yes.

1 MR. FREDERICK CHENOWETH: -- by June  
2 27th, 2011? Thank you. But in any event, they gave  
3 direction that they might proceed with those  
4 discussions?

5 MS. KIMBERLY WINGROVE: Yes.

6 MR. FREDERICK CHENOWETH: Thank you.

7

8 (BRIEF PAUSE)

9

10 MR. FREDERICK CHENOWETH: You -- you  
11 indicated that you were concerned with -- I put it to  
12 you that you began to play a fairly significant role  
13 and I'm not entirely sure when -- when this occurred.  
14 But you were an involved member of the STT.

15 And one (1) of the first matters that  
16 you spoke to was the question of how many bidders  
17 would be -- would be reviewed in an ongoing process.  
18 In other words, how many -- how many bidders were  
19 going to be interviewed.

20 And my understanding is that you were  
21 concerned that -- that to review St. Thomas as one  
22 (1) of the bidders would have been more than really  
23 what was required and you contributed the thought that  
24 we should reduce the -- the STT team and its review of  
25 potential bidders -- should restrict itself to four

1 (4) bidders and not include St. Thomas.

2 MS. KIMBERLY WINGROVE: There was an -  
3 - there was an issue with St. Thomas. I can't -- I  
4 can't speak to that. Nor would I begin to say that  
5 the minutes of the strategic partnership were a  
6 comprehensive and detailed summary of every  
7 contribution that every member made to the  
8 conversation.

9 I do know that the minutes reflect my  
10 statement with regard to St. Thomas, however, I'm not  
11 able at this point to say what led me to that  
12 conclusion. I simply don't remember.

13 MR. FREDERICK CHENOWETH: I'm really  
14 not asking you what -- what led to it. I'm simply  
15 making the point, as I understand it, that -- that  
16 your contribution around that time was to suggest that  
17 the STT should restrict its -- its considerations to  
18 four (4) bidders rather than five (5), including Saint  
19 Thomas?

20 MS. KIMBERLY WINGROVE: There was  
21 something specific with regard to Saint Thomas. It  
22 wasn't a number. It wasn't that there was something  
23 magic about four (4) or five (5) or six (6).

24 MR. FREDERICK CHENOWETH: I didn't  
25 suggest there was. But your suggestion was that Saint

1 Thomas not be included in the bidders that would be  
2 visited with respect to these matters?

3 MS. KIMBERLY WINGROVE: And it may --

4 MR. FREDERICK CHENOWETH: You remember  
5 that --

6 MS. KIMBERLY WINGROVE: And it --

7 MR. FREDERICK CHENOWETH: You remember  
8 that that was your suggestion?

9 MS. KIMBERLY WINGROVE: Certainly,  
10 that's what reflected in the minutes. It may be that  
11 that attribution was provided to me as affirming  
12 conversations that had taken place around the table.

13 MR. FREDERICK CHENOWETH: But, in any  
14 event, you played a part in contributing to the  
15 proceeds of the STT by suggesting that Saint Thomas  
16 not be a part of it?

17 MS. KIMBERLY WINGROVE: There is --  
18 there is no question that each member of the strategic  
19 task team at one (1)point or another spoke at the  
20 meetings.

21 MR. FREDERICK CHENOWETH: I'm not  
22 asking you that. I'm asking, did you make a  
23 contribution. I'm trying to explore the nature of the  
24 contribution that you made on an ongoing basis to the  
25 strategic task force team.

1                   And I'm suggesting that you began to  
2   make those contributions on or about the first meeting  
3   in August of 2011, at which time you suggested that  
4   the bidders that were approached should not include  
5   Saint Thomas?

6                   MS. KIMBERLY WINGROVE:   Certainly, the  
7   minutes reflect my comment with regard to Saint  
8   Thomas.

9                   MR. FREDERICK CHENOWETH:   And it was  
10   your comment?

11                  MS. KIMBERLY WINGROVE:   I assume so,  
12   since that's what the minutes reflect.   I have no  
13   memory specific to what led to that.

14                  MR. FREDERICK CHENOWETH:   Right.

15                  MS. KIMBERLY WINGROVE:   And I  
16   certainly would say to you that at no time did I feel  
17   like I played a leadership position around that table.

18                  MR. FREDERICK CHENOWETH:   I -- I don't  
19   know that I have suggested to you that you did.   I'm  
20   simply suggesting that you were a functioning member  
21   of the team and you began to function as early as  
22   August 2011 by restricting the -- by making a comment  
23   with respect to the number of bidders that would be  
24   visited for the strategic alliance or strategic  
25   partnership approach, correct?

1 MS. KIMBERLY WINGROVE: Okay. Yes.

2 MR. FREDERICK CHENOWETH: You would  
3 agree with that?

4 MS. KIMBERLY WINGROVE: That's what  
5 the minutes reflect.

6 MR. FREDERICK CHENOWETH: Thank you  
7 very much. I also note that at the August 29th  
8 meeting of the STT, that Ed Houghton, apparently, at  
9 that meeting, suggested that KPMG be engaged to deal  
10 with the question of RFPs and the evaluation and other  
11 assistance with respect to the process.

12 That's again what the meetings -- what  
13 the minutes appear to reflect?

14 MS. KIMBERLY WINGROVE: Yes.

15 MR. FREDERICK CHENOWETH: All right.  
16 And I take it that you were -- you were content that  
17 that take place because, in fact, you had an express  
18 concern at earlier times.

19 As far back as the -- as the meeting  
20 with Mr. Houghton in late May, early June, you had an  
21 express concern that you felt that third-party  
22 assistance should be provided?

23 MS. KIMBERLY WINGROVE: Correct.

24 MR. FREDERICK CHENOWETH: All right.  
25 And so that you would have been pleased to see KPMG



1 involved in the process as it was recommended that  
2 they be involved at the August 29th STT meeting?

3 MS. KIMBERLY WINGROVE: I have no  
4 opinion of KPMG one (1) way or another. My -- my -- if  
5 -- I wanted to see a third party involved, and I was  
6 pleased to see that happen.

7 MR. FREDERICK CHENOWETH: Thank you.

8

9 (BRIEF PAUSE)

10

11 MR. FREDERICK CHENOWETH: One (1)  
12 second, Your Honour.

13

14 (BRIEF PAUSE)

15

16 MR. FREDERICK CHENOWETH: One (1)  
17 moment, Your Honour.

18

19 (BRIEF PAUSE)

20

21 CONTINUED BY MR. FREDERICK CHENOWETH:

22 MR. FREDERICK CHENOWETH: Indeed,  
23 there was a June 22nd meeting that took place with Mr.  
24 Bentz and Mr. Bonwick and others. I -- I think you  
25 were uncertain as to whether Mr. Muncaster was there.

1 MS. KIMBERLY WINGROVE: M-hm.

2 MS. KIMBERLY WINGROVE: M-hm.

3 MR. FREDERICK CHENOWETH: But there  
4 was a meeting on June 22nd in which Bonwick and Benz  
5 and others were present?

6 MS. KIMBERLY WINGROVE: The mayor, the  
7 deputy mayor, myself, yes, that's correct, May --  
8 Mayor Lehman.

9 MR. FREDERICK CHENOWETH: Thank you.  
10 And when you discussed it this morning, I was  
11 interested in the fact that you didn't mention Mr.  
12 Houghton as having been present at that June 27th --  
13 or June 22nd Bonwick meeting.

14 I take it I'm correct in that  
15 assertion?

16 MS. KIMBERLY WINGROVE: Correct, that  
17 I didn't mention him.

18 MR. FREDERICK CHENOWETH: Number 1,  
19 correct, that you didn't mention him?

20 MS. KIMBERLY WINGROVE: Yes.

21 MR. FREDERICK CHENOWETH: Yes. And  
22 following from that, I -- I put it to you that Mr.  
23 Houghton did not attend that June 22nd Bonwick  
24 meeting?

25

1 (BRIEF PAUSE)

2

3 MS. KIMBERLY WINGROVE: I -- I can't  
4 remember. Sorry, I apologize, I can't -- I can't re -  
5 - I can't remember if Ed was there. Was he there?  
6 I'm getting -- I'm confused. I'm sorry, I'm tired.

7 MR. FREDERICK CHENOWETH: Right. So  
8 you simply can't remember whether he was there or not?

9 MS. KIMBERLY WINGROVE: He must have  
10 been there. We wouldn't have --

11 MR. FREDERICK CHENOWETH: If -- if Mr.  
12 Houghton took the position that he was not at the June  
13 22nd, 2011, meeting --

14 MS. KIMBERLY WINGROVE: Yeah.

15 MR. FREDERICK CHENOWETH: -- I take it  
16 that you're unable to say otherwise --

17 MS. KIMBERLY WINGROVE: That's  
18 correct.

19 MR. FREDERICK CHENOWETH: -- because  
20 you don't remember?

21 MS. KIMBERLY WINGROVE: Tha -- that's  
22 very fair, yes.

23 MR. FREDERICK CHENOWETH: Thank you  
24 very much. And I take it that, again, with respect to  
25 the process that was eventually adopted, it was a two

1 (2) package process?

2 MS. KIMBERLY WINGROVE: Two (2)

3 envelopes? Yes.

4 MR. FREDERICK CHENOWETH: Yes. And

5 you've -- you described that the use of a two (2)

6 package process wasn't at all unusual with respect to

7 RFPs done by the town of Collingwood?

8 MS. KIMBERLY WINGROVE: Or any other?

9 That's correct.

10 MR. FREDERICK CHENOWETH: Or any

11 other, be it any other town or anything of that

12 nature. I'm not sure whether you were here for the --

13 for the evidence of -- of -- of Sara Almas.

14 MS. KIMBERLY WINGROVE: I was not.

15 MR. FREDERICK CHENOWETH: But Ms.

16 Almas told us that it was -- it was not unusual for

17 the division between financial and non-financial

18 envelopes to be such that the non-financial took a 60

19 to 70 percent evaluation rate in terms of the

20 considerations?

21 MS. KIMBERLY WINGROVE: That's not my

22 recollection. But given the high degree of -- of

23 variability of -- of RFPs that go out, I think the

24 only fair way to actually assess that would be to go

25 back through and actually try to ascertain how

1 criteria were evaluated across the town because that  
2 wouldn't have been --

3 MR. FREDERICK CHENOWETH: It was a  
4 high degree of variation. I think you've indicated  
5 that.

6 MS. KIMBERLY WINGROVE: Yeah.

7 MR. FREDERICK CHENOWETH: But Ms.  
8 Almas was kind enough to tell us that -- that the use  
9 of 60 or 70 percent as the valuation scale for the  
10 non-financial aspects of this matter was not -- was  
11 not unusual?

12 Would you --

13 MS. KIMBERLY WINGROVE: I'm afraid I  
14 don't --

15 MR. FREDERICK CHENOWETH: Would you --

16 MS. KIMBERLY WINGROVE: I don't --

17 MR. FREDERICK CHENOWETH: Would you  
18 agree with that?

19 MS. KIMBERLY WINGROVE: I don't share  
20 that opinion and I would like to look at the data.

21 MR. FREDERICK CHENOWETH: All right.  
22 And you don't have the data.

23 MS. KIMBERLY WINGROVE: No.

24 MR. FREDERICK CHENOWETH: So I take it  
25 that you're unsure whether a 60 or a 70 percent

1 weighting with respect to the non-financial aspects of  
2 this matter was something that the town of Collingwood  
3 used from time to time. You couldn't tell me?

4 MS. KIMBERLY WINGROVE: Is it  
5 something that they used from time to time? That's  
6 probably a reasonable statement. Is it what they did  
7 usually? That's where I have a problem.

8 MR. FREDERICK CHENOWETH: And -- and  
9 the problem you have is because of the evidence you've  
10 given, which -- with -- with which I have no  
11 difficulty, i.e., that it was a variable process --

12 MS. KIMBERLY WINGROVE: M-hm.

13 MR. FREDERICK CHENOWETH: -- and it  
14 depended on the matter at hand?

15 MS. KIMBERLY WINGROVE: Right.

16

17 (BRIEF PAUSE)

18

19 MR. FREDERICK CHENOWETH: Just a  
20 little clarification. We talked about the fact that  
21 at the -- one (1) of the early meetings of STT, the  
22 prospect of engaging KPMG was discussed and the STT  
23 team decided to con -- to pursue that prospect?

24 MS. KIMBERLY WINGROVE: Yes.

25 MR. FREDERICK CHENOWETH: All right.

1 And I take it that KPMG came to be -- came to sit with  
2 the STT team, in fact, were described as members of  
3 the STT team, for many of the meetings that took  
4 place?

5 MS. KIMBERLY WINGROVE: I have a  
6 recollection of -- of them being there frequently.

7 MR. FREDERICK CHENOWETH: All right.  
8 Thank you. And I put it to you that they were active  
9 members of the STT team. And John Herhalt in  
10 particular --

11 MS. KIMBERLY WINGROVE: M-hm.

12 MR. FREDERICK CHENOWETH: -- was not  
13 redescent about giving his opinion on certain matters  
14 that the team was discussing?

15 MS. KIMBERLY WINGROVE: I -- I recall  
16 KPMG speaking at the meetings, yes.

17 MR. FREDERICK CHENOWETH: That wasn't  
18 my question. I'm suggesting to you that they were an  
19 active member of the team and made comments from time  
20 to time and gave input from time to time with respect  
21 to the matters that were being discussed by the STT  
22 team. Is that fair?

23 MS. KIMBERLY WINGROVE: Yes.

24 MR. FREDERICK CHENOWETH: Thank you.  
25 In other words, they performed their con -- their

1 consultant's role, correct?

2

3 (BRIEF PAUSE)

4

5 MS. KIMBERLY WINGROVE: I would want  
6 to review the terms of the engagement between Collus  
7 and KPMG to be able to say definitely that they  
8 delivered on every aspect of -- of the requirements  
9 there.

10 I never heard a complaint. I'm just  
11 saying that it's hard for me to see that without...

12 MR. FREDERICK CHENOWETH: But you've  
13 just acknowledged that they were an active member of  
14 the team and gave their thoughts on the concepts being  
15 discussed from time to time by the team, correct?

16 MS. KIMBERLY WINGROVE: Correct.

17 MR. FREDERICK CHENOWETH: Thank you.

18

19 (BRIEF PAUSE)

20

21 MR. FREDERICK CHENOWETH: You gave  
22 some evidence earlier today with respect to your  
23 concerns about the amount of time that bidders were  
24 being given to return their bid after the RFP.

25 It was your view, I take it, that --



1 that that period of time was too short given the  
2 complexity of the matters at issue?

3 MS. KIMBERLY WINGROVE: It was a very  
4 ambitious time frame.

5 MR. FREDERICK CHENOWETH: I think tho  
6 -- those were your words. Thank you. Other than  
7 being ambitious, did you -- were you concerned that it  
8 was too short, was that your concern, or just -- just  
9 a general feeling that it was an ambitious time line?

10 MS. KIMBERLY WINGROVE: Oh, I have  
11 never operated an LDC, so it's hard for me to speak to  
12 how much excess capacity they had within their  
13 operation to be able to undertake this without having  
14 to have a negative impact on the rest of their  
15 operation.

16 MR. FREDERICK CHENOWETH: So, the  
17 extent of your comment really goes no further than to  
18 say that it was an ambitious time line?

19 MS. KIMBERLY WINGROVE: That's  
20 correct.

21 MR. FREDERICK CHENOWETH: You don't  
22 have -- you didn't express the view that the time line  
23 was too short or anything of that nature? That wasn't  
24 something that you -- that you raised at any time?

25 MS. KIMBERLY WINGROVE: I think what I

1 did say was that there was --

2 MR. FREDERICK CHENOWETH: It was an  
3 ambitious time line?

4 MS. KIMBERLY WINGROVE: It was an  
5 ambitious time line, but that there was a stated  
6 desire to move this process forward. And I would take  
7 it from that that -- and it was communicated to the  
8 various potential proponents that we did want to move  
9 things forward in an expeditious manner.

10 I think, if -- if any of those  
11 proponents had had a significant issue with it, they  
12 might have raised that.

13 MR. FREDERICK CHENOWETH: And do you  
14 recall any proponents saying that they had an issue  
15 with the amount of time that -- that was given to them  
16 to respond to the RFP?

17 MS. KIMBERLY WINGROVE: They would not  
18 have raised those with me. They would have raised  
19 those issues with Ed or with KPMG.

20 MR. FREDERICK CHENOWETH: All right.  
21 And do you ever recall any discussions at any time, or  
22 comments at any time by either KPMG or Ed that Horizon  
23 or Ontario Hydro or any of these organizations were --  
24 were concerned about the amount of time they had?

25 MS. KIMBERLY WINGROVE: I -- no.

1 MR. FREDERICK CHENOWETH: All right.  
2 So that -- it doesn't appear that your concern about  
3 it being an ambitious date developed into a problem  
4 for the RFPs. Is that fair?

5 MS. KIMBERLY WINGROVE: They seem to  
6 be able to make it work at what --

7 MR. FREDERICK CHENOWETH: Very good.  
8 Thank you.

9 MS. KIMBERLY WINGROVE: -- impact --

10 MR. FREDERICK CHENOWETH: Thank you.

11

12 (BRIEF PAUSE)

13

14 MR. FREDERICK CHENOWETH: One  
15 (1)moment, Your Honour.

16

17 (BRIEF PAUSE)

18

19 CONTINUED BY MR. FREDERICK CHENOWETH:

20 MR. FREDERICK CHENOWETH: You have  
21 related a meeting at which the various members of the  
22 STT came back with their assessment of the non-  
23 financial aspects of the bid?

24 MS. KIMBERLY WINGROVE: Yes.

25 MR. FREDERICK CHENOWETH: All right.

1 And you've given testimony, I think, at some length  
2 about the fact that you worked over a weekend to fill  
3 out your predetermined form with respect to that  
4 evaluation?

5 MS. KIMBERLY WINGROVE: I worked over  
6 the weekend to complete my evaluation.

7 MR. FREDERICK CHENOWETH: Thank you.  
8 And -- and you, I think, indicated that your best  
9 memory at this time is that you handed in that  
10 valuation prior to the November 23rd, 2011, meeting of  
11 the STT?

12 MS. KIMBERLY WINGROVE: I -- I know  
13 that it had to be done. And I -- I believe that we  
14 provided those -- those scores, but that's the -- I'm  
15 sorry, that's the -- the best I can do at this point,  
16 is -- that's my -- my belief, that --

17 MR. FREDERICK CHENOWETH: Your belief  
18 is that you handed them before --

19 MS. KIMBERLY WINGROVE: That I handed  
20 them in, yeah.

21 MR. FREDERICK CHENOWETH: -- the  
22 November 23rd evaluation meeting, correct?

23 MS. KIMBERLY WINGROVE: That's --  
24 that's my belief.

25 MR. FREDERICK CHENOWETH: Thank you

1 very much. And so those evaluations were discussed  
2 that day --

3 MS. KIMBERLY WINGROVE: Yes.

4 MR. FREDERICK CHENOWETH: -- at the  
5 November 23rd meeting?

6 MS. KIMBERLY WINGROVE: Yes.

7 MR. FREDERICK CHENOWETH: All right.

8 And there would have been -- did many of the team  
9 members make a comment with respect to their thoughts  
10 on the various evaluations?

11 MS. KIMBERLY WINGROVE: I recall that  
12 we went around the table.

13 MR. FREDERICK CHENOWETH: All right.  
14 Thank you. So, there was an opportunity for everyone  
15 to give their opinion?

16 MS. KIMBERLY WINGROVE: Yes.

17

18 (BRIEF PAUSE)

19

20 MR. FREDERICK CHENOWETH: You spoke  
21 this morning of -- of the solar vents. And you  
22 indicated -- do -- do you have any knowledge with  
23 respect to the solar vents as to whether the  
24 opportunity to participate in the purchase and sale of  
25 solar vents was offered to all of the bidders, three

1 (3) of the bidders, two (2) of the bidders? Would you  
2 have any idea?

3 MS. KIMBERLY WINGROVE: None.

4 MR. FREDERICK CHENOWETH: None at all.  
5 So you couldn't tell me whether others were given the  
6 opportunity to be involved in the solar vents and  
7 chose not to?

8 MS. KIMBERLY WINGROVE: That wasn't a  
9 conversation I was ever part of.

10 MR. FREDERICK CHENOWETH: Thank you.  
11 You also indicated that -- that you were unaware that  
12 PowerStream had increased its bid.

13 MS. KIMBERLY WINGROVE: I don't recall  
14 that.

15 MR. FREDERICK CHENOWETH: All right.  
16 It's obviously pretty clear that they did increase  
17 their bid. You've had occasion, I take it, to look at  
18 the documentation in this --

19 MS. KIMBERLY WINGROVE: Yes, that's  
20 correct.

21 MR. FREDERICK CHENOWETH: -- in this  
22 Foundation Document?

23 MS. KIMBERLY WINGROVE: Yes.

24 MR. FREDERICK CHENOWETH: And you're  
25 aware that they raised their bid by \$700,000 from

1 7.3 to \$8 million?

2 MS. KIMBERLY WINGROVE: I did see  
3 that, yes.

4 MR. FREDERICK CHENOWETH: All right.  
5 So there's no doubt, other than given your lack of  
6 memory with respect to that incident, that in fact  
7 PowerStream did at one (1) juncture raise its bid.

8 MS. KIMBERLY WINGROVE: Correct.

9 MR. FREDERICK CHENOWETH: Thank you.  
10 You indicated that -- that you weren't involved in the  
11 question of changing the sale from a sale by  
12 PowerStream to a sale of the Town's shares that they  
13 held in the holding company. You weren't involved in  
14 that. Or would you like a further explanation of the  
15 question?

16 MS. KIMBERLY WINGROVE: No. It --  
17 like --

18 MR. FREDERICK CHENOWETH: You're --  
19 you're looking at me --

20 MS. KIMBERLY WINGROVE: No. I -- I  
21 was not involved in that conversation.

22 MR. FREDERICK CHENOWETH: All right.  
23 Would it surprise you to know that -- that the matters  
24 at issue there were matters such as -- such as tax  
25 issues, and the prospect of capital gains, and matters

1 of that nature?

2 MS. KIMBERLY WINGROVE: I do recall  
3 issues like that being raised.

4 MR. FREDERICK CHENOWETH: Thank you.  
5 And so those were a part of the discussions of the STT  
6 from time to time, i.e. matters of tax and things of  
7 that nature.

8 MS. KIMBERLY WINGROVE: Definitely it  
9 would have been -- it would have been mentioned. It  
10 hadn't been mentioned along the way. This was a very  
11 complex matter.

12 MR. FREDERICK CHENOWETH: M-hm.  
13 Indeed. And you just can't remember whether that was  
14 mentioned with respect to the prospect of changing the  
15 vendor from Power to the Town selling its shares.

16 MS. KIMBERLY WINGROVE: That's --

17 MR. FREDERICK CHENOWETH: You just  
18 don't recall that.

19 MS. KIMBERLY WINGROVE: I -- I don't  
20 recall that, no.

21 MR. FREDERICK CHENOWETH: But you --  
22 you do recall that matters, such as capital gains and  
23 tax considerations, were -- were discussed at the STT.

24 MS. KIMBERLY WINGROVE: I will say  
25 yes.



1 MR. FREDERICK CHENOWETH: Thank you.

2 And I take it it wouldn't surprise you that because  
3 the tax issues -- certainly to me, in any event, and  
4 maybe to you -- were complex matters --

5 MS. KIMBERLY WINGROVE: Yes.

6 MR. FREDERICK CHENOWETH: -- that  
7 those would have been matters on which the -- on which  
8 possibly the Board of -- of Collus would have taken  
9 professional advice with respect to.

10 MS. KIMBERLY WINGROVE: I think that  
11 would be a reasonable expectation.

12 MR. FREDERICK CHENOWETH: All right.  
13 And do you believe it to be the case that advice with  
14 respect to those matters would have been sought from  
15 KPMG?

16 MS. KIMBERLY WINGROVE: Can I state  
17 that definitively? No, I cannot. I was not part of  
18 any discussions like that with KPMG.

19 MR. FREDERICK CHENOWETH: All right.  
20 You weren't part of it. It wouldn't surprise you to  
21 learn that others were.

22 MS. KIMBERLY WINGROVE: No, it would  
23 not.

24 MR. FREDERICK CHENOWETH: And that the  
25 tax matter was discussed at other levels of this

1 process.

2 MS. KIMBERLY WINGROVE: Many things  
3 were discussed, yes.

4 MR. FREDERICK CHENOWETH: All right.  
5 And it wouldn't surprise you that this particular  
6 issue -- the one (1) of the tax considerations and  
7 whether the vendor would be Power -- would be Power or  
8 whether the vendor would be the Town -- it would have  
9 been discussed at other levels.

10 MS. KIMBERLY WINGROVE: No, it would  
11 not surprise me.

12 MR. FREDERICK CHENOWETH: Thank you.  
13 But you did eventually learn about the question of the  
14 sale by the Town, rather than the sale by Power. And  
15 you would have learned of that at a meeting at which  
16 Ron Clark attended, I believe, on December 5th with  
17 respect to -- to who would in fact be the vendor. You  
18 learned of that then?

19 MS. KIMBERLY WINGROVE: I don't have  
20 a -- I don't have a strong memory of that meeting, but  
21 if that's what the presentation materials reflect,  
22 then that's what happened.

23 MR. FREDERICK CHENOWETH: Okay. So  
24 you would acknowledge that the -- that the  
25 presentation materials given by Ron Clark at the

1 December 5th meeting of Council, at which  
2 representations were made by the Collus board, it  
3 wouldn't surprise you that Ron Clark at that meeting  
4 discussed why and explained why the sale was being  
5 made by the Town of their shares rather than by Power,  
6 Collus Power that is. You understand that that's  
7 reflected in the -- you had occasion to look at it --

8 MS. KIMBERLY WINGROVE: M-hm.

9 MR. FREDERICK CHENOWETH: -- and you  
10 know that's reflected in the slides --

11 MS. KIMBERLY WINGROVE: Yes.

12 MR. FREDERICK CHENOWETH: -- that were  
13 presented by Ron Clark.

14 MS. KIMBERLY WINGROVE: Yes.

15 MR. FREDERICK CHENOWETH: And clearly,  
16 there was a discussion of that issue to bring the Town  
17 up to speed on why that change was being made. And  
18 that was discussed in the meeting of December 5th in a  
19 presentation given by Ron Clark. Correct?

20 MS. KIMBERLY WINGROVE: Correct.

21 MR. FREDERICK CHENOWETH: Thank you.  
22 You expressed significant concern about the fact that  
23 Mr. Nolan, who was with PowerStream, was making  
24 comment on the bylaw.

25 MS. KIMBERLY WINGROVE: Yes.

1                   MR. FREDERICK CHENOWETH:    I -- I take  
2   it that you have never been involved in a RFP process  
3   in which the bidder made some contribution to the  
4   drafting of the bylaw by the Town?

5                   MS. KIMBERLY WINGROVE:    That has never  
6   been my experience.

7                   MR. FREDERICK CHENOWETH:    All right.  
8   And you have never been involved in a situation where  
9   there was an opportunity given to the bidder to make  
10   such a comment.

11                  MS. KIMBERLY WINGROVE:    There would --  
12   there would not be a reason for them.  If the --

13                  MR. FREDERICK CHENOWETH:    Well, how  
14   about the fact that they wanted to get -- get the  
15   bylaw right and that they looked for the input of the  
16   -- the bidder with respect to that.  Wouldn't that be  
17   a reason?

18                  MS. KIMBERLY WINGROVE:    No.  Because  
19   normal practice would be that those agreements would  
20   have been completed, and that the bylaw simply  
21   reflects Council's direction to move forward and enact  
22   those agreements, as drafted.  There's -- there would  
23   be -- all the negotiations would already be complete.

24                  MR. FREDERICK CHENOWETH:    We -- we  
25   obviously disagree with respect to that.  My simple

1 proposition is that it's not an unusual practice to  
2 ask the bidder to make comments with respect to the  
3 bylaw that's being -- that's being proposed, in order  
4 to ensure that the bylaw is adequate to carry out  
5 the -- the sale or the purchase or whatever's being  
6 undertaken with respect to that. You're not familiar  
7 with that process.

8 MS. KIMBERLY WINGROVE: I -- I  
9 disagree, and I -- I don't -- I don't think that  
10 that's something that happens frequently.

11 MR. FREDERICK CHENOWETH: You in  
12 fact -- there was a couple of things removed from the  
13 bylaw, and they -- the major things, according to you  
14 in any event, was that the obligation to bring matters  
15 back to Council at a later time for their further  
16 approval was taken out.

17 MS. KIMBERLY WINGROVE: Yes.

18 MR. FREDERICK CHENOWETH: All right.  
19 You should be aware that the evidence of Sara Almas --  
20 she's the clerk of -- of the Town, I take it, and the  
21 person charged with -- with signing these documents at  
22 a later date.

23 I put it to you that in her recent  
24 evidence, she suggested that taking out that  
25 obligation was not something that was a concern to

1 her. In fact, she found it unusual that the Town  
2 would -- would have someone come back -- the solicitor  
3 or whoever -- to speak to the matter at a later time.

4 MS. KIMBERLY WINGROVE: I can't --

5 MR. FREDERICK CHENOWETH: I put to you  
6 that was her evidence.

7 MS. KIMBERLY WINGROVE: I -- I'm  
8 not -- I -- I don't know what Sara's evidence was.

9 MR. FREDERICK CHENOWETH: But in any  
10 event, you would -- you would -- if that was her  
11 evidence -- and I put to you that it was -- you would  
12 disagree with that.

13 MS. KIMBERLY WINGROVE: That's  
14 correct.

15 MR. FREDERICK CHENOWETH: All right.  
16 And it's your view that the hard and fast rule is that  
17 these matters are always brought back to the Town for  
18 their further comment before -- before the bylaw is  
19 passed and matters are signed.

20 MS. KIMBERLY WINGROVE: Council needs  
21 to see the agreements that they are agreeing to.

22 MR. FREDERICK CHENOWETH: Okay. You  
23 got the bylaw on January 19th was the evidence that  
24 was brought out to you today. So you got an  
25 opportunity to review the bylaw as of that date.

1 MS. KIMBERLY WINGROVE: Okay.

2 MR. FREDERICK CHENOWETH: And you had  
3 an opportunity -- you, in fact, had four days to  
4 review that bylaw before it -- it went to a vote on  
5 January 23rd, 2012?

6 MS. KIMBERLY WINGROVE: Okay.

7 MR. FREDERICK CHENOWETH: You don't  
8 remember that?

9 MS. KIMBERLY WINGROVE: I don't have a  
10 calendar in front of me, so it --

11 MR. FREDERICK CHENOWETH: All right.  
12 Would you -- you remember Council -- and I -- I don't  
13 know that I have the number with me -- but Council  
14 earlier today put in -- put forward to you the fact  
15 that you received a copy of the bylaw on January 19th.  
16 I think there was a specific email in that respect.

17 MS. KATE MCGRANN: Would you like me  
18 to tell you what the reference is in the Foundation  
19 Document?

20 MR. FREDERICK CHENOWETH: That'd be  
21 terrific. Thank you.

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: That section starts

1 at paragraph 492 and the first draft that goes -- it  
2 was on January 17th, 2012.

3 MR. FREDERICK CHENOWETH: There was an  
4 email that was referred to that you put to the witness  
5 at earlier times. You're not sure?

6 MS. KATE MCGRANN: I'm sorry. I can't  
7 tell what you're referring to.

8 MR. FREDERICK CHENOWETH: Well,  
9 there's an email in which this witness and others were  
10 sent a copy of the bylaw on, I believe, January -- I  
11 thought it was January 19th, but it could have been  
12 January 17th.

13 Yeah, okay. Great. Thanks. I'm  
14 looking at paragraph 500 of the Foundation Document,  
15 and it indicates that at 6:29 -- I take it to be on  
16 January 19th -- but in any event, we can look at that.  
17 There's -- there's an email, dated January 19th, 2012,  
18 and it's ARB234.

19 MS. KATE MCGRANN: From my memory, I  
20 don't think that we went to that email with this  
21 witness.

22 MR. FREDERICK CHENOWETH: All right.  
23 Well, let's -- let's go to it now. Let's go to  
24 ARB234.

25 COURT OPERATOR: Is there a page



1 number, counsel?

2 MR. FREDERICK CHENOWETH: I believe  
3 it's page 22 and 24. But maybe that's the bylaw.  
4 There should be an email attached, as well.

5 COURT OPERATOR: There are several  
6 emails, counsel.

7

8 CONTINUED BY MR. FREDERICK CHENOWETH:

9 MR. FREDERICK CHENOWETH: All right.  
10 Well, there's -- Ed Houghton sent the final version of  
11 the bylaw to Mayor Cooper, Clerk Sara Almas, and  
12 Kim Wingrove, and it appears to suggest he did that on  
13 or about January 19th, 2012.

14 The point simply is, Ms. Wingrove,  
15 that -- that you got the bylaw a number of days prior  
16 to the January 23rd meeting of Council in which that  
17 bylaw was being --

18 THE HONOURABLE FRANK MARROCCO: Mr. --  
19 Mr. Chenoweth, there's no reason. Can we get that  
20 email? Any problem with produce -- putting the email  
21 up on the screen?

22 MR. FREDERICK CHENOWETH: Well, you  
23 know, maybe if we just simply go to what I've  
24 suggested: ARB234. It -- it may start out with the  
25 email.

1 THE HONOURABLE FRANK MARROCCO: There  
2 it is, Mr. Chenoweth.

3 MR. FREDERICK CHENOWETH: Thank you.

4 THE HONOURABLE FRANK MARROCCO: I  
5 think that's ARB234.

6

7 CONTINUED BY MR. FREDERICK CHENOWETH:

8 MR. FREDERICK CHENOWETH: So this is  
9 an email, as I had suggested, dated January 19th at  
10 6:29 p.m. It's from Ed Houghton.

11 MS. KIMBERLY WINGROVE: Yes.

12 MR. FREDERICK CHENOWETH: And it's to  
13 a whole series of people, including Kim Wingrove. And  
14 it says:

15 "Please find attached the final  
16 bylaw with respect to the strategic  
17 partnership."

18 And I simply am putting to you that you  
19 received that bylaw four days before it was to be  
20 considered by Council --

21 MS. KIMBERLY WINGROVE: That's --

22 MR. FREDERICK CHENOWETH: -- on the  
23 23rd of January.

24 MS. KIMBERLY WINGROVE: -- which  
25 aligns with our normal practice of putting out a

1 Council agenda.

2 MR. FREDERICK CHENOWETH: In --  
3 indeed, that's correct. So that you would have had an  
4 opportunity to review that bylaw before the Council  
5 meeting of January 23rd obviously.

6 MS. KIMBERLY WINGROVE: I think that  
7 we had had -- already had substantive discussions with  
8 respect to the content of the bylaw. And at that  
9 point, certainly my perspective had not won the day.

10 MR. FREDERICK CHENOWETH: Thank you.  
11 I'm showing you -- I'd like to also show you if I  
12 could, please, the following document: This would be  
13 CPS0007542-001. Could you bring up that document,  
14 please.

15 THE HONOURABLE FRANK MARROCCO: I  
16 think it's there, Mr. Chenoweth, is it?

17 MR. FREDERICK CHENOWETH: I'm seeing a  
18 document. I'm not sure it's exactly the document that  
19 I want.

20 THE HONOURABLE FRANK MARROCCO: It's  
21 75420001.

22 MR. FREDERICK CHENOWETH: 0001, yes.

23 THE HONOURABLE FRANK MARROCCO: Three  
24 (3) zeros.

25 MR. FREDERICK CHENOWETH: Yes, that's

1 correct.

2 MS. KIMBERLY WINGROVE: M-hm.

3

4 CONTINUED BY MR. FREDERICK CHENOWETH:

5 MR. FREDERICK CHENOWETH: And that  
6 appears to be it. In that email chain, can we go down  
7 a little further to the email just before that, if we  
8 could please.

9 The email says -- and again, it's  
10 January 19th, pretty late in the evening, 9:56 p.m.:

11 "I would appreciate your review of  
12 the attached. I have highlighted a  
13 few places that I felt were either  
14 sensitive or required a bylaw  
15 number. Please pay specific  
16 attention to these. I've tried to  
17 strike a balance between providing  
18 sufficient detail to support the  
19 recommendation without drowning  
20 everyone in detail. Your comments  
21 would be most welcome."

22 MS. KIMBERLY WINGROVE: M-hm.

23 MR. FREDERICK CHENOWETH: I take it in  
24 that email you were forwarding a draft copy of the  
25 report that you prepared --

1 MS. KIMBERLY WINGROVE: Yeah.

2 MR. FREDERICK CHENOWETH: -- to go  
3 before Council for the comment of other people,  
4 specifically Ed Houghton, Sara Almas, and Sandra  
5 Cooper.

6 MS. KIMBERLY WINGROVE: Correct.

7 MR. FREDERICK CHENOWETH: All right.  
8 I -- I put it to you that it's obvious from that email  
9 that you, in fact, prepared the first draft of that  
10 document, i.e. the report to Council.

11 MS. KIMBERLY WINGROVE: My  
12 recollection is that Mr. Houghton provided draft notes  
13 to me. I took that and put it into the -- and put it  
14 into the proper CAO staff report template and sent it  
15 back out for comment and further refinement.

16 MR. FREDERICK CHENOWETH: So you would  
17 acknowledge that -- that you actually -- you had  
18 information from other sources, but you actually  
19 prepared the first draft of that report. Correct?

20 MS. KIMBERLY WINGROVE: Using  
21 information that was provided to me throughout this  
22 process and from Mr. Houghton specifically in  
23 preparation for the decision that was being put before  
24 Council.

25 MR. FREDERICK CHENOWETH: Very good.

1 So you took your first draft and you forwarded it off  
2 to others for their comment, including Sara Almas and  
3 Mr. Houghton.

4 MS. KIMBERLY WINGROVE: Correct.

5 MR. FREDERICK CHENOWETH: All right.

6 And you forwarded it to Mr. Houghton so he could  
7 review the document.

8 MS. KIMBERLY WINGROVE: Yes.

9 MR. FREDERICK CHENOWETH: And if we go  
10 back to the email that preceded this one (1)-- or that  
11 followed this one (1) actually, Sara Almas got back to  
12 you on -- at 4:22 a.m., again pretty late, and she  
13 gave you her comments on your first draft of that  
14 report to Council.

15 MS. KIMBERLY WINGROVE: Yes.

16 MR. FREDERICK CHENOWETH: All right.  
17 Do you remember Mr. Houghton giving you any comments  
18 with respect to that draft?

19 MS. KIMBERLY WINGROVE: I remember  
20 being in the office and talking with Ed on the phone.

21 MR. FREDERICK CHENOWETH: Right. Is  
22 it the case that Mr. Houghton made only minor  
23 amendments to your draft of the report to Council?

24 MS. KIMBERLY WINGROVE: Well, my  
25 memory is that I was working from the information that

1 he sent me in the first place. So --

2 MR. FREDERICK CHENOWETH: All right.

3 So is it your memory -- I really am anxious to know  
4 what Mr. Houghton came back with in terms of amendment  
5 of that document after you forwarded it to him at  
6 nearly 10:00 that particular night. Did he have any  
7 significant amendments to that document? Pretty  
8 simple question: Yes or no.

9 MS. KIMBERLY WINGROVE: I don't have  
10 any recollection of -- of what Sara flagged, what Ed  
11 might have flagged further. I don't know.

12 MR. FREDERICK CHENOWETH: Very good.  
13 But no question that you were the person that created  
14 the first draft of that document.

15 MS. KIMBERLY WINGROVE: I - I am the  
16 person who took the information that was provided to  
17 me by Mr. Houghton and put it into the CAO staff  
18 report template.

19 MR. FREDERICK CHENOWETH: Your Honour,  
20 I believe those are all the questions I have for this  
21 witness. Thank you very much.

22 THE HONOURABLE FRANK MARROCCO: We'll  
23 take -- we'll take ten (10) minutes.

24 And why don't you confer amongst  
25 yourselves and see if you can reach some kind of a

1 consensus about how long we should continue today.

2 I'd appreciate that and let me know.

3

4 --- Upon recessing at 4:04 p.m.

5 --- Upon resuming at 4:17 p.m.

6

7 THE HONOURABLE FRANK MARROCCO: So it  
8 looks like, as I'm advised, there's probably another  
9 hour and a half or longer of cross-examination.

10 Ms. Wingrove indicated she was tired  
11 during the course of her testimony and so we'll bring  
12 her back one (1) afternoon to complete the cross-  
13 examination.

14 You're away on holiday until May the  
15 7th?

16 MS. KIMBERLY WINGROVE: That's  
17 correct.

18 THE HONOURABLE FRANK MARROCCO: So,  
19 we'll let you all know in advance what day that is and  
20 we're adjourned for today.

21

22 --- Upon adjourning at 4:20 p.m.

23 Certified Correct,

24 \_\_\_\_\_

25 Wendy Woodworth, Ms.



<hr/> - <hr/> - 69:7 <hr/> \$ <hr/> \$700,000 190:25 \$8 191:1 <hr/> 0 <hr/> 0001 203:22 <hr/> 1 <hr/> 1 19:10 20:21 21:17 33:16 35:11 36:20 43:18 61:20 62:7 69:15 112:2 114:22 115:9 120:6,10 128:3 132:22 140:1 142:16 156:17 157:18 163:19 177:11,16 178:18 182:21 206:10 208:12 1)actually 206:11 1)criteria 69:15 1)described 22:8 1)from 158:18 1)juncture	191:7 1)matter 50:2 1)moment 187:15 1)of 57:24 76:25 77:3 134:22 135:9 172:15,22 194:6 1)on 141:3 1)point 174:19 1)replaced 131:12 1)that 60:15 1)thing 86:6 1)time 112:1 1)turn 69:11 1)way 146:13 177:4 10 5:6,7 25:17 49:21 53:14,19 56:3,10 67:21 89:16 114:23 207:23 10:00 207:6 10:02 5:1 100 67:12 159:17 160:15 11:00 5:6 49:23	11:05 41:8 11:12 49:24 114 3:9 12:00 5:6 12:04 89:18 12:15 89:19 12:46 113:21 13th 80:12 82:14 95:6,12 97:12 14th 162:20,21 163:3,12 165:3 167:3 15 139:22 17 95:5 17th 82:25 200:2,12 18 165:22,23 18th 1:23 85:8 1977 130:7 19th 88:5,11 101:8 198:23 199:15 200:11,16 ,17 201:13 202:9 204:10 1st 150:20 <hr/> 2 <hr/> 2 12:11,18 13:18 14:3,17 24:20,25 27:1	32:12 42:9 44:24 84:8 102:2 103:22 114:12 119:6 123:7 126:13 129:3 130:21 140:13 142:15 143:10 155:9 158:21 167:5 168:10 180:1,2,5 190:1 2)slides 20:12 2)things 160:12 2:03 113:22 2:15 113:18 20 155:19 2010 111:18 2010/'20 128:22 2011 6:2,5,14 10:2,12 11:12 12:20 13:13 14:11 15:17 16:20 17:3 20:15 21:10 28:18 29:19 33:15,25 34:8 35:10	36:22 40:18 45:21 51:14 52:16 55:15 62:24 73:21 105:18 128:23 129:7 149:18,22 150:8,21 151:15 152:18 155:19 156:6 159:4 161:13 162:14,21 167:1 169:4,21 170:3 172:2 175:3,22 179:13 188:10 2012 10:12 11:13 12:20 13:13 14:12 15:18 80:13,25 82:14,25 85:8 88:5 101:8 105:19 106:17 107:17 111:18 128:23 129:7 155:20 199:5 200:2,17 201:13 2019 1:23 207 5:18
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